
STATUTORY INSTRUMENTS

1973 No. 1861

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

Transfer of specified classes of property, etc

9.—(1) Nothing in this article applies to—

- (a) any property held as sole trustee, exclusively for charitable purposes, by an existing local authority for an area outside Greater London, other than the parish council, parish meeting or representative body of a parish (but including the corporation of a borough included in a rural district) transferred by section 210 of the Act;
- (b) any property so held by the parish council, parish meeting or representative body of an existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to the Act or in paragraph (2) of article 3 of the New Parishes Order 1973 transferred by article 9(1) of that order;
- (c) any other property held for the purposes of any charitable trust;
- (d) any property vested in an authority described in column (1) of Part I or II of Schedule 4 transferred to the Secretary of State by section 16, 25 or 54(2) of the National Health Service Reorganisation Act 1973 or any liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending or causes of action or proceeding existing in relation to such property;
- (e) any property vested in a county council by virtue of section 226 of the Highways Act 1959;
- (f) any matter provided for in article 6, 7 or 8;
- (g) any matter provided for in article 11(1) in so far as it applies to rights ensured by article 23 in its application to any property transferred by article 6, 7 or 8;
- (h) any matter provided for in article 11(2) or (3) in their application to any matter provided for in articles 7 and 8;
- (i) any matter provided for in article 18 in its application to any matter described in the preceding items of this paragraph.

(2) Nothing in paragraphs (4) to (6) of this article applies to matters provided for in paragraphs (2) to (4) of article 18 in their application to any matters provided for in paragraph (3) of this article, and nothing in paragraphs (5) and (6) of this article applies to any matters provided for in paragraphs (3) and (4) of article 18 in their application to any liabilities provided for in paragraph (4) of this article.

(3) All property vested in an authority described in column (2) of the table in Schedule 2 (or of any extension thereof effected by any further order under section 254 of the Act made before 1st April 1974) and within any description of matters specified in respect of such authority in column (3) shall by virtue of this order be transferred to and vest in the authority specified in respect of such description of matters in column (4).

(4) All liabilities attaching to an authority described in the said column (2) and within any description of matters specified in respect of such authority in column (3) shall by virtue of this order be transferred to and attach to the authority specified in respect of such description of matters in column (4).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

(5) All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, and authority described in the said column (2) and within any description of matters specified in respect of such authority in column (3) shall be of full force and effect in favour of, or against, the authority specified in respect of such description of matters in column (4).

(6) Any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1974, by, or against, an authority described in the said column (2) and within any description of matters specified in respect of such authority in column (3) shall not be prejudicially affected by reason of the Act or the Water Act 1973, and may be continued, prosecuted and enforced by, or against, the authority specified in respect of such description of matters in column (4).

(7) Save in so far as express provision is made in item No. 13 of the table in Schedule 2, this article does not extend to the historic and ceremonial property other than land and buildings, and in particular to the charters, insignia and plate, of any area.