

1973 No. 1863

LOCAL GOVERNMENT, ENGLAND AND WALES**The Local Authorities (Wales) (Property etc.) Order 1973**

<i>Made - - - -</i>	<i>8th November 1973</i>
<i>Laid before Parliament</i>	<i>9th November 1973</i>
<i>Coming into Operation—</i>	
<i>For the purposes specified in Article 1(2)(a)</i>	<i>21st December 1973</i>
<i>For all other purposes</i>	<i>1st April 1974</i>

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SCHEDULES

1. Transfer of particular properties
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The Secretary of State for Wales, in exercise of the powers conferred upon him by section 254(1) and (2)(a), (b) and (d) of the Local Government Act 1972(a) and by those provisions as extended by section 34(1) of, and paragraph 5(2)(b) of Schedule 6 to, the Water Act 1973(b) and of all other powers enabling him in that behalf, hereby makes the following order:—

Title and commencement

1.—(1) This order may be cited as the Local Authorities (Wales) (Property etc.) Order 1973.

(2) This order shall come into operation—

(a) for the purposes of the following provisions, namely:—

paragraphs (2) to (6) of article 10
article 11 in so far as it provides for agreements
article 12
paragraphs (1) to (3) and (5) of article 19
paragraph (3) of article 20
paragraphs (5) and (6) of article 23
paragraph (1) of article 25
articles 21, 22, 26, 36 and 38
paragraph 3(b) and (c) of Schedule 2
on 21st December 1973; and

(b) for all other purposes, on 1st April 1974.

(a) 1972 c. 70.

(b) 1973 c. 37.

Territorial extent

2.—(1) Save as expressly provided in this order or in any other order made under section 254 of the Act—

- (a) this order extends only to the transfer of matters from authorities whose areas are wholly in Wales;
- (b) article 7(2) and (3) extend only to the councils of counties and county boroughs in Wales;
- (c) articles 28 and 31, in so far as they refer to property described in (a) or (e) of article 9(1), articles 33(2) and 34 in so far as they deal with matters transferred by the Act, and article 37, extend only to Wales;
- (d) article 35(1), (3) and (4) extend only to such authorities as are described in (a);
- (e) article 35(2) extends only to committees established in Wales;
- (f) article 36 extends only to such authorities as are described in (a).

(2) This order extends to the transfer of matters from the following authorities, namely—

The Dee and Clwyd and The Wye River Authorities
The Gwent Water Board
The Presteigne Joint Burial Committee.

(3) Article 35(1), (3) and (4) extend to the authorities named in paragraph (2) and to the Gloucester (Chepstow Division) Port Health Authority.

(4) Article 36 extends to the Welsh National Water Development Authority.

Exclusion of certain matters

3. Nothing in this order other than the express exceptions in the table in Schedule 2 and the definition in that Schedule of “police matters” applies to—

- (a) property held by the council of any county or county borough for police purposes, including the purposes of section 81 of the Road Traffic Regulation Act 1967(a);
 - (b) property held by the council of any county or any borough having a separate commission of the peace for the purposes of section 25 of the Justices of the Peace Act 1949(b); or
 - (c) the land, buildings and works in England of any water undertaking,
- or to 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 matters.

Interpretation

4.—(1) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order—

“the Act” means the Local Government Act 1972;

“buildings”, except in article 22, means buildings not within the meaning of the term “land”;

“corporate land” means corporate land within the meaning of the Local Government Act 1933(d);

(a) 1967 c. 76.

(c) 1889 c. 63.

(b) 1949 c. 101.

(d) 1933 c. 51.

“historic and ceremonial property” does not include any property held (or under article 19, 20, 22 or 38 deemed to be held) for the purposes of any statutory functions.

“land” includes land covered by water and any interest or right in, to or over land;

the relevant class of authorities, in relation to any authority described in column (1) of the following table, means the class specified in respect thereof in column (2).

TABLE

(1)	(2)
A county council	County councils
The corporation or council of a borough, or the council of an urban or rural district	District councils;

“Wales” means the area consisting of the counties established by section 20 of the Act (new local government areas in Wales), and “England” does not include any area included in any of those counties; and

“water authority” means an authority established in accordance with section 2 of the Water Act 1973; and any reference to the area of a water authority, without more, means the area of that authority as defined in section 2(2)(b) of, or Schedule 1 to, that Act.

(3) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

(4) Any reference in this order to a numbered article or schedule shall, unless the reference is to an article or schedule of a specified order, be construed as a reference to the article or schedule bearing that number in this order.

(5) Any reference in any article of this order to a numbered paragraph shall, unless the reference is to a paragraph of a specified article, be construed as a reference to the paragraph bearing that number in the first-mentioned article.

Other express provision

5. This order shall have effect subject to the express provision of—

- (a) any other order made (whether before or after this order) under section 254 of the Act;
- (b) any regulations made under section 7 or 8 of the Superannuation Act 1972(a); or
- (c) section 16, 25 or 54(2) of the National Health Service Reorganisation Act 1973(b) or any order made under those sections.

Ancillary provision in relation to highways

6. There shall be transferred to and vest in or attach to a county council as the highway authority for any highway—

- (a) the interest of the former highway authority, as such, in the highway, in so far as such interest is not vested in the county council by virtue of section 226 of the Highways Act 1959(c);

(a) 1972 c. 11.
(c) 1959 c. 25.

(b) 1973 c. 32.

- (b) any land held by the former highway authority, as such, for the purposes of their functions in relation to the highway or which has been acquired by them as highway authority for the highway and not appropriated for any other purpose;
- (c) any equipment on or near the highway belonging to the former highway authority as such, including any road lighting system within the meaning of Part III of the Local Government Act 1966^(a) and any other lighting system belonging to the former highway authority as highway authority for the highway; and
- (d) any traffic sign, on or near the highway, belonging to a county, county borough or county district council and not comprised in (c).

In this article "traffic sign" has the meaning attached to that expression in section 54(1) of the Road Traffic Regulation Act 1967.

Particular matters

7.—(1) Any property described in column (2) of Schedule 1 (or of any extension thereof effected by any further order under section 254 of the Act made before 1st April 1974) of an authority named in column (1) shall by virtue of this order be transferred to and vest in the authority specified in respect of such property in column (3).

(2) Any liability of the council of any county or county borough to repay money borrowed for the provision of financial assistance in respect of works for water supply or sewerage or sewage disposal shall be transferred to and attach to the water authority for the area in which the works are situated.

