



# Local Government Act 1972

## 1972 CHAPTER 70

### PART I

#### LOCAL GOVERNMENT AREAS AND AUTHORITIES IN ENGLAND

##### Extent Information

**E1** Part I (ss. 1-19) extends to England only: see [s. 19](#)

#### *New local government areas*

### **1 New local government areas in England.**

- (1) For the administration of local government on and after 1st April 1974 England (exclusive of Greater London and the Isles of Scilly) shall be divided into local government areas to be known as counties and in those counties there shall be local government areas to be known as districts.
- (2) The counties shall be the metropolitan counties named in Part I and the non-metropolitan counties named in Part II of Schedule 1 to this Act and shall comprise the areas respectively described (by reference to administrative areas existing immediately before the passing of this Act) in column 2 of each Part of that Schedule.
- (3) The districts in the metropolitan counties shall be those respectively specified in column 2 of the said Part I and shall comprise the areas respectively described (by reference to administrative areas existing immediately before the passing of this Act) in that column, and the Secretary of State may by order provide a name for any such district.
- (4) The districts in the non-metropolitan counties shall be those respectively specified in one or more orders made by the Secretary of State under paragraph 1 of Schedule 3 to this Act and having the names given to them by one or more orders so made.

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- (5) Part III of Schedule 1 to this Act shall have effect in relation to the boundaries of the new local government areas.
- (6) Subject to Part IV of Schedule 1 to this Act and to any provision corresponding to that Part made by an order under section 254 below, the rural parishes existing immediately before 1st April 1974 shall continue to exist on and after that date by the name of parishes.
- (7) The said Part IV shall have effect with respect to the existing rural parishes which by virtue of this Act are comprised in more than one county or more than one metropolitan district.
- (8) Part V of Schedule 1 to this Act shall have effect for the purpose of constituting parishes the boundaries of which are determined by reference to those of existing boroughs and urban districts and also, in cases where the areas of such boroughs and urban districts are divided by or under this section between two or more new districts, by reference to the boundaries of the new districts.
- (9) The boroughs which by virtue of section 141 of the 1933 Act or section 28 of the <sup>M1</sup>Local Government Act 1958 are included in rural districts immediately before the passing of this Act shall on the passing of this Act become parishes without ceasing to be boroughs, but shall cease to be boroughs on 1st April 1974.
- (10) On that date the following local government areas existing immediately before that date outside Greater London and the Isles of Scilly, that is to say, all administrative counties, boroughs (except those in rural districts), urban districts, rural districts and urban parishes, shall cease to exist and the council of every such area which has a council shall also cease to exist.
- (11) On that date the municipal corporation of every borough outside Greater London (and the corporation of a borough included in a rural district) shall cease to exist.
- (12) In this section “England” does not include the administrative county of Monmouthshire or the county borough of Newport.

#### Marginal Citations

M1 1958 c. 55.

### *Principal councils*

## 2 Constitution of principal councils in England.

- (1) For every [<sup>F1</sup>non-metropolitan] county there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.
- (2) For every district there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.
- (3) Each council mentioned in subsection (1) or (2) above shall be a body corporate by the name “The County Council” or “The District Council”, as the case may be, with the addition of the name of the particular county or district.

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### Textual Amendments

**F1** Word inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 16 para. 2](#)

### Modifications etc. (not altering text)

- C1** S. 2(1) excluded (1.4.1996) by [S.I. 1995/493](#), [arts. 1](#), 6(2)  
S. 2(1) excluded (1.4.1996) by [S.I. 1995/610](#), [arts. 1](#), 4(2)  
S. 2(1) excluded (1.4.1996) by [S.I. 1995/1747](#), [arts. 1\(2\)](#), 3(2)-(6)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1769](#), [arts. 1](#), 8(3)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1770](#), [arts. 1](#), 5(3)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1771](#), [arts. 1](#), 8(4)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1772](#), [arts. 1](#), 8(3)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1773](#), [arts. 1](#), 8(3)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1774](#), [arts. 1](#), 8(3)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1775](#), [arts. 1](#), 8(4)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1776](#), [arts. 1](#), 8(3)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1779](#), [arts. 1](#), 3(3)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1863](#), [arts. 1](#), 6(4)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1865](#), [arts. 1](#), 6(4)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1866](#), [arts. 1](#), 6(3)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1867](#), [arts. 1](#), 5(3)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1868](#), [arts. 1](#), 6(4)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1875](#), [arts. 1](#), 6(4)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1876](#), [arts. 1](#), 5(3)  
S. 2(1) applied (with modifications) (*temp.* from 5.5.1997 to 31.3.1998) by [S.I. 1996/1867](#), [art. 20](#)
- C2** S. 2(2) applied (with modifications) (*temp.* from 8.5.1995 to 31.3.1996) by [S.I. 1995/493](#), [art. 18\(a\)](#)  
S. 2(2) applied (with modifications) (*temp.* from 8.5.1995 to 31.3.1996) by [S.I. 1995/610](#), [art. 15\(a\)](#)  
S. 2(2) applied (with modifications) (*temp.* from 6.5.1996 to 31.3.1997) by [S.I. 1995/1770](#), [art. 16\(a\)](#)  
S. 2(2) applied (with modifications) (*temp.* from 5.5.1997 to 31.3.1998) by [S.I. 1996/1867](#), [art. 20](#)  
S. 2(2) applied (with modifications) (*temp.* from 5.5.1997 to 31.3.1998) by [S.I. 1996/1876](#), [art. 13\(a\)](#)

### *Members of principal councils*

## 3 Chairman.

- (1) The chairman of a principal council shall be elected annually by the council from among the councillors.
- (2) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (3) During his term of office the chairman shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.
- (4) The chairman of a district council shall have precedence in the district, but not so as prejudicially to affect Her Majesty's royal prerogative.
- (5) A principal council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

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#### 4 Election of chairman.

