
STATUTORY INSTRUMENTS

1974 No. 406

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Authorities Etc. (England)
(Property Etc.: Further Provision) Order 1974**

<i>Made</i>	- - - -	<i>12th March 1974</i>
<i>Laid before Parliament</i>		<i>13th March 1974</i>
<i>Coming into Operation</i>		<i>14th March 1974</i>

The Secretary of State for the Environment, in exercise of the powers conferred upon him by section 254(1)(a) and (2)(a), (b), (c) and (d) of the Local Government Act 1972, by those provisions as extended by section 34(1) of and paragraph 5(2)(b) and (e) of Schedule 6 to, the Water Act 1973 and by section 266(2) of the said Act of 1972 and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and commencement

1.—(1) This order may be cited as the Local Authorities etc. (England) (Property etc.: Further Provision) Order 1974.

(2) The principal order and this order may be cited together as the Local Authorities etc. (England) (Property etc.) Orders 1973 and 1974.

(3) This order shall come into operation on 14th March 1974.

Interpretation

2.—(1) The Interpretation Act 1889 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;

“the principal order” means the Local Authorities (England) (Property etc.) Order 1973(1);

“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 or instrument shall be construed as references to that enactment or instrument as amended, extended or applied by or under any other enactment or instrument; including, this order.

(4) Any reference in this order to a numbered article shall, unless the reference is to an article of a specified order, be construed as a reference to the article 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

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

- (a) any other order (other than the principal 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, or,
- (c) section 16, 25 or 54(2) of the National Health Service Reorganisation Act 1973 or any order made under those sections.

Amendments to the principal order

4.—(1) The amendments set out in paragraphs (2) to (20) shall be made in the principal order.

(2) Article 3 (exclusion of certain matters) shall be omitted.

(3) In article 4 (interpretation) there shall be inserted—

“(2A) Save as expressly provided any reference in this order to any borough does not extend to a London borough.”.

(4) In article 8 (sewers and sewage disposal works) there shall be added—

“(5) This article applies to the public sewers and sewage disposal works vested in—
the Greater London Council;
the corporation or council of any London borough;
the Corporation of the City of London;
the Honourable Society of the Inner Temple; or
the Honourable Society of the Middle Temple,

to the sewage disposal works of a new town development corporation and to the main sewers constructed by such a corporation under the Public Health Act 1936(2) and accounted for in the corporation's main sewerage and sewage disposal revenue account.”

(5) In article 10—

(a) there shall be inserted—

“(5A) Where in relation to any such land as is described in paragraph (5)—

- (a) deposit has not been completed; but
- (b) it has, before 9th November 1973, been resolved that the land shall on completion of deposit 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, but the county council shall be entitled to the use of the land for the purposes of the deposit of refuse until such deposit is completed.

Any question 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.

The use of any land by virtue of this paragraph shall be on such terms as may 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.

(5B) Where in relation to any such land as is described in paragraph (5) deposit has been completed but there has been no such resolution as is described in (b) of that paragraph, the land shall not be transferred by article 9.”;

and

(b) in paragraph (6), for “(4) or (5)” there shall be substituted “(4), (5) or (5A)”.

(6) In article 12 (agreements as to the transfer of property other than land)—

(a) there shall be inserted—

“(4A) Any property other than land vested in the Greater London Council or the council of any London borough for the purposes of sewerage and sewage disposal shall by virtue of this order be transferred to and vest in such water authority as may be agreed between the water authorities in whose areas for sewerage and sewage disposal purposes any parts of Greater London or the London borough, as the case may be, are comprised.

(4B) Any property other than land provided for sewerage and sewage disposal purposes by the development corporation for a new town which is comprised in the areas for sewerage and sewage disposal purposes of two or more water authorities shall by virtue of this order be transferred to and vest in such one of those authorities as may be agreed between them.”;

(b) in paragraph (6), for “(4) or (5)” there shall be inserted “(4), (4A), (4B) or (5)”;

(c) in paragraph (7) for “(4), (5)” there shall be inserted “(4), (4A), (4B), (5)”.

(7) In article 13 (balances on account of undertakings)—

(a) in paragraph (2), for “(or the undertaking other than any land, buildings or works in Wales)” there shall be substituted “(or the undertaking other than any specified parts thereof)”;

(b) there shall be added—

“(3) If in the main drainage account of the Greater London Council for the period ending on 31st March 1974 as finally closed a credit balance is shown the transfer effected by article 9 shall include the amount shown as such balance.