Any other liability of the council of a county, county borough or county district to repay money borrowed under any statutory provision for the provision of financial assistance in respect of any works shall be transferred to and attach to the authority who would on and after 1st April 1974 be empowered by that statutory provision to provide such financial assistance in respect of such works.

Paragraphs (3) and (4) of article 18 shall apply to the liabilities transferred by this paragraph as they apply to the liabilities transferred by paragraph (2) of that article.

(3) This paragraph applies to the liability of the council of any county or county borough to make contributions to any authority in respect of any scheme under section 2 of the Rural Water Supplies and Sewerage Act 1944^(b).

Any such liability shall cease in respect of any payment falling to be made on or after 1st April 1974.

Where any payment falling to be made before 1st April 1974 is in fact made on or after that date it shall be made to the authority specified in column (2) of Part I or II of Schedule 4 in respect of the authority first referred to in this paragraph.

Sewers and sewage disposal works

8.—(1) Nothing in this article applies to any matter provided for in article 7 or in article 11(2) or (3) or 18 in their application to any property or liability transferred by article 7.

^(a) 1966 c. 42.

^(b) 1944 c. 26.

(2) Any public sewer (within the meaning of section 20(2) of the Public Health Act 1936^(a) as that provision has effect at the date of the making of this order) which crosses the boundaries of the areas for sewerage and sewage disposal purposes of two or more water authorities, and any other public sewer discharging thereto, shall be transferred to and vest in the water authority within whose area for such purposes is situated the sewage disposal works, or where the sewer does not discharge to sewage disposal works the outfall, to which the first-mentioned sewer discharges.

(3) Any other public sewer or any sewage disposal works vested in a local authority by virtue of the Public Health Act 1936 shall be transferred to and vest in the water authority within whose area for sewerage and sewage disposal purposes the sewer is or the sewage disposal works are situated.

(4) In this article "sewer" includes manholes, ventilating shafts, pumping stations, pumps, pumping mains, storm overflows and associated overflow pipes and outfalls, storm flow balancing installations and any other accessories belonging to the sewer.

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 (being property transferred by section 210 of the Act);
- (b) any property vested in the council of an existing county or county borough which is required to be applied in accordance with a scheme under section 19 of the Welsh Church Act 1914^(b) (being property which is vested in the council of a new county by section 211 of the Act);
- (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.

(a) 1936 c. 49.

(b) 1914 c. 91.

(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).

(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, an 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. 10 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.

Provision supplementary to article 9

10.—(1) The provision made in this article applies in the application of article 9.

(2) Any question as to the functions for the purposes of which any property is held, any liabilities have been incurred, any contract, deed, bond, agreement or other instrument subsists, any notice has been given or any action or proceeding or cause of action or proceeding relates shall, subject to the provision of paragraph (6), be determined by the transferor authority.

(3) Any question whether any property is historic or ceremonial property shall, subject to the provision of paragraph (6), be determined by the transferor authority.

(4) (a) Where any land or any part of any land vested immediately before 1st April 1974 in an authority described in column (2) of the table in Schedule 2 is situated in two or more areas specified in respect of that authority in the said table, the land or the part shall be deemed to be situated in the area so specified in which the greater proportion of it is situated.

(b) Where part of any land vested as aforesaid is situated (or is under (a) deemed to be situated) in an area specified in respect of an authority described in column (2) of the said table, any part of the land situated outside the area of that authority shall be deemed to be situated within the area so specified.

(c) Any question as to the area in which the greater proportion of the land or the part is situated shall, subject to the provision of paragraph (6), be determined by the transferor authority.

(5) Where in relation to any land held (or under article 19, 20 or 38, deemed to be held) for the purposes of the deposit of refuse—

(a) deposit has been completed; and

(b) it has been resolved that the land shall be used (otherwise than temporarily) for the purposes of a particular function,

the land shall be deemed to be held for those purposes and shall be held by the authority to whom it is transferred for those purposes.

Any question whether the deposit of refuse has been completed, or whether it has been resolved as described in (b), or whether any use is temporary, shall, subject to the provision of paragraph (6), be determined by the transferor authority.

(6) If notice is given by any authority that they are dissatisfied with any determination under paragraph (2), (3), (4) or (5), 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.

(7) The provisions of section 187(2) and (3) of the Act shall be disregarded.

(8) The provision of off-street parking places for vehicles shall be treated as a function exercisable on and after 1st April 1974 by both county and district councils.

Fittings, furniture, equipment and stores

11.—(1) Where by paragraph (1) of article 23 any right to the use of any accommodation is ensured for any authority other than the authority in whom the accommodation is vested on and after 1st April 1974, the fittings, furniture, equipment and stores in such accommodation which have been provided exclusively for the purposes of the functions first described in the said paragraph shall, except in so far as the first-mentioned authority shall otherwise agree, by virtue of this order be transferred to and vest in such authority.

(2) Subject to paragraph (1), where by article 7, 8 or 9 any building is transferred to and vested in any authority, the fittings, furniture and equipment of such building, and the stores therein which have been provided for the discharge of functions therein, shall, except in so far as such authority shall otherwise agree, by virtue of this order be transferred to and vest in such authority.

If the value of any stores transferred by this paragraph is included in any revenue balance, the necessary adjustment shall be made in such balance.

(3) Subject to paragraph (1), where by article 7, 8 or 9 any land to which paragraph (2) does not apply is transferred to and vested in any authority, the equipment of such land shall, except in so far as such authority shall otherwise agree, by virtue of this order be transferred to and vest in such authority.

(4) For the purposes of this article—

(a) “equipment” includes records; and

(b) any vehicles or other mobile equipment used wholly or mainly in the performance of the functions carried out in any accommodation or building or on any land shall be deemed to be equipment thereof.

Agreements as to the transfer of property other than land not transferred by the preceding articles

12.—(1) Paragraph (1) of article 9 applies to this article as it applies to article 9.

(2) Nothing in this article applies to any matter provided for in article 9 or in articles 11(2) and (3) and 18 in their application to any matter provided for in article 9.

(3) Any property other than land vested in an authority named in column (1) of Part I of Schedule 3 (or of any extension thereof effected by any further order under section 254 of the Act made before 1st April 1974) for the purposes of functions—

(a) which are not exercisable on and after 1st April 1974 by an authority of the relevant class in relation to such authority; but

(b) which are so exercisable by the authorities specified in respect of such authority in column (2),

shall by virtue of this order be transferred to and vest in such one or more of the authorities specified in column (2) as may be agreed between them.