- (1) The election of the chairman shall be the first business transacted at the annual meeting of a principal council.
- (2) If, apart from section 3(3) above or section 5(2) below, the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

#### 5 Vice-chairman.

- (1) A principal council shall appoint a member of the council to be vice-chairman of the council.
- (2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.
- (3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.
- (4) A principal council may pay the vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

#### 6 Term of office and retirement of councillors.

- (1) Councillors for a principal area shall be elected by the local government electors for that area in accordance with this Act and Part I of the [<sup>F2</sup>Representation of the People Act 1983].
- (2) For the purposes of the election of councillors—
  - (a) every [<sup>F3</sup>non-metropolitan] county shall be divided into electoral divisions, each returning (subject to paragraph 3 of Schedule 3 to this Act) one councillor;
  - (b) every metropolitan district shall be divided into wards, each returning a number of councillors which is divisible by three; and
  - (c) every non-metropolitan district shall be divided into wards, each returning such number of councillors as may be provided by an order under the said paragraph 3 or under or by virtue of the provisions of section 7 below or Part IV of this Act;
 and there shall be a separate election for each electoral division or ward.

#### Textual Amendments

**F2** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 8 para. 12](#)

**F3** Word inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 16 para. 2](#)

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## 7 Elections of councillors.

- (1) The ordinary elections of county councillors shall take place in 1973 and every fourth year thereafter, their term of office shall be four years and they shall retire together in every such fourth year on the fourth day after the ordinary day of election of county councillors, and in and after 1977 the newly elected councillors shall come into office on the day on which their predecessors retire.
- (2) The ordinary elections of metropolitan district councillors shall take place in 1973, 1975 and every year thereafter other than [<sup>F4</sup>1977 and every fourth year thereafter].
- (3) Subject to paragraph 4 of Schedule 3 to this Act, the term of office of metropolitan district councillors shall be four years and one-third of the whole number of councillors in each ward of a metropolitan district, being those who have been councillors for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1975 the newly elected councillors shall come into office on the day on which their predecessors retire.
- (4) Subject to subsection (5) below, a non-metropolitan district council may in pursuance of the requisite resolution request the Secretary of State to provide—
  - (a) for a system of whole council elections, that is to say, the holding of the ordinary elections of all the councillors of the district simultaneously; or
  - (b) for a system of elections by thirds, that is to say, the election of one-third, as nearly as may be, of the councillors of the district at the ordinary elections of such councillors in any year;

indicating in the case of a request under paragraph (b) above, those areas, if any, in which there should, and those, if any, in which there should not, be wards each returning a number of councillors which is divisible by three.

In this subsection “the requisite resolution” means in the case of a resolution passed before 1st April 1974 a resolution passed by a majority, and in the case of a resolution passed on or after that date a resolution passed by not less than two-thirds, of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object.

- (5) A resolution may not be passed under subsection (4) above within ten years of a previous resolution thereunder.
- (6) Where the Secretary of State receives a request under subsection (4)(a) above from a district council or does not before 1st April 1974 receive a request from a district council under subsection (4)(b) above, he may make an order providing for the ordinary elections of all the district councillors to be held simultaneously and the order may contain the like provision, and shall be treated, as if made under section 51 below.
- (7) Where the Secretary of State receives a request under subsection (4)(b) above from a district council he may ask the English Commission to make proposals in the light of the request with respect to—
  - (a) the number, boundaries and names of the wards into which the district should be divided and the number of councillors to be elected for each ward;
  - (b) the order of retirement of councillors elected for wards not returning a number of councillors which is divisible by three;

and, where the Commission have not completed their review of the electoral arrangements for the district under Schedule 9 to this Act, they shall as part of that

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review consider the proposals to be made under this subsection and, in any other case, sections 52, 60 and 61 below shall apply to the consideration by the Commission of any such proposals as they apply to their conduct of a review under section 50 below and any such proposals shall be treated as if made under section 51 below.

- (8) The ordinary elections of non-metropolitan district councillors shall take place—
- (a) except where an order is in force providing for the election of district councillors by thirds, in 1973, 1976, 1979 and every fourth year thereafter; and
  - (b) where such an order is in force, in the year when the order comes into force and every year thereafter other than a year of election of county councillors.
- (9) The following provisions of this subsection shall, subject to the provisions of any order made under or by virtue of this section, have effect with respect to non-metropolitan district councillors:—
- (a) their term of office shall be three years in the case of the councillors elected at the ordinary elections in 1973 and 1976 and four years in the case of those elected at ordinary elections held thereafter;
  - (b) except where an order is in force providing for the election of councillors by thirds, the whole number of councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1976 the newly elected councillors shall come into office on the day on which their predecessors retire; and
  - (c) where such an order is in force, one-third of the whole number of councillors in each ward returning a number of councillors which is divisible by three and, as nearly as may be, one-third of the whole number of the councillors in the other wards, being those who have been councillors of the district for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in every such year the newly elected councillors shall come into office on the day on which their predecessors retire.