If in such account for such period as so closed a deficiency is shown the Thames and Anglian Water Authorities shall as soon as practicable pay to the Greater London Council the amount shown as such deficiency.”.

(8) In article 14—

(a) in paragraph (1), for “This article” there shall be substituted “Paragraph (2)”;

(b) in paragraph (2), for “article” there shall be substituted “paragraph”;

(c) there shall be added—

“(3) The balance on the combined police fund of the Cheshire, Durham, Hampshire, Lancashire, Lincolnshire, Nottinghamshire, Staffordshire County and Stoke-on-Trent, Suffolk, Warwickshire and Coventry, West Mercia, West Yorkshire or York and North-East Yorkshire police authority shall be apportioned between the new combined police areas or the new counties in which any parts of the area of the authority are comprised in the proportions which the aggregate rateable values of all the hereditaments in the several parts, as shown in the valuation lists immediately before 1st April 1974, bear to the aggregate rateable values of all the hereditaments in all such parts, and the amounts so apportioned shall be payable to the new combined police authorities or the councils of such areas or counties.”.

(9) In article 16 (residual transfer of property) there shall be added—

“(2A) The following entry in the said Schedule 4, namely

“The Water Supply Industry Training Board”

shall extend to property held by the Board for the purposes of charitable trusts.”.

(10) After article 16 there shall be inserted—

“Property of new town development corporations

16A.—(1) Subject to paragraph (2), any transfer of the property of a new town development corporation made by the preceding articles of this order shall be on the basis of the payment therefor of the total capital cost thereof reduced by the provision as to depreciation already made.

(2) Paragraph (1) shall not apply to—

- (a) the Stevenage trunk sewer running from Elder Way to the Rye Meads purification works; or
- (b) the Harlow trunk sewer running from the Temple Fields Industrial Area to the Rye Meads purification works,

and nothing in paragraph (2) of article 18 shall extend to such sewers.”.

(11) In article 17 (general saving for agreements), in paragraph (4), for “14 and 15” there shall be substituted “14, 15 and 16A”.

(12) In article 21 (questions as to appropriations), there shall be added—

“In relation to the Greater London Council, the council of any London borough and the Common Council of the City of London, this article shall have effect with the substitution for the reference to 9th November 1973 of a reference to 14th March 1974.”.

(13) In article 23 (user rights)—

(a) in paragraph (1) there shall be added—

“In the preceding sub-paragraph the reference to the authority exercising the functions described in (i) or (ii) extends to an authority established by the National Health Service Reorganisation Act 1973 exercising the functions so described.”;

(b) in paragraph (4) there shall be added—

“In the preceding sub-paragraph the reference to any other authority exercising any of the functions described in (a) extends to an authority established by the National Health Service Reorganisation Act 1973 exercising the functions so described.”;

(c) there shall be inserted—

“(4A) The parish council of any parish constituted under Part V of Schedule 1 to the Act in the area of any borough or urban district or the parish council of Alston with Garrigill,

Disley or Tintwistle, constituted by section 9(4) of the Act for an area coextensive with a rural district (hereinafter referred to as `case (f)') shall be entitled, for the proper discharge of their functions, to the use of accommodation in property which immediately before 1st April 1974 is held by the council of the borough, urban district or rural district under section 125 of the Local Government Act 1933.”;

- (d) in paragraph (6), for “(d) or (e)” there shall be substituted “(d), (e) or (f)”; and
- (e) there shall be added—

“(8) An authority shall not sell, exchange, lease or otherwise dispose of property in respect of which user rights are ensured by this article, or develop the land on which such property is situated, unless they have consulted all authorities entitled to such user rights and made such arrangements as may 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.”.

- (14) In article 29(1) (byelaws) there shall be added—

“If such authority has no power, apart from this sub-paragraph, to amend or revoke byelaws, any byelaws to which the preceding sub-paragraph applies may be amended by a byelaw made under this sub-paragraph. Section 236(3) to (10) of the Act shall apply to any such byelaw and the Secretary of State or any appropriate Minister shall be the confirming authority in relation thereto. In this sub-paragraph `the appropriate Minister', in relation to any byelaw, means the Minister in charge of any Government department concerned with the subject matter of the byelaw; but the validity of the confirmation of any byelaw shall not be affected by any question as to whether or not any Minister so confirming was the appropriate Minister for the purpose”.