(4) Any property other than land vested in the council of any administrative county, county borough or county district for the purposes of functions which on 1st April 1974 become exercisable in any area partly by the county council and partly by the district council shall by virtue of this order be transferred to and vest in such one of those councils as may be agreed between them.

(5) Subject to the provisions of paragraphs (3) and (4), any property other than land vested in an authority named in column (1) of Part II of Schedule 3 (or of any extension thereof effected by any further order under section 254 of the Act made before 1st April 1974) shall by virtue of this order be transferred to and vest in such one or more of the authorities specified in respect of such authority in column (2) as may be agreed between them.

(6) Any agreement under paragraph (3), (4) or (5) may—

(a) provide for payment in respect of any property within such paragraph;

(b) extend to any matter arising under article 18 in its application to property within such paragraph; and

(c) provide that any authority concerned shall be entitled to the use of the property for such period and on such terms as may be agreed, whether for the purposes of the functions for which the property is used immediately before 1st April 1974 or for the purposes of any other functions exercisable by them.

(7) In default of agreement as to any matter arising under paragraph (3), (4), (5) or (6) or article 18 in its application to property within any such paragraph the matter shall be determined by the decision of a person agreed on by the authorities concerned or in default of agreement appointed by the Secretary of State.

(8) In this article—

“exercisable” means exercisable otherwise than by virtue of section 101, 110 or 187(2) or (3) of the Act; and

“property” does not include the balance on any fund or account.

Balances on accounts of undertakings

13.—(1) Subject to paragraph (2), nothing in articles 7 to 12, or in article 18 in its application to any undertaking transferred by any such article, shall be effective to transfer any amount standing as a balance (whether credit or debit) in respect of any undertaking in the revenue accounts of the transferor authority immediately before 1st April 1974.

(2) The provisions of this paragraph shall apply where a local authority maintain separate accounts in respect of any water undertaking transferred by article 7.

Where in such accounts for the period ending on 31st March 1974 as finally closed a credit balance is shown the transfer effected by article 7 shall include the amount shown as such balance.

Where in such accounts for such period as so closed a deficiency is shown the water authority to whom the undertaking (or the undertaking other than any land, buildings or works in England) is transferred shall as soon as practicable pay to the authority specified in respect of the local authority in column (2) of Part II of Schedule 4 the amount shown as such deficiency.

Certain county council funds

14.—(1) This article applies to the county councils of Brecon, Denbigh, Glamorgan, Merioneth and Monmouthshire.

- (2) The balances on the following funds, namely—
the county fund
any capital fund
any renewal and repairs fund
any fund of substantially similar nature to a capital fund or a renewal and repairs fund

of a county council to whom this article applies shall be apportioned between the new counties in which any parts of the area of such council are comprised in the proportions which the aggregate rateable value of all the hereditaments in the several parts, as shown in the valuation lists immediately before 1st April 1974, bear to the aggregate rateable value of all the hereditaments in all such parts, and the amounts so apportioned shall be payable to the councils of such counties.

Certain county district council funds

15.—(1) This article applies to the councils of the urban districts of Bedwellty, Caerphilly and Gelligaer and the rural districts of Aled, Cardiff, Cowbridge, Crickhowell, Gwyrfa, Hawarden, Hiraethog, Magor and St Mellons, Neath, Pontypool, Wrexham and Vaynor and Penderyn.

- (2) The balances on the following funds, namely—
the general rate fund, other than the housing revenue account;
any capital fund, renewal and repairs fund or fund of a similar nature to either such fund other than one maintained in connection with any undertaking transferred by article 7,

of a council to whom this article applies shall be apportioned between the districts in which any parts of the area of such council are comprised in the proportions which the aggregate rateable value of all the hereditaments in the several parts, as shown in the valuation lists immediately before 1st April 1974, bear to the aggregate rateable value of all the hereditaments in all such parts, and the amounts so apportioned shall be payable to the councils of such districts.

(3) This paragraph has effect in relation to the housing revenue account of a council to whom this article applies.

The working balance on such account shall be apportioned between the districts in which dwellings of the council are situated in the proportions which the numbers of such dwellings in the several districts bear to the total number of such dwellings, and the amounts so apportioned shall be payable to the councils of such districts and shall attach to the housing revenue accounts of the councils.

In this paragraph "dwellings" means Housing Revenue Account dwellings within the meaning of the Housing Finance Act 1972(a).

Residual transfer of property, etc.

16.—(1) Paragraph (1) of article 9 applies to this article as it applies to article 9.

(2) Subject to the provisions of articles 9 to 15 or of articles 11(2) and (3) and 18 in their application to any matters provided for in articles 9 to 15—

- (a) all property and liabilities vested in or attaching to an authority described in column (1) of Part I or II of Schedule 4 (or of any extension thereof effected by any further order under section 254 of the Act made before 1st April 1974) shall by virtue of this order be transferred to and vest in or attach to the authority specified in respect of such authority in column (2);
- (b) 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, an authority described in column (1) of Part I or II of Schedule 4 (or of any extension thereof as aforesaid) shall be of full force and effect in favour of, or against, the authority specified in respect of such authority in column (2);
- (c) 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 column (1) of Part I or II of Schedule 4 (or of any extension thereof as aforesaid) 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 authority in column (2); and
- (d) any power to appoint any person to any body belonging to an authority described in column (1) of Part I or II of Schedule 4 (or of any extension thereof as aforesaid) in respect of any matter provided for in (a) or (b) shall be transferred to the authority specified in respect of such authority in column (2).

(a) 1972 c. 47.

General saving for agreements

17.—(1) The authority to whom any account or fund is transferred, or any amount of any fund is payable, by virtue of any provision of this order, may agree that any particular amount in the account or fund shall be payable to any other authority.

(2) The authority to whom any other property other than land is transferred by the preceding articles of this order other than article 7 may by resolution agree that the property shall be transferred to any other authority specified in the resolution, and paragraphs (2) to (5) of article 18 shall apply accordingly.

(3) The transferee authority in respect of any matter other than property, provided for in paragraph (4), (5) or (6) of article 9 or in (a), (b) or (c) of paragraph (2) of article 16, and any other authority, may agree that that other authority shall be substituted for the transferee authority in the application of any such provision.

(4) The provision made by the preceding articles of this order, other than articles 12, 14 and 15, for the transfer of any matter is without prejudice to any agreement which may be made for payment in respect of such matter.