#### Textual Amendments

**F4** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 16 para. 3](#)

## 8 Constitution and membership of Greater London Council and London borough councils.

- (1) Sections 2 to 7 above shall not apply to <sup>F5</sup> . . . London borough councils but, subject to subsection (2) below, the provisions of Schedule 2 to this Act shall have effect in relation to them instead.
- (2) The Secretary of State may by order make such modifications of sub-paragraphs (2) and (3) of paragraph 6 of Schedule 2 to this Act as appear to him to be appropriate for all or any of the following purposes—
- <sup>F6</sup>(a) . . . . .
  - (b) to secure that ordinary elections of London borough councillors are held in years in which ordinary elections of metropolitan district councillors are held, and

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- (c) to secure that provisions corresponding to section 7(3) above apply to the retirement of London borough councillors.
- (3) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

#### Textual Amendments

**F5** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**F6** [S. 8\(2\)\(a\)](#) repealed by [Local Government \(Interim Provisions\) Act 1984 \(c. 53, SIF 81:1\)](#), s. 2(4)

### *Parishes*

## 9 Parish meetings and councils.

- (1) For every parish there shall be a parish meeting for the purpose of discussing parish affairs and exercising any functions conferred on such meetings by any enactment and, subject to the provisions of this Act or any instrument made thereunder, for every parish or group of parishes having a parish council before 1st April 1974 there shall continue to be a parish council.
- (2) If a parish has not a parish council (whether separate or common) the district council shall, and if a parish is grouped under a common parish council the district council may, by order establish a separate parish council for that parish—
- (a) if the population includes 200 or more local government electors; or
- (b) if in the case of a parish the population of which includes more than 150 but less than 200 local government electors, the parish meeting of the parish so resolve.
- (3) If a parish has a population which includes not more than 150 local government electors, the district council may by order establish a separate parish council for that parish if the parish meeting so resolve.
- (4) Subject to any order under section 10 or 11 or Part IV below, there shall be a separate parish council for—
- (a) every parish which immediately before the passing of this Act was a borough included in a rural district;
- (b) every parish which immediately before the passing of this Act was co-extensive with a rural district;
- (c) every parish established by paragraph 1 of Part IV of Schedule 1 to this Act;
- (d) every parish to which part of another parish is added by paragraph 2 of the said Part IV and which immediately before the passing of this Act had no parish council; and
- (e) every parish constituted under Part V of Schedule 1 to this Act.
- (5) An order establishing a separate parish council for a parish shall make such provision as appears to the district council to be necessary for the election of a parish council in accordance with this Act and Part I of the [<sup>F7</sup>Representation of the People Act 1983].
- (6) An order shall not be made under this section establishing a separate parish council for a parish grouped under a common parish council unless by that order or an order under section 11(4) below the parish is separated from the group or the group is dissolved,

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and where the group is not dissolved, the order under this section shall make such provision as appears to the district council to be necessary for the alteration of the parish council of the group.

#### Textual Amendments

**F7** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 8 para. 12](#)

#### Modifications etc. (not altering text)

**C3** [S. 9](#) excluded by [S.I. 1979/1123](#), [art. 4\(2\)](#)

### 10 Power to dissolve parish councils in small parishes.

- (1) Where the population of a parish having a separate parish council includes not more than 150 local government electors, the parish meeting may apply to the district council for the dissolution of the parish council, and thereupon the district council may by order dissolve the parish council.
- (2) Where an application under this section by a parish meeting is rejected, another such application may not be presented by that meeting within two years from the making of the previous application.

#### Modifications etc. (not altering text)

**C4** [S. 10](#): functions of local authority not to be responsibility of an executive of the authority (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#)  
[S. 10](#) excluded (7.8.2000 for specified purposes otherwise 26.10.2000) by [2000 c. 22](#), [ss. 11\(10\)](#), [108\(4\)](#); [S.I. 2000/2187](#), [art. 2\(b\)](#); [S.I. 2000/2849](#), [art. 2\(b\)](#)

### 11 Orders for grouping parishes, dissolving groups and separating parishes from groups.

- (1) The parish meeting of a parish may apply to the district council for an order grouping the parish with some neighbouring parish or parishes in the same district under a common parish council or by adding the parish to an existing group of such parishes under such a council, and the district council may thereupon make an order accordingly, but subject to subsection (2) below.
- (2) Parishes shall not be grouped without the consent of the parish meeting of each of the parishes.
- (3) A grouping order shall make the necessary provision—
  - (a) for the name of the group;
  - (b) for the election in accordance with this Act and Part I of the [<sup>F8</sup>Representation of the People Act 1983] of separate representatives on the parish council for each parish or for the wards of any parish or, in the case of an order which adds a parish to the group, for that parish or for the wards of that parish;
  - (c) for the application to the parishes included in the group of all or any of the provisions of section 37 of the <sup>M2</sup>Charities Act 1960 (parochial charities) and of any of the provisions of this Act with respect to the custody of parish documents, so as to preserve the separate rights of each parish;



