
 STATUTORY INSTRUMENTS

1978 No. 440

LOCAL GOVERNMENT, ENGLAND AND WALES

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

<i>Made - - - -</i>	15th March 1978
<i>Laid before Parliament</i>	3rd April 1978
<i>Coming into Operation</i>	8th May 1978

The Secretary of State for the Environment and the Secretary of State for Wales, in exercise of the powers conferred upon them by sections 254(1)(a) and (2)(a) and (c) of the Local Government Act 1972(a) and section 84(1)(a) and (2)(a) of the London Government Act 1963(b) and of all other powers enabling them in that behalf, hereby make the following order:—

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(c) 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.

 (a) 1972 c. 70.

(b) 1963 c. 33.

(c) 1889 c. 63.

(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Powers) Act 1967(a), section 14 (purchases by agreement under Part VII of the Local Government Act 1933(b)) is hereby repealed.

New Forest

6.—(1) In the New Forest Act 1877(c)—

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(d), 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

(a) 1967 c. xx.
(c) 1877 c. cxxi.

(b) 1933 c. 51.
(d) 1949 c. 69.

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(a) and articles 7 and 8 of the Local Authorities etc. (England) (Property etc.: Further Provision) Order 1974(b) 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(c) and articles 6 and 8 of the Local Authorities etc. (Wales) (Property etc.: Further Provision) Order 1974(d) shall apply as if paragraph (3) and Part II of the Schedule to this order were contained in the said order of 1973.

SCHEDULE

Article 7

TRANSFER OF PARTICULAR PROPERTIES

PART I

(1) Transferor authority	(2) Property	(3) Transferee authority
The County Council of Surrey	Approximately 9.184 hectares (22.69 acres) of the Northey Avenue playing fields, Ewell, used exclusively by Sutton Manor High School for playing field purposes since 1964 subject to a right of way at all times and for all purposes in favour of the transferor authority over the access from Northey Avenue and along a strip of land at the rear of Nos 56/84 Northey Avenue approximately 15.24 metres (50 feet) wide to adjoining land retained by the transferor authority	The corporation of the London Borough of Sutton

(a) S.I. 1973/1861.

(c) S.I. 1973/1863.

(b) S.I. 1974/406.

(d) S.I. 1974/404.

(1) Transferor authority	(2) Property	(3) Transferee authority
The County Council of Surrey	Premises of Gipsy Hill College of Education No. 9369 together with the College Annexe at Kingston Hill in the Royal Borough of Kingston upon Thames but excluding the College out-post at Guildford in the County of Surrey	The corporation of the Royal Borough of Kingston upon Thames
The District Council of Mid Bedfordshire	Car parks at Bedford Street, Church Street, Market Square, and The Sands, Woburn Street, Ampthill	The Town Council of Ampthill
do	The part of the car park at St Andrews Street, Biggleswade required for highway purposes	The County Council of Bedfordshire
do	The remainder of the car park at St Andrews Street, the car parks at Chestnut Avenue and Rose Lane and the two car parks at Market Square, Biggleswade	The Town Council of Biggleswade
do	The car park on the east side of High Street, Sandy	The Town Council of Sandy
The District Council of Shepway	Recreation ground comprising approximately 16.66 acres known as "The Green" Hythe	The Town Council of Hythe
The District Council of Suffolk Coastal	Haylings Road Recreation Ground, together with the two shelters, public conveniences and storehouses thereon	The Town Council of Leiston
The Town Council of Leiston	All town and village greens, shelters, public clocks and bicycle parking places situate in the Town of Leiston	The District Council of Suffolk Coastal
do	The Mortuary at Orchard Road, Leiston	do
do	Leiston Cemetery together with the Cemetery Chapel and War Memorial	do

PART II

(1) Transferor authority	(2) Property	(3) Transferee authority
The Borough Council of Taff-Ely	1.656 acres or thereabouts of allotment land known as Heol Gronfa allotment site adjacent to Heol Gronfa Road, Cilfynydd, Pontypridd	The Town Council of Pontypridd
do	12.034 acres or thereabouts of allotment land known as Llandraw Allotment Site adjacent to Llandraw Road, Maesycod, Pontypridd	do
do	0.30 acres or thereabouts of allotment land known as Lawn Terrace Allotment Site adjacent to Lawn Terrace and Taff House, Treforest, Pontypridd	do

Peter Shore,

Secretary of State for the Environment.

9th March 1978.

John Morris,

Secretary of State for Wales.

15th March 1978.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes further provision incidental, consequential, transitional and supplementary to the Local Government Act 1972 and (as regards item (d) below) the London Government Act 1963, relating to—

- (a) the names of the corporations of London boroughs, where aldermen cease to exist on 8th May 1978;
- (b) the formal repeal of a spent section of a Greater London Council General Powers Act;
- (c) the amendment of Acts relating to the New Forest, precluding the continued operation of section 262(4)(a) of the 1972 Act in bringing Dorset and its high sheriff into certain references as well as Hampshire and its high sheriff;
- (d) the transfer of certain property, etc.

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