Liabilities, contracts etc., notices and proceedings in respect of transferred property, etc.

18.—(1) This article applies to the following matters, namely—

- (a) any property described in (a), (b) or (e) of article 9(1); and
- (b) any property transferred by this order.

(2) Subject to paragraph (6), all liabilities attaching to any authority in respect of any property to which this article applies shall by virtue of this order be transferred to and attach to the authority to whom such property is transferred.

(3) 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, the authority first mentioned in paragraph (2) in respect of any property to which this article applies, or in respect of liabilities transferred by paragraph (2), shall be of full force and effect in favour of, or against, the authority to whom such property and liabilities are transferred.

(4) Any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1974, by, or against, the authority first mentioned in paragraph (2) in respect of any property to which this article applies, or in respect of liabilities transferred by paragraph (2), 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 to whom such property and liabilities are transferred.

(5) Any power to appoint any person to any body belonging to the authority first mentioned in paragraph (2) in respect of any property (other than that described in (a) of article 9(1)) to which this article applies or any matter provided for in paragraphs (2) and (3) shall be transferred to the authority to whom such property or matter is transferred.

(6) Paragraph (2) shall not apply to the rights and liabilities described in entry (a) in item No. 14 in the table in Schedule 2, but paragraphs (3) to (5) shall apply in respect of such rights and liabilities.

Land held for several purposes

19.—(1) Where any land, not being a property described otherwise than as an undertaking in column (2) of Schedule 1 or of any extension thereof described in article 7, is held by an authority for the purposes of functions exercisable on and after 1st April 1974 by two or more authorities, or for the purposes of a function which will then be so exercisable, the land shall, subject to the provision of paragraphs (2) to (6), for the purposes of this order be deemed to be held for the purposes of the function exercisable by such one of those authorities as shall be determined by the first-mentioned authority to be the function for which the land is, immediately before that date, used to the greatest extent.

In such determination the first-mentioned authority shall disregard any use of the land which is temporary.

(2) In the application of paragraph (1), where any function is exercisable on and after 1st April 1974 by an authority of the relevant class in relation to the authority first mentioned in that paragraph and by any other authority, the function shall be deemed to be exercisable only by the authority of the relevant class.

(3) Subject to paragraph (2), two (but not more) functions exercisable on and after 1st April 1974 by an authority shall be treated as a single function in the application of paragraph (1).

(4) Any land to which paragraph (1) applies shall be held by the authority to whom it is transferred for the purposes of the function determined under that paragraph, or where two functions have been treated as a single function under paragraph (3) for the purposes of such one of those functions as is determined by the authority to whom the land is transferred.

(5) If notice is given by any authority that they are dissatisfied with the determination in paragraph (1) the purposes therein described shall be determined by agreement between the two or more authorities so described 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, and paragraphs (1) and (4) shall have effect accordingly. Paragraphs (2) and (3) shall apply in the application of this paragraph.

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

(7) In the application of this article, any reference to the purposes of functions includes a reference to the purposes of an undertaking transferred by article 7.

Property to be deemed to be held for the purposes of statutory functions

20.—(1) This article applies to—

- (a) any property held under section 125 of the Local Government Act 1933;
- (b) any land acquired under section 112, 114 or 119(1)(a) of the Town and Country Planning Act 1971(a) or any earlier provision corresponding to any such enactment;
- (c) any corporate land;
- (d) any land acquired under any provision empowering the acquisition of land for the benefit, improvement or development of any area and not allocated or appropriated for any statutory purpose; and
- (e) any property acquired by a local authority as a gift otherwise than for charitable purposes.

(a) 1971 c. 78.

(2) (a) Where any property to which this article applies is, immediately before 1st April 1974—

- (i) in the case of property referred to in paragraph (1)(a), used wholly or substantially so for the purposes of a particular function being purposes authorised by enactments other than the said section 125;
- (ii) in the case of property referred to in paragraph (1)(b), used wholly or mainly for the purposes of statutory functions other than those exercised under the Town and Country Planning Acts 1971 and 1972; or
- (iii) in the case of property referred to in paragraph (1)(c), (d) and (e), used wholly or mainly for the purposes of any statutory function,

it shall for the purposes of this order be deemed to be held for the purposes of the function for which it is so used.

In the application of this sub-paragraph any temporary use of the property shall be disregarded.

(b) Two (but not more) functions shall be treated as a single function in the application of this paragraph.

(c) Any property to which this paragraph applies shall be held by the authority to whom it is transferred for the purposes of the function described in (i), (ii) or (iii) of sub-paragraph (a) or where two functions have been treated as a single function for the purposes of such one of those functions as is determined by the authority to whom the property is transferred.

(3) Any question whether any property to which this article applies is, immediately before 1st April 1974, used as described in (i), (ii) or (iii) of paragraph (2)(a) 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 notice is given by any authority that they are dissatisfied with any such determination 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, and sub-paragraph (c) of paragraph (2) shall apply accordingly. Sub-paragraph (b) of paragraph (2) shall apply in the application of this paragraph.

(4) In the application of this article, any reference to the purposes of functions includes a reference to the purposes of an undertaking transferred by article 7.

Questions as to appropriations

21. The provisions of this article shall have effect in relation to any land appropriated between 9th November 1973 and 1st April 1974 and to any financial adjustment made on the appropriation.

Any such land shall for the purposes of this order be treated as held for the purpose for which it has been appropriated, and any financial adjustment made on the appropriation shall be of full effect, unless a local authority or water authority give notice that the land falls to be treated for the purposes of this order as being held for the purpose for which it was held before the appropriation, or that the financial adjustment falls to be varied. If such notice is given the question of the purpose for which the land is held or, as the case may be the adjustment to be made, 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.

Buildings to be replaced

22.—(1) The provisions of this article shall apply where—

- (a) any building or part of a building is to be wholly or substantially so replaced by another building which at 1st April 1974 is completed or in course of erection or for the erection of which a contract has been entered into or by part of such building;
- (b) it has been resolved by the transferor authority before the date of the making of this order that the first-mentioned building or part of a building or the site thereof is to be used for the purposes of some function other than the one for which it is held;
- (c) the nature of the building or the location of its site is such as to make it peculiarly suited for use for the purposes of such function rather than other local government purposes,

and apart from the provisions of this article the two buildings or parts of buildings would be transferred to the same authority.

(2) The transferor authority may determine that for the purposes of this order the land on which the building or part of a building first mentioned in paragraph (1) is erected shall be deemed to be held for the purposes for which by the resolution described in item (b) of that paragraph it is to be used.