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- (d) for the dissolution of the separate parish council of any parish included in the group,
- and the order may provide for the consent of the parish meeting of a parish being required to any particular act of the parish council, and for any necessary adaptations of this Act to the group of parishes or to the parish meetings of the parishes in the group.
- (4) The district council may on the application of the council of a group of parishes or of the parish meeting of any parish included in a group of parishes make an order dissolving the group or separating one or more of those parishes from the group, and an order so made shall make such provision as appears to the district council to be necessary for the election of a parish council for any of the parishes in the group, where it is dissolved, and for any of the parishes separated from the group, where it is not.
- (5) Parishes grouped under a common parish council before 1st April 1974 and situated in different districts on and after that date shall, notwithstanding that they are so situated, continue to be grouped under that council—
- (a) unless an order is made under section 9 or subsection (4) above or Part IV below dissolving the group; or
- (b) except so far as such an order separates one or more of the parishes from the group;
- and any order under that section or subsection in relation to any parishes so situated shall be made by the district councils concerned acting jointly.

#### Textual Amendments

**F8** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 8 para. 12](#)

#### Modifications etc. (not altering text)

**C5** [S. 11](#) excluded by [S.I. 1979/1123](#), [art. 4\(2\)](#)

#### Marginal Citations

**M2** [1960 c. 58](#).

VALID FROM 13/02/2008

#### **[<sup>F9</sup>11A** Grouping: alternative styles

- (1) An order under section 11(1) which forms a new group may make the provision set out in subsection (3).
- (2) But the order must make that provision in either of these cases—
- (a) if at least one of the parishes which is to be grouped does not have an alternative style, and at least one of them does have an alternative style;
- (b) if at least one of the parishes which is to be grouped has an alternative style, and at least one of them has a different alternative style.
- (3) The provision referred to in subsections (1) and (2) is—
- (a) provision that each of the parishes in the group shall have an alternative style, or

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- (b) provision that each of the parishes in the group which has an alternative style shall cease to have an alternative style.
- (4) Provision made by virtue of subsection (3)(a)—
  - (a) must provide for each of the parishes to have the same alternative style;
  - (b) may provide for each of the parishes to have an alternative style which any of them already has;
  - (c) has the effect that each parish in the new group shall cease to have any different alternative style which it had before the provision was made.
- (5) An order under section 11(1) which adds one or more parishes to an existing group must make the provision set out in subsection (6) if—
  - (a) the parishes in the group do not have an alternative style, and
  - (b) at least one of the parishes which is to be added has an alternative style.
- (6) The provision referred to in subsection (5) is provision that each added parish which has an alternative style shall cease to have an alternative style.
- (7) An order under section 11(1) which adds one or more parishes to an existing group must make the provision set out in subsection (8) if—
  - (a) the parishes in the group have an alternative style, and
  - (b) at least one of the parishes which is to be added—
    - (i) has a different alternative style, or
    - (ii) does not have any of the alternative styles.
- (8) The provision referred to in subsection (7) is provision that each added parish shall (if it does not already have the style) have the same alternative style as the parishes already in the group.
- (9) If an order makes provision under subsection (1) or (2) for parishes to have an alternative style, the group shall have the appropriate one of the following styles—
  - (a) “group of communities”;
  - (b) “group of neighbourhoods”;
  - (c) “group of villages”.
- (10) As soon as practicable after making an order which includes any provision under this section, the council which makes the order must give notice of the change of style to all of the following—
  - (a) the Secretary of State;
  - (b) the Electoral Commission;
  - (c) the Office of National Statistics;
  - (d) the Director General of the Ordnance Survey;
  - (e) any district council or county council within whose area the parish lies.]

#### Textual Amendments

- F9** Ss. 11A, 11B inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 75(2), 245(5)**; S.I. 2008/337, **art. 2(a)**

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### **[<sup>F9</sup>11B De-grouping: alternative styles**

- (1) This section applies if—
  - (a) the parishes in a group of parishes have an alternative style, and
  - (b) an order under section 11(4) dissolves the group or separates one or more parishes from the group.
- (2) The order under section 11(4) must provide for each de-grouped parish to continue to have the alternative style.
- (3) In subsection (2) “de-grouped parish” means—
  - (a) in the case of dissolution of the group, each parish in the group;
  - (b) in the case of separation of one or more parishes from the group, each parish that is separated.]

#### **Textual Amendments**

- F9** Ss. 11A, 11B inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 75\(2\), 245\(5\)](#); S.I. 2008/337, [art. 2\(a\)](#)

## **12 Provision supplementary to sections 9 to 11.**

- (1) An order made by a district council or district councils under section 9, 10 or 11 above may contain such incidental, consequential, transitional or supplementary provision as may appear to the district council or district councils to be necessary or proper for the purposes or in consequence of the order or for giving full effect thereto, and may include provision with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities.
- (2) When any such order is made, section 68 below shall apply as if the order were made under Part IV of this Act.
- (3) Two copies of every such order shall be sent to the Secretary of State.

