

THE ISLES OF SCILLY (LOCAL GOVERNMENT) ORDER, 1948.

Made 16th December, 1948

1948 No. 2733

M.H.108,279.

Whereas it is provided by Section 146 of the Local Government Act, 1948, 11 & 12 Geo. 6. c. 26. that the provisions of the said Act shall, in relation to the Isles of Scilly, have effect subject to such modifications as the Minister of Health may by order direct;

And whereas it is necessary in consequence of the enactment of the said Act to make certain provision in relation to the Isles of Scilly Order, 1927,(b) and the Isles of Scilly Order, 1930.(c)

Now, therefore, the Minister of Health, in exercise of all powers enabling him in that behalf, hereby makes the following order:—

1.—(1) This Order may be cited as the Isles of Scilly (Local Government) Order, 1948.

(2) In this order the expression “the Isles” shall mean the Isles of Scilly and “the Council” the Council of the Isles of Scilly.

(3) The Interpretation Act, 1889, applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

2. The Local Government Act, 1948, shall, in its application to the Isles, have effect subject to the modifications hereunder:—

- (i) In Sections 2 to 8, 13 and 45, in Part VI, and in Section 129, the Isles shall be deemed to be a county and the Council the county council of that county;
- (ii) For the purposes of Section 11, Subsection (2) of Section 59, Section 68, Part IV, and Sections 130, 132, 134, 135 and 136 the Council shall be deemed to be a local authority;
- (iii) In Subsection (2) of Section 45, the words from “and where the said area” to the end of the subsection shall be omitted;
- (iv) In Section 53, the words “to quarter sessions” shall be read as “to special or quarter sessions”;

(a) S.R. & O. 1943 No. 107, p. 558 above.

(b) S.R. & O. 1927 No. 59, p. 542 above.

(c) S.R. & O. 1930 No. 216, p. 550 above.

- (v) In Subsection (3) of Section 77 the words "by local authorities" where first occurring and the words "the sites or other" shall be omitted;
- (vi) The Council shall not be included in the allocation, under Subsection (2) of Section 100, of the sums paid to the Minister of Health under the provisions of Part V;
- (vii) In Subsection (1) of Section 113, for provisos (a) and (b) the following provisos shall be substituted:—
 - "(a) a member of the Council of the Isles of Scilly shall not be entitled to any payments under this section in respect of the performance of any approved duty within the parish in which he resides;
 - (b) a member of any other body to which this Part of this Act applies who is a member thereof as the representative of the Council of the Isles of Scilly shall not be entitled to any payment under this section in respect of the performance of any approved duty within the parish in which he resides";
- (viii) In proviso (c) to Subsection (1) of Section 113 the words "at a distance of more than three miles from his usual place of residence" shall be read as "outside the parish in which he resides";
- (ix) Section 141 shall be deemed to provide that the sums received by the Council under Part I of the Act shall be applied in aid of so much of the general rate of the parishes in the Isles as is levied uniformly throughout the Isles;
- (x) Subsection (4) of Section 144 shall be deemed to provide that the product of a rate of one penny in the pound for the Isles shall, for the purposes of the Act, be taken to be the product of a penny rate for the Isles as ascertained or estimated by the district auditor in accordance with the principles for the time being applicable to the ascertainment and estimation of the product of a penny rate for the purposes of Section 9 of the Rating and Valuation Act, 1925;
- (xi) In the entry in the third column of Part II of the Second Schedule relating to the Rating and Valuation Act, 1925, the words "Sections twenty-five to forty-seven" shall be deemed to include Section 30 (a).

3. As from the coming into effect in the Isles of Section 33 of the Act, the Isles of Scilly Order, 1927, shall be amended as follows:—

- (i) In paragraph (2) of article 4, the words "the raising of any loan, or the appointment of persons to act as members of the Assessment Committee for the Isles of Scilly" shall be read as "or the raising of any loan";
- (ii) Article 5 shall be omitted;
- (iii) In article 10 the words "the Assessment Committee" shall be omitted.

4. The provisions which by the Isles of Scilly Order, 1930, have effect in lieu of Sections 89 and 92 of the Local Government Act, 1929, shall cease to have effect.

19 & 20 Geo,
5. c. 17.

Given under the official seal of the Minister of Health this sixteenth day of December, nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.