(3) If notice is given by any authority concerned that they question whether (a), (b) or (c) in paragraph (1) is satisfied, the determination shall be of no effect and the question of the purpose for which the land is to be deemed to be held 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.

User rights

23.—(1) Where, immediately before 1st April 1974, accommodation in any property transferred to and vested in any authority by virtue of this order is used (or in the case of accommodation not yet in occupation proposed to be used) otherwise than temporarily for the purposes of any functions which, on and after that date, 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, the authority exercising those functions 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),

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,

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;

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;

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 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 the authority to whom the property is transferred 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.

Charter trustees

24.—(1) It shall be the duty of the council of a district in which a city or town for which there are charter trustees is situated to provide accommodation for the proper discharge of the functions of the charter trustees.

(2) The accommodation to be provided and the terms on which it is provided shall be determined by agreement between the district council and the charter trustees, or failing such agreement by the decision of a person agreed on by them or in default of agreement appointed by the Secretary of State.

Corporate land

25.—(1) Any question whether any land vested in the corporation of a borough is corporate land shall, subject to the following provision of this paragraph, be determined by the council of the borough.

If notice is given by any authority that they are dissatisfied with any such determination 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.

(2) Any corporate land to which article 20(2) does not apply and which is transferred by this order to any authority shall be held by that authority as if it had been acquired by that authority under section 120(1)(b) or 124(1)(b), as the case may be, of the Act.

Inventories of property transferred to water authorities

26.—(1) Any authority from whom any water undertaking, or any water undertaking other than any land, buildings or works in England, will be transferred to a water authority by article 7 shall, not later than 31st January 1974, supply to such water authority—

- (a) an inventory of the land, buildings, water mains, plant and other vehicles (other than any land, buildings or works in England) comprised in the undertaking;
- (b) a statement of the financial position of the undertaking;
- (c) a statement of any appropriations subsequent to 9th November 1973 of land held for the purposes of water supply.

(2) Any authority from whom any public sewer or any sewage disposal works will be transferred to a water authority by article 8 shall, not later than 31st January 1974, supply to such water authority an inventory of the sewers and sewage disposal works which will be transferred to such water authority.

Property and liabilities to attach to whole areas

27.—(1) Subject to paragraph (2), any interest in any property or any liability transferred by the preceding articles of this order to the authority for any county, district or community shall be held or discharged by them in respect of the whole of such area.

(2) Paragraph (1)—

- (a) shall not apply in respect of any interest in any property or any liability which by reason of agreements made by authorities abolished by the Act falls to be held or discharged in respect of any specific area; and
- (b) shall have effect subject to the provision of subsections (4) and (5) of section 248 of the Act (freemen and inhabitants of existing boroughs).

Byelaws, etc.

28.—(1) Any byelaws in force for the regulation of any property described in (a) or (b) of article 9(1) or transferred by the preceding articles of this order shall have effect as if they had been made by the authority to whom such property is transferred.

(2) Any provision of any local Act or of any order made under or confirmed by any Act which applies to any property described in (a) or (b) of article 9(1) or transferred by the preceding articles of this order shall have effect with the substitution for any references to (or having effect as references to) the authority from whom such property is transferred of references to the authority to whom the property is transferred.

Vehicle Licences

29. Any excise licence, operators' licence, public service vehicle licence, road service licence, plating certificate or other document issued in respect of any vehicle transferred by the preceding articles of this order shall have effect as if it had been issued to the authority to whom such vehicle is transferred, and any reference to the authority from whom the vehicle is transferred in any such licence or certificate or in any registration book or other document issued in respect of such vehicle shall have effect as a reference to the authority to whom the vehicle is transferred.

Markets

30. The expression "market authority" in Part III of the Food and Drugs Act 1955(a) shall include any district council to whom such a market as is described in section 49(2) of that Act is transferred by this order.

Loan sanctions

31. Any authorisation of the borrowing of money in force in respect of any property or liability described in (a), (b) or (e) of article 9(1) or transferred by the preceding articles of this order to the council of any county, district or community may, subject to the terms applicable thereto, be acted on by such council.

Security for loans

32. Where under this order any liability or part of a liability charged indifferently on all the revenues of a public body or on any particular revenues or fund of such body is transferred to another public body, the liability or part of the liability shall be charged indifferently on all the revenues of the public body to whom it is transferred and shall cease to be a charge on any revenues or fund of the public body from whom it is transferred.

Capital and renewal and repairs funds

33.—(1) A local authority may transfer the balance of any capital fund or renewal and repairs fund transferred to them under article 16 or the amount of any such fund received by them under article 14 or 15 to the credit of a capital fund or a renewal and repairs fund, as the case may be, established by them under Schedule 13 to the Act.

(2) Where any matter in respect of which a repayable advance which has not been fully repaid has been made from a capital fund or a renewal and repairs fund is transferred by the Act or this order to any authority, that authority may treat the outstanding amount of the advance as an advance from a capital fund or a renewal and repairs fund established by them under Schedule 13 to the Act and make such payments to such fund as the authority consider appropriate, but otherwise any liability to make repayments in respect of the advance shall cease.

Loans pools and consolidated loans funds

34.—(1) This article applies where, if the Act had not been passed and this order had not been made, advances from a loans pool or consolidated loans fund would have fallen to be repaid in respect of any matter, and the matter is by virtue of the Act or this order transferred to an authority other than the authority to whom the pool or fund is transferred by article 16.

(2) Sums which would have become due and owing to the pool or fund in respect of such advances shall be paid by the authority first mentioned in paragraph (1) to the authority last mentioned therein:

Provided that the said authorities and the lender may agree for the transfer to the first-mentioned authority of the liability with respect to any outstanding loan.

(3) The outstanding amount in respect of any such advances shall be shown in the accounts of the authority first mentioned in paragraph (1) as loans from other local authorities and as advances to the appropriate borrowing account.

(4) The outstanding amount in respect of any such advances shall be shown in the accounts of the authority last mentioned in paragraph (1) as loans to other authorities.

Audit of accounts

35.—(1) The repeal effected by section 272 of, and Schedule 30 to, the Act of Part X of the Local Government Act 1933 shall not affect—

(a) any audit of accounts for any period preceding 1st April 1974; or
(b) any disallowance, surcharge, appeal, application or disqualification arising from any audit of such accounts by a district auditor (whether an audit completed before the said date or an audit falling within (a)), but nothing in sections 154 to 167, 196(3) and 197(4) of, or in section 251(1) in so far as it extends to paragraph 7(1) of Schedule 29 to, the Act shall apply to any accounts which are subject to district audit under the said Part X.