- (15) In article 39(2) (general provision as to disputes), for “(4) or (5)” there shall be substituted “(4), (5) or (5A)”.

- (16) In Schedule 1 (transfer of particular properties)—

- (a) for the fourth item there shall be substituted—

“The corporation or council of the city of Liverpool	Lake Vyrnwy and the surrounding estate, including the Marchnant and Cowny catchwaters, except the parts thereof comprised in the following entry	The Sever-Trent Water Authority
	The headworks at Lake Vyrnwy, the aqueduct therefrom to the boundary of the North West Water Authority's area for water supply purposes and the treatment works at Oswestry	The North West Water Authority
	The intake on the river Dee at Huntington, the treatment works and pumping station and the aqueduct to Norton	The North West Water Authority
The corporation or council of any borough (including the London borough of Croydon)	Land, buildings and works in the area for water supply purposes of the Welsh National Water Development	The Welsh National Water Development Authority

*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***

or the council of any urban or rural district	Authority and not comprised in the preceding entry	
The corporation or council of any borough (including the London borough of Croydon) or the council of any urban or rural district	Except as provided in the preceding entries, any water undertaking of the transferor authority	The water authority within whose area for water supply purposes the limits of supply of the transferor authority are comprised
The East Shropshire Water Board	Boreholes and works at Overton Scar	The Severn-Trent Water Authority
The Mid Cheshire Water Board	The intake on the river Dee at Froncysyllte	The North West Water Authority
The Staffordshire Potteries Water Board	Borehole and works at Tower Wood	The Severn-Trent Water Authority
The Wirral Water Board	Land, buildings and works in the area for water supply purposes of the Welsh National Water Development Authority other than the specified works*	The Welsh National Water Development Authority
The Wirral Water Board	The specified works*	The North West Water Authority”

;and

(b) there shall be added—

“*The specified works are the intakes at Heronbridge and Deeside, the aqueduct connecting them, the aqueduct from the Heronbridge intake to the Alwen aqueduct and the treatment works at Ashgrove and Sealand, the Alwen aqueduct from the intersection of the aqueduct from Heronbridge to the boundary of the North West Water Authority's area for water supply purposes, and the aqueducts from the Deeside intake to such boundary.”.

(17) Schedule 1 shall be extended by the inclusion of Part I of the Schedule “Extension of Schedule 1 of the Local Authorities (England) (Property etc.) Order 1973” signed by an Assistant Secretary in the Department of the Environment. The provision contained in Part II of the Schedule shall have effect in relation to particular matters included in Part I. The Schedule is deposited in the offices of the Secretary of State for the Environment. Copies of the Schedule have been deposited with the councils of counties and districts in England, with the Greater London Council, the councils of London boroughs and the Common Council of the City of London and with the water authorities and shall be open to inspection at all reasonable times.

(18) In Schedule 2 (transfer of specified classes of property, etc.)—

(a) in paragraph 1(b) (definition of “parish matters” in relation to the corporations or councils of non-county boroughs and the councils of urban districts)—

in item (i) there shall be added—

“(c) town and village greens, seats and shelters, public clocks, war memorials, bicycle parking places and litter bins;

(d) property held for burial purposes not comprising crematoria, including mortuaries provided under the Burial Acts 1852 to 1906; and

(e) rights in commons;”;

in items (ii), (iii) and (iv) for “functions or parish property” there shall be substituted “functions or property”;

(b) in paragraph 1(c)—

after ““national park matters”,”, there shall be inserted “excise and licensing matters, pollution control matters, fisheries matters,”;

after “property held” there shall be inserted “(or in the case of a new town development corporation provided)”; and

after “National Park Committee;” there shall be inserted—

“(iia) in the case of excise and licensing matters, functions of the Secretary of State for the Environment under the Vehicles (Excise) Act 1971 and Part III of the Road Traffic Act 1972 exercised on his behalf under section 2 of the Vehicle and Driving Licences Act 1969;

(iib) in the case of pollution control matters and fisheries matters, functions which under the Water Act 1973 are to be exercised by the Thames Water Authority;”;

(c) in the Table—

(i) there shall be inserted—

“5a	Any county council named in item 5 other than the county council of Gloucestershire, Somerset or Surrey	Police matters being local matters in relation to any area of the county included in a new county	The council of the county in which the area is comprised”;
-----	---	---	--

