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STATUTORY INSTRUMENTS

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**1974 No. 595**

**The Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1974**

**Miscellaneous amendments of public general and other Acts**

3.—(1) In the Telegraph Act 1863—

(a) for section 9 as amended in Schedule 5 to the Public Utilities Streets Works Act 1950 there shall be substituted—

“9. The company shall not place a telegraph under any street not being a highway maintainable at the public expense except with the consent of the body having the control of the street.”

(b) in section 21—

for the words from “Provided” to “large town,” there shall be substituted—

“Provided always that if the body having the control of any street”;

for the words from “subject nevertheless” to “such telegraph” there shall be substituted—

“subject nevertheless to sections 23 to 29 of this Act and to the following provisions:—”;

and

(c) in section 23, for the words preceding “they shall publish a notice” there shall be substituted “Before the company proceeds to place a telegraph over, along or across a street or a public road, or to place posts in or upon a street or a public road,”.

(2) In the Telegraph Act 1892, in section 5(2)(b)—

for “in any urban sanitary district outside Greater London of the urban sanitary authority, and elsewhere of the county council” there shall be substituted “elsewhere of the district council,”

for “county council or urban sanitary authority” there shall be substituted “or district council”.

(3) In the Patriotic Fund Reorganisation Act 1903, in Schedule 1 (constitution of Royal Patriotic Fund Corporation), in paragraph 1, for items (b), (c) and (d) in their application to England and Wales there shall be substituted—

“(b) The lord-lieutenant for each county and the lord-lieutenant of Greater London.

(c) The chairman for the time being of the council of every county and every metropolitan district and of the Greater London Council;

Provided that any such council may, if the chairman is unable or unwilling to act, appoint some other person to be a member of the Corporation, and any person so appointed shall hold office for one year from the time of his appointment.

(cc) The Lord Mayor of London and the mayor for the time being of every London borough.

(ccc) Any other person for the time being entitled to the style of Lord Mayor.”,

and in item (d) as amended by the Transfer of Functions (Local Government, etc.) (Northern Ireland) Order 1973 the words “and the mayor for the time being of every county borough in England and Wales” shall be omitted.

(4) In the Telegraph (Construction) Act 1908, for section 2 there shall be substituted—

“2. The provisions of section 21 of the Telegraph Act 1863 shall extend to public roads as well as to streets.”

(5) In the Land Drainage Act 1930, for section 23(1) (expenses of county councils) as it applies to London boroughs by virtue of paragraph 1 of Schedule 14 to the London Government Act 1963 and paragraph 25(5) of Schedule 29 to the Act, there shall be substituted—

“(1) Any amount due to a water authority from the council of a London borough under the Water Act 1973 shall be defrayed as the council, having regard to the benefit, if any, derived by various areas, think just and equitable as general expenses or as special expenses chargeable on such part or parts of the London borough within the water authority's area as the council think fit.”.

(6) In the Green Belt (London and Home Counties) Act 1938—

(a) in section 2(1), for the definitions of “the area” and “local authority”, there shall be substituted—

“the expression “the area” means—

Greater London

the counties of Buckinghamshire, Hertfordshire and Surrey

the county of Essex other than the borough of Southend-on-Sea

the county of Kent other than the area of the former county borough of Canterbury

in the county of Berkshire—

the borough of Slough

in the borough of Windsor and Maidenhead, the parishes of Datchet, Eton, Horton and Wraysbury

in the county of West Sussex, so much of the borough of Crawley as was immediately before 1st April 1974 comprised in the administrative county of Surrey;”

and

“the expression “local authority” means the Greater London Council, a London borough council or the council of any county or district wholly or partly within the area;”

(b) the expression “contributing local authority”, in relation to any land in relation to which, if the Act had not been passed, any existing council to whom section 1(10) of the Act applies would have been such an authority shall include the council of any county or district whose area includes the whole or any part of the area of that existing council; and

(c) in section 2(2) the words “or the municipal corporation of the county borough” shall be omitted.

(7) In the Representation of the People Act 1949

(a) in section 36(2) for “section seventy-two of the Local Government Act, 1933”, there shall be substituted “section 44 of the Local Government Act 1972”;

(b) in section 172(1), for the definition of “local government Act” there shall be substituted—

““local government Act” means the Local Government Act 1972;”;

and

(c) in Schedule 8, in paragraph 2 (references in other Acts) for “the registration officer or returning officer appointed under this Act” there shall be substituted “the registration officer appointed under section 39, or the returning officer appointed under section 40, of the Local Government Act 1972”.

(8) In the Dog Licences Act 1959—  
in section 10(1)—  
for the words preceding “shall keep”, there shall be substituted “The proper officer of the council of every district or London borough, and the Town Clerk of the City of London,”; and  
for “county or borough”, there shall be substituted “area”; and  
in section 13, for “county or county borough” there shall be substituted “district or London borough, or of the Common Council of the City of London,”.