(2) The said Part X shall apply to the accounts of any committee established under section 264 of the Act, and of the sub-committees and officers thereof, as if the committee had been established under Part III of the Local Government Act 1933.

(3) In relation to the accounts of any authority described in column (1) of Part I or II of Schedule 4 (or of any extension thereof described in article 16) to whom Part X of the said Act of 1933 applied or of the committees or officers thereof, any action which had the Act not been passed would have fallen to be taken by such authority shall be taken by the authority specified in respect of such authority in column (2).

(4) If at any audit of the accounts of an authority described in column (1) of Part I or II of Schedule 4 (or of any extension thereof described in article 16) to whom Part X of the said Act of 1933 applied or of the committees and officers thereof any sum is certified by a district auditor as due from any person, that sum shall be paid to the authority specified in respect of that authority in column (2).

Inspection of documents

36. Any officer of the council of any county or district or of a water authority, duly authorised in that behalf, shall, for the purposes of the functions of the authority by whom he is employed, be entitled during ordinary office hours to inspect and take extracts from any books or documents of any council dissolved by section 1(10) or 20(6) of the Act not in the custody of such authority.

Legal proceedings

37. All legal proceedings pending at 1st April 1974 may be amended in such manner as may be necessary or proper in consequence of the Act or the Water Act 1973 or the preceding articles of this order.

General provision as to disputes

38.—(1) Any question as to the interpretation of this order may be determined by the decision of a person agreed on by the authorities concerned or in default of agreement appointed by the Secretary of State.

(2) Where a determination required by article 10(2), (3), (4) or (5), 19(1), 20(3) or 25(1) has not been made by the transferor authority before 1st April 1974 notice that a question exists may be given before 1st April 1975 by any authority concerned.

(3) Where—

(a) at 1st April 1974—

- (i) notice has been given by any authority under article 10(6), 19(5), 20(3), 21, 22(3) or 25(1) or paragraph 3(c) of Schedule 2,
- (ii) notice has been given by any authority that the provisions of this paragraph are to have effect in relation to any property within paragraph (3), (4) or (5) of article 12 specified in the notice; or
- (iii) notice has been given by any authority that the interpretation of any provision of this order as to the transfer of any property is in dispute,

and the question has not been determined; or

(b) thereafter, but before 1st April 1975—

- (i) notice is given by any authority under any provision specified in (a)(i);
- (ii) notice is so given under paragraph (2);

- (iii) notice is so given that the provisions of this paragraph are to have effect in relation to any property within paragraph (3), (4) or (5) of article 12 specified in the notice; or
- (iv) notice is so given that the interpretation of any provision of this order as to the transfer of any property is in dispute,

then from 1st April 1974 or from the later date on which notice is given, as the case may be—

- (k) any provisions of this order as to the transfer and vesting of property shall cease to have effect in relation to the property;
- (l) article 16 shall apply to the property, and article 18 shall apply to any liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, as temporary provision pending the determination of the question;
Provided that the authorities concerned may by instrument in writing agree that any authority may in such application be substituted for the authority specified in column (2) of Part I or II of Schedule 4 in respect of the transferor authority;
- (m) where notice has been given under paragraph (2), 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; and
- (n) on the determination of the question whether under (m) or otherwise—
 - (x) the determination shall specify the authority to whom the property is to be transferred; and
 - (y) the provision described in (l) shall cease to have effect, the property shall by virtue of the determination be transferred to and vest in the authority specified in the determination, and the provisions of this order which would have applied to the property if the transfer had been effected by this order shall apply to it.

(4) Any reference in any provision of this order for the decision of any question by a person shall be construed as including a reference to three persons.

(5) Section 31 of the Arbitration Act 1950^(a) shall have effect for the purposes of the determination of any question by any person or persons under any provision of this order as if such determination were an arbitration under any other Act within the meaning of that section.

(a) 1950 c. 27.

SCHEDULE 1

TRANSFER OF PARTICULAR PROPERTIES

Article 7

Paragraph (3) of article 10, and paragraph (6) in so far as it applies thereto, shall apply to any question whether any property is historic or ceremonial property

(1) Transferor authority	(2) Property	(3) Transferee authority
The council of the urban district of Gelligaer	Historic and ceremonial property, and in particular the insignia and plate, of the urban district	The Community Council of Gelligaer
The corporation of any borough for the whole of the area of which charter trustees are constituted	Historic and ceremonial property other than land and buildings, and in particular the charters, insignia and plate, of the borough	The charter trustees
The council of the rural district of Ceiriog	The water undertaking of the council other than any land, buildings or works in the area for water supply purposes of the Severn-Trent Water Authority	The Welsh National Water Development Authority
	Any land, buildings or works of the water undertaking in the area for water supply purposes of the Severn-Trent Water Authority	The Severn-Trent Water Authority
The county council of Anglesey, the corporation or council of any borough or the council of any urban district or rural district other than Ceiriog	Any water undertaking of the transferor authority, other than any land, buildings or works in England	The Welsh National Water Development Authority

SCHEDULE 2

Article 9

TRANSFER OF SPECIFIED CLASSES OF PROPERTY, ETC.

1. In the following table—

(a) “county matters” and “district matters”, in relation to any transferor authority, mean—

- (i) in the case of property, property (not being excepted property) held for the purposes of functions not exercisable on and after 1st April 1974 by an authority of the relevant class in relation to the transferor authority but so exercisable by the authority specified in respect of the matters transferred in column (4) of the table in this Schedule;
- (ii) in the case of liabilities, liabilities incurred in relation to such functions;
- (iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to such functions;
- (iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions;

but if specified as such matters in relation to any area include only such matters being local matters in respect of such area;

(b) “community matters”, in relation to any transferor authority, means—

(i) in the case of property—

(a) property held for the purposes of functions not exercisable on and after 1st April 1974 by county or district councils; and

(b) parish property within the meaning of the Local Government Act 1933, the proceeds of sale of such property and any securities in which such proceeds have been invested;

- (ii) in the case of liabilities, liabilities incurred in relation to such functions or parish property;
- (iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to such functions or parish property;
- (iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions or parish property;

but if specified as such matters in relation to any area includes only such matters being local matters in respect of such area;

(c) “police matters”, “port health matters” and “sewerage and sewage disposal matters” mean—