(ii) in item 6, in column (3) there shall be added “and excise and licensing matters”;

(iii) there shall be inserted—

“8a	The county council of Hertfordshire or Wiltshire	Police matters	The county council of Hertfordshire or Wiltshire
8b	The county council of Somerset	Police matters	The Avon and Somerset Police Authority
8c	The county council of, or the police committee for, the county of Surrey	Police matters being local matters in relation to the area of the county included in Surrey	The county council of, or the police committee for, the county of Surrey
		Police matters being local matters in relation to the area of the county included in West Sussex	The Sussex Police Authority
8d	The county council of, or the police committee for, the county of Gloucestershire	Police matters being local matters in relation to the area of the county included in Avon	The Avon and Somerset Police Authority
		Police matters being local matters in relation to the area of the county included in Gloucestershire	The county council of, or the police committee for, the county of Gloucestershire”;

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**

(iv) in item 10, in column (3), after “county matters,” there shall be inserted “excise and licensing matters,”;

(v) there shall be inserted—

“10a	The council of the county borough of Ipswich	Excise and licensing matters	The county council of Suffolk
10b	The council of any county other than Rutland or any county borough other than Ipswich	Excise and licensing matters	The council specified in respect of such council in column (2) of Part I or II of Schedule 4
10c	The corporation, council or watch committee of the county borough of Birmingham, Kingston upon Hull or Teesside	Police matters	The county council or the police committee, as may be appropriate, of the county of West Midlands, Humberside or Cleveland
10d	The corporation, council or watch committee of the county borough of Bradford or Leeds	Police matters	The county council or the police committee, as may be appropriate, of the county of West Yorkshire
10e	The corporation, council or watch committee of the county borough of Bristol	Police matters	The Avon and Somerset Police Authority”;

(vi) There shall be inserted—

“13a	Any parish council to whom any matters not covered in relation to such council by item 13 have been transferred	The matters described in column (2)	The council of the district in which the area of the parish council is comprised”;
------	---	-------------------------------------	--

(vii) in item 19, in column (2), after “borough” there shall be inserted “(including a London borough)”;

(viii) there shall be inserted—

“19a	The Greater London Council Any new town development corporation	Sewerage and sewage disposal matters being local matters in relation to the area for sewerage and sewage disposal purposes of any water authority	The water authority”
“24	The Port of London Authority The Greater London Council Pollution control matters and fisheries matters The Thames Water Authority		

25	The Cheshire, Durham, Hampshire, Lancashire, Lincolnshire, Nottinghamshire, Staffordshire County and Stoke-on-Trent, Suffolk, Warwickshire and Coventry, West Mercia, West Yorkshire or York and North-East Yorkshire police authority	Local matters in relation to any area of the authority included in the county of Cheshire, Cleveland, Cumbria, Derbyshire, Dorset, Durham, Greater Manchester, Humberside, Lancashire, Lincolnshire, Merseyside, Norfolk, North Yorkshire, Nottinghamshire, South Yorkshire, Staffordshire, Suffolk, Warwickshire, West Midlands or West Yorkshire	The county council or the police committee, as may be appropriate, of the county
26	The Durham, Hampshire, or West Mercia police authority	Local matters in relation to any area of the authority included in the new Northumbria, Hampshire or West Mercia combined police area	The combined police authority for the new combined police area
27	The Berkshire, Buckinghamshire, Cheshire, Durham East Riding and York City, East Sussex, Gloucestershire, Hampshire Lancashire North, Lancashire South East, Lancashire South West, Lincolnshire, North Riding, Nottingham City and County, Somerset and Bath, Staffordshire, Suffolk, Surrey, Warwickshire, Worcester City and County or West Riding probation and aftercare committee	Local matters in relation to any part of the area of the existing committee included in a new county	The committee for the combined probation and after-care area comprised in the new county
28	The Berkshire and Reading or Suffolk and Ipswich combined fire authority	Local matters in relation to any part of the area of the authority included in a new county	The council of the county in which the part of the area is comprised.”