VALID FROM 13/02/2008

### **[<sup>F10</sup>12A Parishes: alternative styles**

- (1) This section applies to a parish which is not grouped with any other parish.
- (2) The appropriate parish authority may resolve that the parish shall have one of the alternative styles.
- (3) If the parish has an alternative style, the appropriate parish authority may resolve that the parish shall cease to have that style.
- (4) A single resolution may provide for a parish—
  - (a) to cease to have an alternative style, and

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- (b) to have another of the alternative styles instead.
- (5) As soon as practicable after passing a resolution under this section, the appropriate parish authority must give notice of the change of style to all of the following—
- (a) the Secretary of State;
  - (b) the Electoral Commission;
  - (c) the Office of National Statistics;
  - (d) the Director General of the Ordnance Survey;
  - (e) any district council, county council or London borough council within whose area the parish lies.
- (6) In this section “appropriate parish authority” means—
- (a) the parish council, or
  - (b) if the parish does not have a parish council, the parish meeting.]

#### Textual Amendments

**F10** Ss. 12A, 12B inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 75\(3\), 245\(5\)](#); [S.I. 2008/337](#), [art. 2\(a\)](#)

VALID FROM 13/02/2008

#### [<sup>F10</sup>12B Groups of parishes: alternative styles

- (1) This section applies to a group of parishes.
- (2) The common parish council of the group may resolve that each of the grouped parishes shall have the same alternative style.
- (3) If each of the grouped parishes has an alternative style, the common parish council of the group may resolve that each of the grouped parishes shall cease to have that style.
- (4) A single resolution may provide for each of the grouped parishes—
  - (a) to cease to have an alternative style, and
  - (b) to have the same one of the other alternative styles instead.
- (5) If the common parish council passes a resolution under this section for each of the grouped parishes to have an alternative style, the group of parishes shall have the appropriate one of the following styles—
  - (a) “group of communities”;
  - (b) “group of neighbourhoods”;
  - (c) “group of villages”.
- (6) As soon as practicable after passing a resolution under this section, the common parish council of a group must give notice of the change of style to all of the following—
  - (a) the Secretary of State;
  - (b) the Electoral Commission;
  - (c) the Office of National Statistics;
  - (d) the Director General of the Ordnance Survey;

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- (e) any district council, county council or London borough council within whose area the group lies.]

#### Textual Amendments

**F10** Ss. 12A, 12B inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 75(3), 245(5)**; S.I. 2008/337, **art. 2(a)**

### 13 Constitution of parish meeting, etc.

- (1) The parish meeting of a parish shall consist of the local government electors for the parish.
- (2) Any act of a parish meeting may be signified by an instrument signed by the person presiding and two other local government electors present at the meeting, or, if an instrument under seal is required, by an instrument signed by those persons and sealed with the seal of the parish council in the case of a parish having a separate parish council or the parish trustees in any other case, if that council or those trustees have a seal, or, if they do not, with the seals of those persons.
- (3) In a parish not having a separate parish council the chairman of the parish meeting and the proper officer of the district council shall be a body corporate by the name of “the Parish Trustees” with the addition of the name of the parish.
- (4) The parish trustees of a parish shall act in accordance with any directions given by the parish meeting.
- (5) Notwithstanding anything in any rule of law the parish trustees need not have a common seal, but where they have no seal any act of theirs which requires to be signified by an instrument under seal may be signified by an instrument signed and sealed by the persons who are the parish trustees.

### 14 Constitution and powers of parish council.

- (1) A parish council shall consist of the chairman and parish councillors and shall have all such functions as are vested in the council by this Act or otherwise.
- (2) The parish council shall be a body corporate by the name “The Parish Council” with the addition of the name of the particular parish.
- (3) Notwithstanding anything in any rule of law, a parish council need not have a common seal, but where a parish council have no seal any act of theirs which is required to be signified by an instrument under seal may be signified by an instrument signed and sealed by two members of the council.

### 15 Chairman and vice-chairman of parish council or meeting.

- (1) The chairman of a parish council shall be elected annually by the council from among the councillors.
- (2) The election of a chairman shall be the first business transacted at the annual meeting of the parish council and if, apart from subsection (8) below, the person presiding at

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the meeting would have ceased to be a member of the parish council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.

- (3) In the case of an equality of votes in the election of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (5) A parish council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.
- (6) The parish council may appoint a member of the council to be vice-chairman of the council.
- (7) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council.
- (8) During their term of office the chairman and vice-chairman shall continue to be members of the council notwithstanding the provisions of this Act relating to the retirement of parish councillors.
- (9) Subject to any standing orders made by the parish council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.
- (10) In a parish not having a separate parish council, the parish meeting shall, subject to any provisions of a grouping order, at their annual assembly elect a chairman for the year who shall continue in office until his successor is elected.

