

---

## STATUTORY INSTRUMENTS

---

# 1973 No. 1861

## The Local Authorities (England) (Property etc.) Order 1973

### User rights

**23.**—(1) This paragraph applies to—

- (a) accommodation in any property transferred to and vested in any authority by virtue of this order (hereinafter referred to as “case (a)”);
- (b) accommodation in any property held by a parish authority and not transferred by virtue of this order (hereinafter referred to as “case (b)”);

immediately before 1st April 1974 used (or in the case of accommodation not yet in occupation proposed to be used) otherwise than temporarily—

- (i) in case (a) for the purposes of any functions which on and after 1st April 1974 are not exercisable (or not exercisable as regards any part of the area served from the accommodation) by the authority to whom the property is transferred;
- (ii) in case (b) for the purposes of any functions which on and after 1st April 1974 are not exercisable (or not exercisable as regards any part of the area served from the accommodation) by a parish authority.

In the case of any accommodation to which this paragraph applies the authority exercising the functions described in (i) or (ii) in the area served by the accommodation or, as the case may be, the part thereof shall be entitled to the use of such accommodation, whether for the purposes of such functions or for the purposes of any other functions exercisable by them.

(2) Where—

- (a) any property is immediately before 1st April 1974 used (or in the case of property not yet in use proposed to be used) otherwise than temporarily for the purposes of functions exercisable by one authority in relation to any area;
- (b) the functions become exercisable on and after that day by two or more authorities; and
- (c) the property is by virtue of this order transferred to and vested in one of the authorities described in (b);

(hereinafter referred to as “case (c)”) any other of the authorities described in (b) shall be entitled to the use of such property, whether for the purposes of such functions or for the purposes of any other functions exercisable by them.

(3) Where—

- (a) any property to which paragraph (2) does not apply is immediately before 1st April 1974 held by the council of a county, county borough or county district under section 125 of the Local Government Act 1933; and
- (b) the property is by virtue of this order transferred to and vested in the council of any relevant area,

(hereinafter referred to as “case (d)”) the council of any other relevant area shall be entitled to the use of the property.

In this paragraph, “relevant areas” means—

in relation to a county, new counties and metropolitan districts;

in relation to a county borough or county district, new counties and districts,

being areas in which the area of the county, county borough or county district is comprised.

(4) Where—

(a) any property is immediately before 1st April 1974 used (or in the case of property not yet in use proposed to be used) otherwise than temporarily for the purposes of functions exercisable by two or more authorities;

(b) the property is by virtue of this order transferred to and vested in one authority;

(hereinafter referred to as “case (e)”) any other authority exercising any of the functions described in (a) shall be entitled to the use of such property whether for the purposes of such functions or for the purposes of other functions exercisable by them.

(5) Any question—

(a) whether any accommodation in any property to which paragraph (1) applies is used (or proposed to be used) for the purposes described in (i) or (ii) of that paragraph;

(b) whether any property to which paragraph (2) applies is used (or proposed to be used) as described in (a) thereof;

(c) whether any property to which paragraph (4) applies is used (or proposed to be used) as described in (a) thereof; or

(d) without prejudice to (c) whether any use (or proposed use) is temporary,

shall, subject to the following provision of this paragraph, be determined by the authority in whom the property is, before 1st April 1974, vested.

If, before 1st April 1975, notice is given by any authority that they are dissatisfied with any such determination (or, no determination having been made, that a question exists) the question shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State.

(6) The use of any accommodation or property by virtue of this article shall be for such period and on such terms as may be determined by agreement between the authority entitled under this article to use the accommodation or property and, in case (a), (c), (d) or (e) the authority to whom the property is transferred and in case (b) the parish authority, or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State.

(7) In this article “exercisable” means exercisable otherwise than by virtue of section 101, 110 or 187(2) or (3) of the Act.