(19) In Schedule 3 (agreements as to the transfer of property other than land), in Part II there shall be added—

“The county council of, or the police committee for, the county of Gloucestershire or Surrey, or the Cheshire, Durham, Hampshire, Lancashire, Lincolnshire, Nottinghamshire, Staffordshire County and Stoke-on-Trent,	The county councils of, or the police committees for, the counties, or the combined police authorities for the new combined police areas, in which any area of the county
---	---

*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***

Suffolk, Warwickshire and Coventry, West of Gloucestershire or Surrey or the existing
Mercia, West Yorkshire or York and North-East combined police area are comprised”
Yorkshire police authority

(20) In Schedule 4 (residual transfer of property, etc.), in Part II,—

- (a) in column (2), in the entry beginning “The water authority within whose area for water supply purposes” there shall be added, “or where water is supplied only to constituent members of the transferor authority, the water authority within whose area for water supply purposes the limits of supply of the constituent members, or a majority of the constituent members, are comprised”; and
- (b) there shall be added—

“The West Riding (Local Authorities) Superannuation Joint Committee	The County Council of West Yorkshire
The Bucklow (Superannuation) Joint Committee	The County Council of Cheshire
The Central Lancashire (Local Authorities) Joint Superannuation Committee	
The East Cheshire (Local Authorities) Joint Superannuation Committee	The County Council of Greater Manchester
The South-East Lancashire (Local Authorities) Superannuation Joint Committee	
The Cotswold District Joint Superannuation Committee	The County Council of Gloucestershire
The Durham (Local Authorities) Superannuation Joint Committee	The County Council of Durham
The Lichfield (Superannuation) Joint Committee	The County Council of Staffordshire
The Northumberland (Local Authorities) Superannuation Joint Committee	The County Council of Northumberland
The West Lancashire (Superannuation) Joint Committee	The County Council of Merseyside
Any other joint committee established by a scheme of combination made under section 2 of the Local Government Superannuation Act 1937	The council of the county within which the areas, or the greater part of the areas, of the constituent authorities of the joint committee are situated
The Water Resources Board	The Secretary of State for the Environment and the Secretary of State for Wales
The Metropolitan Water Board	The Thames Water Authority
The Clywedog Reservoir Joint Authority	The Severn-Trent Water Authority
The Association of River Authorities	The National Water Council
The British Waterworks Association	The National Water Council

The Water Supply Industry Training Board	The National Water Council
The Cuxton Committee incorporated by the North West Kent Joint Water Act 1936(3)	The Southern Water Authority
The Hartley Committee so incorporated	The Mid Kent Water Company
The police committee for the county of Hertfordshire, Surrey or Wiltshire	The police committee for the county of Hertfordshire, Surrey or Wiltshire
The police committee for Gloucestershire	The police committee for the county of Gloucestershire
The Bedfordshire and Luton, Cheshire, Cumbria, Dorset and Bournemouth, Durham, Essex and Southend-on-Sea, Lancashire, Leicester and Rutland, Lincolnshire, Liverpool and Bootle, Manchester and Salford, Mid-Anglia, Norfolk, Northampton and County, Nottinghamshire, Sheffield and Rotherham, Staffordshire County and Stoke-on-Trent, Suffolk, Warwickshire and Coventry, West Midlands, West Yorkshire or York and North-East Yorkshire police authority	The county council or the police committee, as may be appropriate, of the county of Bedfordshire, Cheshire, Cumbria, Dorset, Durham, Essex, Lancashire, Leicestershire, Lincolnshire, Merseyside, Greater Manchester, Cambridgeshire, Norfolk, Northamptonshire, Nottinghamshire, South Yorkshire, Staffordshire, Suffolk, Warwickshire, West Midlands, West Yorkshire or North Yorkshire
The Derby County and Borough police authority	The police committee for the county of Derbyshire
The Devon and Cornwall police authority	The Devon and Cornwall Police Authority
The Hampshire police authority	The Hampshire Police Authority
The Kent police authority	The police committee for the county of Kent
The Northumberland police authority	The Northumbria Police Authority
The Somerset and Bath police authority	The Avon and Somerset Police Authority
The Sussex police authority	The Sussex Police Authority
The West Mercia police authority	The West Mercia Police Authority
The Berkshire probation and after-care committee	The Berkshire Probation and After-care Committee
The Buckinghamshire probation and after-care committee	The Buckinghamshire Probation and After-care Committee
The Cheshire probation and after-care committee	The Cheshire Probation and After-care Committee
The Durham probation and after-care committee	The Durham Probation and After-care Committee
The East Riding and York City probation and after-care committee	The Humberside Probation and After-care Committee
The East Sussex probation and after-care committee	The East Sussex Probation and After-care Committee