- (i) in the case of property, property held for the purposes of the relevant functions;
- (ii) in the case of liabilities, liabilities incurred in relation to such functions;
- (iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to such functions; and
- (iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions,

but if specified as such matters in relation to any area include only such matters being local matters in respect of such area, and for the purposes of the foregoing definitions “the relevant functions” means—

- (i) in the case of police matters, functions exercisable for police purposes, including the purposes of section 81 of the Road Traffic Regulation Act 1967;
- (ii) in the case of port health matters, functions exercisable by the transferor authority as port health authority;
- (iii) in the case of sewerage and sewage disposal matters, functions exercisable for the purposes of sewerage and sewage disposal;

(d) “local matters”, in relation to any area, means—

(i) in the case of property—

(a) subject to the provision of paragraph 3, sited property situated in;
and

(b) other property held exclusively in respect of,
the area;

- (ii) in the case of liabilities, liabilities incurred exclusively in respect of the area;
- (iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given exclusively in respect of the area;
- (iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing exclusively in respect of the area.

2. In paragraph 1, “excepted property” means any property within article 20(1) which is not covered by the provision of article 20(2) and “exercisable” means exercisable otherwise than by virtue of section 101 or 110 of the Act.

3. (a) In this Schedule “sited property” means—

- (i) land;
- (ii) buildings;
- (iii) fittings, furniture, equipment and stores supplied in respect of a voluntary school or a controlled community home;
- (iv) subject to the provision of article 6, lamps, lamp posts and other apparatus for public lighting.

(b) The transferor authority may determine that any sited property shall, by reason of the fact that it is used wholly or mainly for an area other than the one in which it is situated, constitute local matters in respect of such other area.

(c) If notice is given by any authority concerned that they are dissatisfied with any determination under sub-paragraph (b) or that a determination should have been made thereunder, the question of the area which is to be the relevant area in relation to any sited property in the application of this Schedule 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.

4. Article 12 has effect, within the meaning of items 2, 7, 8, 9, 11 and 12 in the table in this Schedule, in relation to any property, where before 1st April 1974, in respect of such property—

an agreement has been entered into under paragraph (3), (4) or (5) of that article;

a determination has been given under paragraph (7) of that article;

notice has been given under paragraph (3) of article 38

and in relation to any liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation to such property.

TABLE

(1) Item No.	(2) Transferor authority	(3) Matters transferred	(4) Transferee authority
1	The county council of any county	Property acquired by the county council in the exercise of their functions under the Rural Water Supplies and Sewerage Act 1944 or in making contributions to a county district council in respect of works of water supply or sewerage or sewage disposal, in any area	The water authority for sewerage and sewage disposal purposes for the area in which the area described in column (3) is situated
2	The county council of Brecon, Denbigh, Glamorgan, Merioneth or Monmouthshire	District matters in relation to any area of the county included in a new district Other local matters (not being police matters, matters as to which article 12 has effect or matters provided for in item 1) in relation to any area of the county included in a new county District matters	The council of the district in which the area is comprised The council of the county in which the area is comprised The council of the district in which the area of the county is comprised
3	The county council of Anglesey, Cardiganshire, Montgomeryshire or Radnorshire	District matters in relation to any area of the county included in a new district	The council of the district in which the area is comprised
4	The county council of Caernarvon, Carmarthenshire, Flintshire or Pembrokeshire		

(1) Item No.	(2) Transferor authority	(3) Matters transferred	(4) Transferee authority
5	The county council of Brecon, Caernarvon, Carmarthenshire, Denbigh, Flintshire, Glamorgan, Merioneth, Monmouthshire or Pembroke	Land situated outside the county falling within the definition of district matters	The council of the district specified in respect of the county council in column (3) of Part I of Schedule 4
6	The corporation or council of the county borough of Cardiff, Merthyr Tydfil, Newport or Swansea	County matters	The council of the county in which the area of the county borough is comprised
7	The council of the urban district of Gelligaer	County matters Community matters in relation to any area of the urban district included in a community	The County Council of Mid Glamorgan The community council of the community
8	The council of the urban district of Bedwellty	Other local matters (not being sewerage or sewage disposal matters or matters as to which article 12 has effect) in relation to any area of the urban district included in a new district County matters in relation to any area of the urban district included in a new county	The council of the district in which the area is comprised
		Other local matters (not being sewerage or sewage disposal matters or matters as to which article 12 has effect) in relation to any area of the urban district included in a new district	The council of the county in which the area is comprised The council of the district in which the area is comprised

		Land situated outside the urban district falling within the definition of county matters	The County Council of Gwent
9	The council of the urban district of Caerphilly	County matters Other local matters (not being sewerage or sewage disposal matters or matters as to which article 12 has effect) in relation to any area of the urban district included in a new district	The County Council of Mid Glamorgan The council of the district in which the area is comprised
10	The corporation or council of any non-county borough or the council of any urban district not included in items 7, 8 and 9	County matters Where a community council is established for the area of the borough or urban district under section 27(3) or (4) of the Act, community matters and the historic and ceremonial property, and in particular the charters, insignia and plate, of the borough or district	The council of the county in which the area of the borough or urban district is comprised The community council
11	The council of the rural district of Gwyrfai, Hawarden, Pontypool or Wrexham	County matters Other local matters (not being sewerage or sewage disposal matters or matters as to which article 12 has effect) in relation to any area of the rural district included in a new district	The council of the county in which the area of the rural district is comprised The council of the district in which the area is comprised

(1) Item No.	(2) Transferor authority	(3) Matters transferred	(4) Transferee authority
12	The council of the rural district of Aled, Cardiff, Cowbridge, Crickhowell, Hiraethog, Magor and St Mellons, Neath or Vaynor and Penderyn	<p>County matters in relation to any area of the rural district included in a new county</p> <p>Other local matters (not being sewerage or sewage disposal matters or matters as to which article 12 has effect) in relation to any area of the rural district included in a new district</p> <p>Land situated outside the rural district falling within the definition of county matters</p> <p>County matters</p>	<p>The council of the county in which the area is comprised</p> <p>The council of the district in which the area is comprised</p> <p>The council of the county comprising the district whose council is specified in respect of the council of the rural district in column (2) of Part II of Schedule 4</p> <p>The council of the county in which the area of the rural district is comprised</p>
13	The council of any rural district not included in items 11 and 12		
14	The corporation or council of any borough or the council of any urban district or rural district	<p>(a) Rights acquired or liabilities incurred in relation to the cost of construction in any area of any public sewer or sewage disposal works constructed under powers other than the Public Health Act 1936 or enactments replaced by that Act prior to its declaration as a public sewer or sewage disposal works</p>	The authority exercising such powers in that area on and after 1st April 1974

