

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,

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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.

- (a) (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

<i>(1)</i> <i>Item No.</i>	<i>(2)</i> <i>Transferor authority</i>	<i>(3)</i> <i>Matters transferred</i>	<i>(4)</i> <i>Transferee authority</i>
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	The council of the district in which the area is comprised The council of the county in which the area is comprised
3	The county council of Anglesey, Cardiganshire, Montgomeryshire or Radnorshire	District matters	The council of the district in which the area of the county is comprised
4	The county council of Caernarvon, Carmarthenshire, Flintshire or Pembroke	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
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	County matters	The council of the county in which the area of the county borough is comprised

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<i>(1)</i> <i>Item No.</i>	<i>(2)</i> <i>Transferor authority</i>	<i>(3)</i> <i>Matters transferred</i>	<i>(4)</i> <i>Transferee authority</i>
	Cardiff, Merthyr Tydfil, Newport or Swansea		
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 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 community council of the community The council of the district in which the area is comprised
8	The council of the urban district of Bedwellty	County matters in relation to any area of the urban district included in a new county 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 Land situated outside the urban district falling within the definition of county matters	The council of the county in which the area is comprised The council of the district in which the area is comprised 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	The council of the county in which the area of the borough or urban district is comprised The community council

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<i>(1)</i> <i>Item No.</i>	<i>(2)</i> <i>Transferor authority</i>	<i>(3)</i> <i>Matters transferred</i>	<i>(4)</i> <i>Transferee authority</i>
		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	
11	The council of the rural district of Gwyrfai, Hawarden, Pontypool or Wrexham	County matters	The council of the county in which the area of the rural district 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 rural district included in a new district	The council of the district in which the area is comprised
12	The council of the rural district of Aled, Cardiff, Cowbridge, Crickhowell, Hiraethog, Magor and St Mellons, Neath or Vaynor and Penderyn	County matters in relation to any area of the rural district included in a new county	The council of the county 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 rural district included in a new district	The council of the district in which the area is comprised
		Land situated outside the rural district falling within the definition of county matters	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
13	The council of any rural district not included in items 11 and 12	County matters	The council of the county in which the area of the rural district is comprised
14	The corporation or council of any borough or the council of any urban district or rural district	<i>(a)</i> Rights acquired or liabilities incurred in relation to the cost of construction in any area of any public sewer or sewage	The authority exercising such powers in that area on and after 1st April 1974

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<i>(1)</i> Item No.	<i>(2)</i> Transferor authority	<i>(3)</i> Matters transferred	<i>(4)</i> Transferee authority
		<p>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> <p>(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</p> <p>(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</p>	<p>The water authority</p> <p>The water authority</p>
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