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**

The Gloucestershire probation and after-care committee	The Gloucestershire Probation and After-care Committee
The Hampshire probation and after-care committee	The Hampshire Probation and After-care Committee
The Lancashire North probation and after-care committee	The Lancashire Probation and After-care Committee
The Lancashire South East probation and after-care committee	The Greater Manchester Probation and After-care Committee
The Lancashire South West probation and after-care committee	The Merseyside Probation and After-care Committee
The Lincolnshire probation and after-care committee	The Lincolnshire Probation and After-care Committee
The North Riding probation and after-care committee	The North Yorkshire Probation and After-care Committee
The Nottingham City and County probation and after-care committee	The Nottinghamshire Probation and After-care Committee
The Somerset and Bath probation and after-care committee	The Somerset Probation and After-care Committee
The Staffordshire probation and after-care committee	The Staffordshire Probation and After-care Committee
The Suffolk probation and after-care committee	The Suffolk Probation and After-care Committee
The Surrey probation and after-care committee	The Surrey Probation and After-care Committee
The Warwickshire probation and after-care committee	The Warwickshire Probation and After-care Committee
The West Riding probation and after-care committee	The West Yorkshire Probation and After-care Committee
The Worcester City and County probation and after-care committee	The Hereford and Worcester Probation and After-care Committee
Any probation and after-care committee whose area is included in Northumberland and Tyne and Wear	The Northumbria Probation and After-care Committee
Any other probation and after-care committee	The committee for the combined probation and after-care area in which the area of the existing committee is comprised
The Berkshire and Reading combined fire authority	The County Council of Berkshire
The Suffolk and Ipswich combined fire authority	The County Council of Suffolk
Any body constituted by an order under section 112(1) of the Local Government Act 1933 or any enactment replaced by that	The council of the district in which the area of the county boroughs or county districts, or the greater part of the area, is comprised”.

provision, uniting any county boroughs or county districts

(21) Any reference in the principal order to any provision of that order amended by paragraphs (2) to (20) shall be construed as a reference to the provision as so amended.

Further provision as to inventories

5.—(1) The council of any county borough from whom any road passenger transport undertaking will be transferred to a Passenger Transport Executive by article 7 of the principal order shall, not later than 21st March 1974, supply to such Executive a statement of any appropriations made between 26th October 1972 and 10th November 1973 of land held for the purposes of the undertaking.

(2) Any authority from whom any water undertaking, or part of any water undertaking, will be transferred to a water authority by article 7 of the principal order as made shall, not later than 21st March 1974, supply to such water authority a statement of any appropriations made between 26th October 1972 and 10th November 1973 of land held for the purposes of water supply.

(3) Any authority from whom any sewer or any sewage disposal works will be transferred to a water authority by article 8 of the principal order as made shall, not later than 21st March 1974, supply to such water authority a statement of any appropriations subsequent to 26th October 1972 of land held for the purposes of sewerage and sewage disposal.

(4) Any authority from whom any land held for the purposes of sewerage and sewage disposal will be transferred to a water authority by any provision of the principal order as amended by this order other than article 8 shall, not later than 21st March 1974, supply to such water authority—

- (a) an inventory of such land;
- (b) a statement of the appropriations subsequent to 9th November 1973 of land held for the purposes of sewerage and sewage disposal; and
- (c) a statement of the appropriations made between 26th October 1972 and 10th November 1973 of such land.

In relation to the Greater London Council, the council of any London borough and the Common Council of the City of London, this paragraph shall have effect with the substitution for the references to 9th and 10th November 1973 of references to 14th and 15th March 1974 respectively.

(5) The Greater London Council, the council of the London borough of Croydon and the Port of London Authority shall, not later than 21st March 1974, supply to the Thames Water Authority—

- (a) an inventory of the land, buildings, water mains, vehicles and other plant which will be transferred to such authority—
 - in the case of the Greater London Council and the Port of London Authority, by article 9 of the principal order as amended by this order;
 - in the case of the council of the London borough of Croydon, by article 7 of the principal order as so amended;
- (b) a statement of the appropriations subsequent to 14th March 1974 of land which apart from such appropriations would be transferred as aforesaid;
- (c) a statement of the appropriations between 26th October 1972 and 15th March 1974 of land which apart from such appropriations would be so transferred.