(9) In the Humber Bridge Act 1959, for section 6 (constitution of Humber Bridge Board) there shall be substituted—

“6. The Board shall consist of 22 members to be appointed as follows—  
12 members to be appointed by the District Council of Kingston upon Hull  
2 members to be appointed by the County Council of Humberside;  
1 member to be appointed by the County Council of Lincolnshire;  
1 member to be appointed by the District Council of Scunthorpe;  
3 members to be appointed by the Borough Council of Beverley; and  
3 members to be appointed by the Borough Council of Glanford.”

and article 20(2) and (3) of the Local Authorities etc. (Miscellaneous Provision) Order 1974(1) shall apply to the Board with the necessary modifications.

(10) In the London Government Act 1963, in Schedule 14 (functions with respect to land drainage), in paragraph 11, after “this Schedule” there shall be inserted “or section 34 of the Act of 1961”.

(11) In the Severn Bridge Tolls Act 1965, in section 3(7), for the definitions of “the county councils” and “local authority” there shall be substituted—

““the county councils” means the councils of the counties of Avon and Gwent respectively;  
“local authority” means the council of a county or district;”

(12) In the Gas Act 1965, in section 28(1), in the definition of “local authority” for “the council of a county, county borough or county district” there shall be substituted “the council of a county or district”.

(13) In the Docks and Harbours Act 1966, in Schedule 1 (Ports and Licensing Authorities), as amended by the Docks and Harbours Act 1966 (Amendment No. 6) Order 1973(2), in respect of any port specified in Column (1) of the following table the authority specified in respect thereof in column (2) shall be substituted as the licensing authority.

**TABLE**

<i>(1)</i> <i>Port</i>	<i>(2)</i> <i>Licensing Authority</i>
Boston	The District Council of Boston
Wisbech	The District Council of Fenland
Whitstable	The City Council of Canterbury
Weymouth	The Borough Council of Weymouth and Portland

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(1) (1974 I, p. 1690).

(2) (1973 I, p. 478).

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<i>(1)</i> <i>Port</i>	<i>(2)</i> <i>Licensing Authority</i>
Penryn	The District Council of Carrick
Penzance	The District Council of Penwith
Truro	The District Council of Carrick
Bristol	The City Council of Bristol
Preston	The Borough Council of Preston
Sunderland	The Borough Council of Sunderland

(14) In the Post Office Act 1969, in section 14(1) (Post Office users' councils) for “a users' council for Wales and Monmouthshire, to be called “the Post Office Users' Council for Wales and Monmouthshire”” there shall be substituted a “users' council for Wales, to be called “the Post Office Users' Council for Wales””.

(15) In the Courts Act 1971, Schedule 3 (premises formerly used for business of abolished courts) shall apply, in respect of any premises being, or being comprised in, any property transferred by the Local Authorities (England) (Property etc.) Order 1973(3) or the Local Authorities (Wales) (Property etc.) Order 1973(4), with the substitution for the substitution for the authority from whom the property is transferred of the authority to whom it is transferred.

(16) In the Pensions (Increase) Act 1971, in Schedule 3, in paragraph 6(1) (Definition of local authority”), for sub-paragraph (a) there shall be substituted—

- “(a) in England and Wales
- (i) the Greater London Council, the Common Council of the City of London and the council of a London borough;
  - (ii) in respect of any time before 1st April 1974, the council of an administrative county, county borough or county district;
  - (iii) the council of a county or district established by or under the Local Government Act 1972; and
  - (iv) any other local authority within the meaning of the Local Loans Act 1875; and”.

(17) In the Housing Finance Act 1972 in Schedule 9 (minor and consequential amendments)— in paragraph 2(1), for the words preceding “Except” there shall be substituted—

“(1) In paragraph 17 of Schedule 13 to the Local Government Act 1972 (local authorities' capital funds) after sub-paragraph (1) there shall be inserted—

“(1A).”.

in paragraph 2(2), for the words preceding “Except” there shall be substituted—

“(2) After the said paragraph 17 there shall be inserted—

“17A.”

(18) In the Gas Act 1972, in section 39(3), for “the council of a county, county borough or county district” there shall be substituted “the council of a county or district”.

(19) In the Act, paragraph 6(2)(b) and (4) of Schedule 29 (provision for the construction of references to parishes and rural parishes) shall apply to the areas constituting parishes by virtue of

(3) (1973 III, p. 6401).

(4) (1973 III, p. 6452).

article 3(2) of the New Parishes Order 1973 and article 3 of the New Parishes (Amendment) Order 1973 as they apply to the areas mentioned in paragraph 3 of Part IV of Schedule 1 to the Act.

(20) Any statutory provision contained in any local or private Act or made under section 30 of the Local Loans Act 1875 which is inconsistent with the Local Authority (Stocks and Bonds) Regulations 1974<sup>(5)</sup> shall cease to have effect.

(21) Any local statutory provision which would, but for this paragraph, operate so as to empower the council of a district in a metropolitan county to carry on a road passenger transport, ferry or railway undertaking shall cease to have effect, and no such council shall, by virtue of Part V (running of public service vehicles by local authorities) of the Road Traffic Act 1930, have power to run public service vehicles on any road inside or outside their district.

(22) The enactments specified in Schedule 1 to this order are hereby repealed to the extent mentioned in column (3) thereof.

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(5) (1974 I, p. 1977).