## **16 Parish councillors.**

- (1) The number of parish councillors for each parish shall be such number not being less than five as may be fixed from time to time by the district council.
- (2) Parish councillors shall be elected by the local government electors for the parish in accordance with this Act and Part I of the [F11Representation of the People Act 1983].
- (3) Subject to any provision included in an order by virtue of section 67 below and to the provisions of paragraphs 12 and 13 of Schedule 3 to this Act, the ordinary elections of parish councillors shall take place in 1976, 1979 and every fourth year thereafter, their term of office shall be three years in the case of those elected at the ordinary elections in 1976 and four years in the case of those elected at ordinary elections held thereafter, and the whole number of parish councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and the newly elected councillors shall come into office on the day on which their predecessors retire.
- (4) Where a parish is not divided into parish wards there shall be one election of parish councillors for the whole parish.
- (5) Where a parish is divided into parish wards there shall be a separate election of parish councillors for each ward.

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**Textual Amendments**

**F11** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 8 para. 12](#)

VALID FROM 01/04/2008

**[<sup>F12</sup>16A Appointed councillors**

- (1) A parish council may appoint persons to be councillors of the council.
- (2) The Secretary of State may by regulations make provision about—
  - (a) the appointment of persons under this section;
  - (b) the holding of office after appointment under this section.
- (3) The regulations may, in particular, make provision about any of the following matters—
  - (a) persons who may be appointed;
  - (b) the number of persons who may be appointed;
  - (c) the term of office of persons appointed;
  - (d) the right of persons appointed to participate in decision-making by the council (including voting);
  - (e) purposes for which a person appointed is to be treated as an elected councillor;
  - (f) the filling of vacancies.
- (4) In exercising a function under or by virtue of this section a parish council must have regard to any guidance issued by the Secretary of State about the exercise of that function.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F12** S. 16A inserted (1.4.2008 in so far as it confers powers to make regulations and otherwise prosp) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), [ss. 76\(4\), 245\(5\)](#); S.I. 2008/917, [art. 4](#)

**<sup>F13</sup>17** .....

**Textual Amendments**

**F13** S. 17 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)

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### *Miscellaneous*

VALID FROM 13/02/2008

#### **[<sup>F14</sup>17A Alternative styles: supplementary**

- (1) This section applies for the purposes of sections 9 to 16A.
- (2) “Alternative style” means one of the following styles—
  - (a) “community”;
  - (b) “neighbourhood”;
  - (c) “village”.
- (3) References to a parish having an alternative style, or a particular alternative style, are references to the parish having that style by virtue of—
  - (a) a relevant order, or
  - (b) a resolution under section 12A or 12B.
- (4) The provisions of a relevant order which provide for a parish to have, or to cease to have, an alternative style are subject to any resolution under section 12A or 12B relating to that parish.
- (5) A resolution under section 12A or 12B relating to a parish is subject to any provisions of a relevant order which provide for a parish to have, or to cease to have, an alternative style.
- (6) A parish shall cease to have an alternative style if the parish begins to have the status of a town by virtue of section 245(6).
- (7) In this section “relevant order” means an order under—
  - (a) section 11 of this Act, or
  - (b) section 86 of the Local Government and Public Involvement in Health Act 2007.]

#### **Textual Amendments**

**F14** S. 17A inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), [ss. 75\(8\), 245](#); S.I. 2008/337, [art. 2\(a\)](#)

#### **18 Establishment of new authorities in England.**

Schedule 3 to this Act shall have effect with respect to the division of non-metropolitan counties into districts, the establishment of the new local authorities in England, the suspension of elections of members of existing local authorities there and related matters.

#### **19 Extent of Part I.**

This Part of this Act shall extend to England only.



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## PART II

### LOCAL GOVERNMENT AREAS AND AUTHORITIES IN WALES

#### Extent Information

**E2** Part II (ss. 20-38) extends to Wales only: see [s. 38](#)

#### *New local government areas*

#### **20 New local government areas in Wales.**

- (1) For the administration of local government on and after 1st April 1974 Wales shall be divided into local government areas to be known as counties and in those counties there shall be local government areas to be known as districts.
- (2) The counties shall be those named in Part I of Schedule 4 to this Act and shall comprise the areas respectively described (by reference to administrative areas existing immediately before the passing of this Act) in column 2 of that Part of that Schedule.
- (3) In the counties specified in column 1 of Part II of that Schedule there shall be the districts respectively specified in column 2 of Part II of that Schedule and those districts shall comprise the areas respectively described as aforesaid in column 3 of that Part of that Schedule, and the Secretary of State may by order provide a name for any such district.
- (4) On and after 1st April 1974 every district shall consist of one or more areas to be known as communities which shall be established in accordance with the following paragraphs:—
  - (a) the area of each borough existing immediately before that date shall on that date become a community of the district in which it is comprised and shall be known by the same name as the borough's;
  - (b) the area of each urban district then existing which is wholly comprised in a district shall on that date become a community of that district and shall be known by the same name as the urban district's;
  - (c) the area of each rural parish then existing shall on that date become a community of the district in which it is comprised and shall be known by the same name as the parish's;
  - (d) in the districts specified in column 1 of Part III of Schedule 4 to this Act there shall on that date be established the communities respectively named in column 2 of that Part of that Schedule and described (by reference to administrative areas existing immediately before the passing of this Act) in column 3 of that Part of that Schedule.
- (5) Part IV of Schedule 4 to this Act shall have effect in relation to the boundaries of the new local government areas.
- (6) On 1st April 1974 all local government areas existing immediately before that date, that is to say, all administrative counties, boroughs, urban districts, rural districts and urban and rural parishes, shall cease to exist, and the following shall also cease to exist—

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- (a) the council of every such area which has a council;
  - (b) in the case of a borough, the municipal corporation of the borough;
  - (c) in the case of a parish, the parish meeting;
  - (d) in the case of a parish for which there is no separate parish council, the representative body of the parish;
  - (e) in the case of parishes included in a group, the common parish council.
- (7) In this section “Wales” includes the administrative county of Monmouthshire and the county borough of Newport.