Further provision as to inspection of documents

6.—(1) Any officer of the Thames Water Authority, duly authorised in that behalf, shall, for the purposes of the functions of the Authority, be entitled during ordinary office hours to inspect and take

*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***

extracts from any books or documents of the Greater London Council, the council of any London borough, the Common Council of the City of London or the Port of London Authority existing on 31st March 1974 and not in the custody of the Thames Water Authority.

(2) Any officer of the Anglian Water Authority, duly authorised in that behalf, shall, for the purposes of the functions of the Authority, be entitled during office hours to inspect and take extracts from any books or documents of the council of the London borough of Havering existing on 31st March 1974 not in the custody of the Authority.

(3) Any officer of a water authority, duly authorised in that behalf, shall, for the purposes of the functions of the authority, be entitled during office hours to inspect and take extracts from any books or documents of a new town development corporation existing on 31st March 1974 and not in the custody of the authority.

Use of direct labour for completion of construction

7. Where any building or work is on 1st April 1974 in course of construction by any authority and—

- (a) by virtue of the principal order the building or work is transferred to one authority; and
- (b) by virtue of orders made under the Act the officers of the first-mentioned authority employed in the construction are transferred to another authority,

the authority mentioned in (a) and the authority secondly mentioned in (b) may enter into an agreement for the completion of the construction by the authority secondly mentioned in (b).

In this article “officers”, in relation to any authority, includes the holders of any offices or employments under that authority.

Easements and rights over land

8.—(1) Where parts of any land are in consequence of the principal order vested in two different authorities, and any easement or other right over one part is required to enable the other part to be used, the authority in whom the said other part is vested may serve notice on the authority in whom the said one part is vested specifying such easement or other right and requiring the authority in whom the said one part is vested to grant the same to them on terms specified in the notice.

(2) Any question—

- (a) whether any easement or other right is required to enable the said other part to be used; or
- (b) as to the terms on which any easement or other right shall be conferred,

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.

(3) Paragraphs (4) and (5) of article 39 of the principal order (which make provision in relation to the decision of questions) shall apply as if the provision of this article were contained in the principal order.

Sale, etc., and development of land

9.—(1) This article shall cease to have effect on 1st April 1979 except that a certificate given under paragraph (4)(d) or (e) shall continue to have effect as a document of title.

(2) This article applies to—

- (a) the councils of counties and districts;
- (b) the parish authorities of the parishes—
 - (i) constituted under Part V of Schedule 1 to the Act;

- (ii) constituted by paragraph 1 of Part IV of the said Schedule or by article 3(2) of the New Parishes Order 1973; or
- (iii) enlarged by paragraph 2 of the said Part IV or by article 3(3) of the said order;
- (c) water authorities; and
- (d) Passenger Transport Executives.

(3) In respect of land vested immediately before 1st April 1974 in the council of an area described in column (1) of the following table (or in the case of any borough in the corporation of the borough) the relevant authorities are the authorities specified in respect of such authority in column (2).

TABLE

(1)	(2)
Any administrative county or county borough	The council of any county or district in which any part of the administrative county or county borough is comprised. The water authority for the area in which the land is situated. The regional health authority for the area in which the land is situated. In the case of any county borough in which a road passenger transport undertaking is transferred from the corporation or council by the principal order, the Passenger Transport Executive.
Any county district	The council of any county or district, and the parish authority of any parish, in which any part of the county district is comprised. The water authority for the area in which the land is situated. The regional health authority for the area in which the land is situated.
Any divided parish as defined in the principal order	The parish authority of the parish in which any part of the parish is comprised or where such part is not comprised in any parish the council of the district.

- (a) (4) (a) This paragraph applies where an authority to whom this article applies are proposing—
 - to sell or to exchange,
 - to lease, or otherwise to dispose of, for a term exceeding 21 years,land transferred to them by any provision of the principal order other than—
 - land transferred by article 7 of the principal order; and

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**

in the case of a water authority, land transferred from the Greater London Council, the council of a London borough, the Corporation of the City of London, the Honourable Society of the Inner Temple, the Honourable Society of the Middle Temple or the Port of London Authority.

