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## STATUTORY INSTRUMENTS

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### 1978 No. 440

## The Local Authorities etc. (Miscellaneous Provision) Order 1978

### **Title and commencement**

1. This order may be cited as the Local Authorities etc. (Miscellaneous Provision) Order 1978 and shall come into operation on 8th May 1978.

### **Territorial extent of exercise of powers**

2.—(1) Articles 4, 5 and 6 are made by the Secretary of State for the Environment.

(2) Subject to paragraph (1) and to article 7(1) and (2), this order is made by the Secretary of State for the Environment in relation to England and by the Secretary of State for Wales in relation to Wales.

### **Interpretation**

3.—(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—

- (a) references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment;
- (b) references to any instrument shall be construed as references to that instrument as amended, extended or applied by any other instrument.

(3) 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.

(4) Any reference in 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.

### **Corporations of London boroughs**

4. In the name of the corporation of the inhabitants of any London borough, the word “Aldermen” shall be omitted.

### **Amendment of local Act**

5. In the Greater London Council (General Powers) Act 1967, section 14 (purchases by agreement under Part VII of the Local Government Act 1933) is hereby repealed.

### **New Forest**

6.—(1) In the New Forest Act 1877—

in section 38, in the second paragraph (audit of the annual accounts of verderers) for the words following “appointed by” there shall be substituted “the County Council of Hampshire, and there shall be paid to such auditor in respect of his services by the verderers such sum as may be fixed by the said council.”;

in the said section, in the third paragraph (publication of summary of accounts), for “the county of Southampton” there shall be substituted “the county of Hampshire”; and

in Schedule 3, in the third paragraph (returning officer), for “The sheriff of the county of Southampton” there shall be substituted “The high sheriff of Hampshire”.

(2) In the New Forest Act 1949, in Schedule 1 (electoral registers), in paragraph 6, for “the sheriff of the county of Southampton” there shall be substituted “the high sheriff of Hampshire”.

### **Property, liabilities, contracts, etc., notices and proceedings**

7.—(1) Paragraph (3), in so far as it relates to Part I of the Schedule to this order, and paragraph (4), are made by the Secretary of State for the Environment.

(2) Paragraph (3), in so far as it relates to Part II of the Schedule to this order, and paragraph (5), are made by the Secretary of State for Wales.

(3) Any property described in column (2) of Part I or II of the Schedule to this order of an authority named in column (1) and all liabilities attaching to the said authority in respect of any such property shall by virtue of this order be transferred to and vest in or attach to the authority specified in respect of such property in column (3), and—

- (i) 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 named in the said column (1) in respect of such property or liabilities shall be of full force and effect in favour of, or against, the authority specified in column (3); and
- (ii) any action or proceeding or any cause of action or proceeding, pending or existing immediately before the coming into operation of this order, by, or against, the authority named in the said column (1) in respect of such property or liabilities shall not be prejudicially affected by reason of this article, and may be continued, prosecuted and enforced by, or against, the authority specified in column (3).

(4) Articles 11, 17, 23, 28, 29, 32, 33, 34(2), 35, 38 and 39 of the Local Authorities (England) (Property etc.) Order 1973 and articles 7 and 8 of the Local Authorities etc. (England) (Property etc.: Further Provision) Order 1974 shall apply as if paragraph (3) and Part I of the Schedule to this order were contained in the said order of 1973.

(5) Articles 11, 17, 23, 27, 28, 31, 32, 33(2), 34, 37 and 38 of the Local Authorities (Wales) (Property etc.) Order 1973 and articles 6 and 8 of the Local Authorities etc. (Wales) (Property etc.: Further Provision) Order 1974 shall apply as if paragraph (3) and Part II of the Schedule to this order were contained in the said order of 1973.

9th March 1978

*Peter Shore*  
Secretary of State for the Environment

15th March 1978

*John Morris*  
Secretary of State for Wales