### *Principal councils*

## **21 Constitution of principal councils in Wales.**

- (1) For every county there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.
- (2) For every district there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.
- (3) Each council mentioned in subsection (1) or (2) above shall be a body corporate [F15and, subject to subsection (4) below, shall be known] by the name “The County Council” or “The District Council”, as the case may be, with the addition of the name of the particular county or district.
- [F16(4) If and so long as this subsection is in force in relation to a principal council, subsection (3) above shall have effect in relation to that council as if for the words “The County Council” there were substituted “Cyngor Sir” or, as the case may be, as if for the words “The District Council” there were substituted “Cyngor Dosbarth”.
- (5) Subsection (4) above shall come into force in relation to a principal council three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council’s description shall be used; and that subsection shall cease to be in force in relation to a principal council three months after the day on which, at a specially convened meeting of the council, it is resolved by a similar majority that the Welsh language form of the council’s description shall cease to be used.]

#### **Textual Amendments**

**F15** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), s. 160, [Sch. 8 para. 2](#)

**F16** [S. 21\(4\)\(5\)](#) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 2\(2\)](#)

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### *Members of principal councils*

#### **22 Chairman.**

- (1) The chairman of a principal council shall be elected annually by the council from among the councillors.
- (2) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (3) During his term of office the chairman shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.
- (4) The chairman of a district council shall have precedence in the district, but not so as prejudicially to affect Her Majesty's royal prerogative.
- (5) A principal council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

**Modifications etc. (not altering text)**

C6 S. 22 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

#### **23 Election of chairman.**

- (1) The election of the chairman shall be the first business transacted at the annual meeting of a principal council.
- (2) If, apart from section 22(3) above or section 24(2) below, the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

**Modifications etc. (not altering text)**

C7 S. 23 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

#### **24 Vice-chairman.**

- (1) A principal council shall appoint a member of the council to be a vice-chairman of the council.
- (2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.
- (3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.
- (4) A principal council may pay the vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

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#### Modifications etc. (not altering text)

C8 S. 24 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

## 25 Term of office and retirement of councillors.

- (1) Councillors for a principal area shall be elected by the local government electors for that area in accordance with this Act and Part I of the [<sup>F17</sup>Representation of the People Act 1983].
- (2) For the purposes of the election of councillors—
  - (a) every county shall be divided into electoral divisions, each returning (subject to paragraph 2 of Schedule 5 to this Act) one councillor; and
  - (b) every district shall be divided into wards, each returning such number of councillors as may be provided by an order under the said paragraph 2 or under or by virtue of the provisions of section 26 below or Part IV of this Act; and there shall be a separate election for each electoral division or ward.

#### Textual Amendments

F17 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 8 para. 12

VALID FROM 03/04/1995

### [<sup>F18</sup>25A Title of chairman or vice-chairman of county borough council.

- (1) The chairman of a county borough council is entitled to the style of “mayor” or “maer”.
- (2) The vice-chairman of a county borough council is entitled to the style of “deputy mayor” or “dirprwy faer”.]

#### Textual Amendments

F18 S. 25A inserted (3.4.1995) by 1994 c. 19, s. 66(5), Sch. 15 para. 3 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), Sch. 5

## 26 Elections of councillors.

- (1) The ordinary elections of county councillors shall take place in 1973 and every fourth year thereafter, their term of office shall be four years and they shall retire together in every such fourth year on the fourth day after the ordinary day of election of county councillors, and in and after 1977 the newly elected councillors shall come into office on the day on which their predecessors retire.
- (2) Subject to subsection (3) below, a district council may in pursuance of the requisite resolution request the Secretary of State to provide—

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- (a) for a system of whole council elections, that is to say, the holding of the ordinary elections of all the councillors of the district simultaneously; or
- (b) for a system of elections by thirds, that is to say, the election of one-third, as nearly as may be, of the councillors of the district at the ordinary elections of such councillors in any year;

indicating, in the case of a request under paragraph (b) above, those areas, if any, in which there should, and those, if any, in which there should not, be wards each returning a number of councillors which is divisible by three.

In this subsection “the requisite resolution” means in the case of a resolution passed before 1st April 1974 a resolution passed by a majority, and in the case of a resolution passed on or after that date a resolution passed by not less than two-thirds, of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object.