	(b) Subject to (a), where the area of the borough, urban district or rural district is comprised in the area for sewerage and sewage disposal purposes of one water authority, sewerage and sewage disposal matters	The water authority
	(c) Subject to (a), where the area of the borough, urban district or rural district is comprised in the area for sewerage and sewage disposal purposes of two or more water authorities, sewerage and sewage disposal matters being local matters in relation to any area of the borough, urban district or rural district comprised in the area of a water authority	The water authority
15 The urban district council of Chepstow	Port health matters in respect of the Gloucester (Chepstow Division) Port Health District	The District Council of Monmouth

SCHEDULE 3

Article 12

AGREEMENTS AS TO THE TRANSFER OF PROPERTY OTHER THAN LAND NOT TRANSFERRED
BY ARTICLES 6 TO 11

PART I

(1)	(2)
The county council of Brecon, Caernarvon, Carmarthenshire, Denbigh, Flintshire, Glamorgan, Merioneth, Monmouthshire or Pembroke	The councils of the districts in which any areas of the county are comprised
The council of the urban district of Bedwellty or the rural district of Aled, Cardiff, Cowbridge, Crickhowell, Hiraethog, Magor and St Mellons, Neath or Vaynor and Penderyn	The councils of the counties in which any areas of the urban district or rural district are comprised
The corporation or council of any borough, or the council of any urban district or rural district, which is comprised in the areas for sewerage and sewage disposal purposes of two or more water authorities	The water authorities

PART II

(1)	(2)
The county council of Brecon, Denbigh, Glamorgan, Merioneth or Monmouthshire	The councils of the counties in which any areas of the county are comprised
The council of the urban district of Bedwellty, Caerphilly or Gelligaer, or the rural district of Aled, Cardiff, Cowbridge, Crickhowell, Gwyrfa, Hawarden, Hiraethog, Magor and St Mellons, Neath, Pontypool, Vaynor and Penderyn or Wrexham	The councils of the districts in which any areas of the urban or rural district are comprised

SCHEDULE 4

Article 16

RESIDUAL TRANSFER OF PROPERTY, ETC.

PART I

(1) Transferor authority	(2) Transferee county council	(3) District specified for the purposes of item 5 of the table in Schedule 2
The county council of Brecon	The County Council of Powys	Brecknock
The county council of Caernarvon	The County Council of Gwynedd	Arfon
The county council of Carmarthenshire	The County Council of Dyfed	Llanelli
The county council of Denbigh	The County Council of Clwyd	Wrexham Maelor
The county council of Flintshire	The County Council of Clwyd	Alyn and Deeside
The county council of Glamorgan	The County Council of Mid Glamorgan	Ogwr
The county council of Merioneth	The County Council of Gwynedd	Meirionnydd
The county council of Monmouthshire	The County Council of Gwent	Torfaen
The county council of Pembroke	The County Council of Dyfed	Preseli

PART II

(1) Transferor authority	(2) Transferee authority
The county council of Anglesey	The County Council of Gwynedd
The county council of Cardiganshire	The County Council of Dyfed
The county council of Montgomeryshire	The County Council of Powys
The county council of Radnorshire	The County Council of Powys
The corporation or council of the county borough of Cardiff, Merthyr Tydfil, Newport or Swansea	The council of the district in which the area of the county borough is comprised
The council of the urban district of Bedwellty	The District Council of Islwyn
The council of the urban district of Caerphilly	The District Council of Rhymney Valley
The council of the urban district of Gelligaer	The District Council of Rhymney Valley
The council of the rural district of Aled	The District Council of Colwyn
The council of the rural district of Cardiff	The District Council of Vale of Glamorgan
The council of the rural district of Cowbridge	The District Council of Vale of Glamorgan
The council of the rural district of Crickhowell	The District Council of Brecknock

(1) Transferor authority	(2) Transferee authority
The council of the rural district of Gwyrfai The council of the rural district of Hawarden	The District Council of Arfon The District Council of Alyn and Deeside
The council of the rural district of Hiraethog	The District Council of Colwyn
The council of the rural district of Magor and St Mellons	The District Council of Newport
The council of the rural district of Neath	The District Council of Neath
The council of the rural district of Pontypool	The District Council of Monmouth
The council of the rural district of Vaynor and Penderyn	The District Council of Brecknock
The council of the rural district of Wrexham	The District Council of Wrexham Maelor
The corporation or council of any non-county borough or the council of any urban or rural district not included in the preceding items	The council of the district in which the area of the borough, urban district or rural district is comprised
Any separate parish council	The community council which replaces the parish council The community council which replaces the parish council
In any group of parishes, the common parish council and the parish meeting and representative body of every parish in the group	The council of the district in which the area of the parish is comprised
The parish meeting and representative body of any parish not included in the last preceding item	The authority or authorities exercising the functions specified in paragraph 1 of Schedule 26 to the Act in relation to the cemeteries and crematoria of the board or committee
Any burial board, joint burial board or joint committee which ceases to exist by virtue of section 214(1) of the Act	The authority in whom the functions of the board are vested by section 263(2)(a) of the Act
Any joint board which ceases to exist by virtue of section 263(2)(b) of the Act	The local authority which becomes the port health authority for the district of the board under the said section 263(3)
Any joint board which ceases to exist by virtue of section 263(3) of the Act	The Welsh National Water Development Authority
The Dee and Clwyd, Glamorgan, Gwynedd, South West Wales, Usk or Wye River Authority	The water authority within whose area for water supply purposes the limits of supply of the transferor authority are comprised
Any joint board who are statutory water undertakers other than a joint water board within the meaning of the Water Act 1973	The water authority within whose area for sewerage and sewage disposal purposes the area of the transferor authority is comprised
Any joint sewerage board or joint committee of sewerage authorities	The committee as reconstituted
The local fisheries committee for the South Wales Sea Fisheries District	

8th November 1973.

Peter Thomas,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes, in relation to Wales, general provision for the transfer from the existing authorities which go out of existence on 1st April 1974 to the new authorities established by or under the Local Government Act 1972 and the Water Act 1973 of property, liabilities, contracts etc., notices, and actions and proceedings and causes of action or proceeding.

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