- (b) Save as provided in sub-paragraph (e), the authority shall, not less than 30 days before completion of the transaction as between the parties, give notice of their proposal to the other relevant authorities.
- (c) Any notice required by sub-paragraph (b) shall—
 be given by recorded delivery;
 indicate whether the land is registered, and, if it is, the title number; and include the name and address of the purchaser, lessee or other disponee or of such persons as have been nominated by him.
- (d) At the expiration of 30 days from the giving of the notice under sub-paragraph (b) the authority first mentioned in that sub-paragraph shall give to the purchaser, lessee or other disponee, or to such persons as have been nominated by him, a certificate that they gave the notice and where the land is not registered, if that is the case, that no notices under sub-paragraph (f)(ii) were received by them within the period there specified.
- (e) Sub-paragraphs (b), (c) and (d)—
 (i) shall not apply where an authority have on an earlier proposal to sell, exchange, lease or otherwise dispose of the land in question taken action under sub-paragraph (b) and no relevant authority or other water or regional health authority have lodged a caution with the Chief Land Registrar in respect of the land or given notice by recorded delivery to the first-mentioned authority that they dispute the transfer to such authority;
 (ii) shall not apply to the sale of a Housing Revenue Account dwelling by any authority where a notice applicable to the whole of the estate comprising the dwelling that such estate has been transferred to them has been given by recorded delivery by the authority to the relevant authorities, and no relevant authority or other water or regional health authority have given such notice as is described in (i);
 (iii) shall not apply where notice has been given by an authority under paragraph (7) in respect of the land in question, and no relevant authority or other water or regional health authority have given such notice as is described in (i),

but on any proposed sale, exchange, lease or other disposition in relation to which, apart from this sub-paragraph, the said sub-paragraphs would have applied such a certificate as is described in sub-paragraph (d) shall be given to the purchaser, lessee or other disponee, or to such persons as have been nominated by him.

In this sub-paragraph “Housing Revenue Account dwelling” means such a dwelling within the meaning of the Housing Finance Act 1972.

- (f) No claim by a relevant authority or any other water or regional health authority that any land described in sub-paragraph (a) was transferred to them by the principal order shall have effect to affect the title of the purchaser, lessee or other disponee unless—
 (i) in any case described in (i), (ii) or (iii) of sub-paragraph (e) such a notice as is described in (i) has been given or in the case described in (i) a caution has been lodged with the Chief Land Registrar;
 (ii) in any other case, within 21 days of the giving of the notice required by sub-paragraph (b) the relevant authority or other water or regional health authority have—

where the land is registered, lodged a caution with the Chief Land Registrar in respect of the land; or

otherwise, given notice by recorded delivery to the authority first mentioned in sub-paragraph (b) that they dispute the transfer to such authority.

(g) The provision of sub-paragraph (f) is without prejudice to the Land Registration (Official Searches) Rules 1969(4).

(5) Where an authority to whom this article applies are proposing to lease or otherwise dispose of, for a term not exceeding 21 years, land transferred to them by any provision of the principal order other than land specified as exceptions in paragraph (4)(a) they may give notice of their proposal by recorded delivery to the other relevant authorities.

(6) No claim by a relevant authority or any other water or regional health authority that any land in respect of which notice has been given to them as provided in paragraph (5) was transferred to them by the principal order shall have effect to affect the title of the lessee or other disponee unless within 21 days of the giving of the notice the relevant authority or other water or regional health authority have given notice by recorded delivery to the authority first mentioned as aforesaid that they dispute the transfer to such authority.

(7) Where an authority to whom this article applies are proposing to develop any land transferred to them by any provision of the principal order other than land specified as exceptions in paragraph (4)(a) they may give notice of their proposal by recorded delivery to the other relevant authorities.

(8) Nothing in paragraphs (4) to (7) applies to the sale by a local authority of land mortgaged to the authority from whom it was transferred to them by the principal order.

12th March 1974

Anthony Crosland
Secretary of State for the Environment

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**

EXPLANATORY NOTE

General provision was made, for England, in the Local Authorities (England) (Property etc.) Order 1973, for the transfer of property, liabilities, contracts, etc., notices, and actions and proceedings and causes of action or proceeding from the existing local 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.

The present Order—

- (a) extends the provisions of the Order of 1973, effecting the transfer of further property associated with functions transferred by the Water Act 1973 to the new Water Authorities, the transfer of police property, etc.
- (b) in Article 4(17), extends Schedule 1 of the principal Order (transfer of particular properties) by the inclusion of the Schedule described in that paragraph; and
- (c) in Articles 5 to 9, makes further supplementary provision.