- (3) A resolution may not be passed under subsection (2) above within ten years of a previous resolution thereunder.
- (4) Where the Secretary of State receives a request under subsection (2)(a) above from a district council or does not before 1st April 1974 receive a request from a district council under subsection (2)(b) above, he may make an order providing for the ordinary elections of all the district councillors to be held simultaneously and the order may contain the like provision, and shall be treated, as if made under section 58 below.
- (5) Where the Secretary of State receives a request under subsection (2)(b) above from a district council he may ask the Welsh Commission to make proposals in the light of the request with respect to—
  - (a) the number, boundaries and names of the wards into which the district should be divided and the number of councillors to be elected for each ward;
  - (b) the order of retirement of councillors elected for wards not returning a number of councillors which is divisible by three;

and, where the Commission have not completed their review of the electoral arrangements for the district under paragraph 10 of Schedule 10 to this Act, they shall as part of that review consider the proposals to be made under this subsection and, in any other case, sections 59, 60 and 61 below shall apply to the consideration by the Commission of any such proposals as they apply to their conduct of a review under section 57 below and any such proposals shall be treated as if made under section 58 below.

- (6) The ordinary elections of district councillors shall take place—
  - (a) except where an order is in force providing for the election of district councillors by thirds, in 1973, 1976, 1979 and every fourth year thereafter; and
  - (b) where such an order is in force, in the year when the order comes into force and every year thereafter other than a year of election of county councillors.
- (7) The following provisions of this subsection shall, subject to the provisions of any order made under or by virtue of this section, have effect with respect to district councillors—
  - (a) their term of office shall be three years in the case of the councillors elected at the ordinary elections in 1973 and 1976 and four years in the case of those elected at ordinary elections held thereafter;
  - (b) except where an order is in force providing for the election of councillors by thirds, the whole number of the councillors shall retire together in every

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ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1976 the newly elected councillors shall come into office on the day on which their predecessors retire; and

- (c) where such an order is in force, one-third of the whole number of the councillors in each ward returning a number of councillors which is divisible by three and, as nearly as may be, one-third of the whole number of the councillors in the other wards, being those who have been councillors of the district for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in every such year the newly elected councillors shall come into office on the day on which their predecessors retire.

### *Communities*

#### **27 Community meetings and councils.**

- (1) A meeting of the local government electors for a community (hereafter in this Act referred to as a community meeting) may be convened for the purpose of discussing community affairs and exercising any functions conferred by any enactment on such meetings.
- (2) For the purpose of exercising functions on and after 1st April 1974 there shall be a community council for—
  - (a) every community which is co-extensive with the area of a rural parish existing immediately before that date and having a separate parish council;
  - (b) every group of communities the areas of which are co-extensive with the areas of rural parishes existing immediately before that date and grouped under a common parish council; and
  - (c) any other community in respect of which the Secretary of State has directed under subsection (3) or (4) below that there is to be a community council.
- (3) The Secretary of State shall, on an application in writing made to him before 1973 by the council of an existing borough (except an excepted borough) or of an existing urban district, being a borough or district the area of part of the area of which is co-extensive with the area of a community, direct that there shall be a council for the community for the purpose of exercising functions on and after 1st April 1974.
- (4) The Secretary of State may, without any application under subsection (3) above, but after such consultations as he thinks proper, direct not later than 30th June 1973 that for the said purpose there shall be a community council for a particular community the area of which is co-extensive with the area or part of the area of an existing borough (except an excepted borough) or of an existing urban district.
- (5) A community meeting of a community having a separate community council may, after 1st April 1974 and before the submission to the Secretary of State of the report of the Commission on the special community review relating to that community, apply to the district council for the dissolution of the community council, and thereupon the district council may by order dissolve the community council.
- (6) In this section “excepted borough” means the borough of Cardiff, Merthyr Tydfil, Newport, Port Talbot, Rhondda or Swansea.

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## 28 Establishment and dissolution of community councils.

- (1) A community meeting of a community which has not a separate community council and is not co-extensive with a district may, at any time except as provided by section 30 below, apply to the district council for an order establishing a council for the community, and thereupon the district council shall make such an order accordingly.
- (2) An order establishing a separate community council for a community shall make such provision as appears to the district council to be necessary for the election of a community council in accordance with this Act and Part I of the [<sup>F19</sup>Representation of the People Act 1983].
- (3) An order shall not be made under this section establishing a separate community council for a community grouped under a common community council unless by that order or an order under section 29(4) below the community is separated from the group or the group is dissolved, and where the group is not dissolved, the order under this section shall make such provision as appears to the district council to be necessary for the alteration of the community council of the group.
- (4) A community meeting of a community having a separate community council may, at any time except as provided by section 30 below, apply to the district council for the dissolution of the community council, and thereupon the district council shall by order dissolve the community council.

### Textual Amendments

**F19** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 206, Sch. 8 para. 12](#)

## 29 Orders for grouping communities, dissolving groups and separating communities from groups.

- (1) A community meeting of a community may, at any time except as provided by section 30 below, apply to the district council for an order grouping the community with some neighbouring community or communities in the same district under a common community council or by adding the community to an existing group of such communities under such a council, and the district council may thereupon make an order accordingly, but subject to subsection (2) below.
- (2) Communities shall not be grouped without the consent of a community meeting of each of the communities.
- (3) A grouping order shall make the necessary provision—
  - (a) for the name of the group;
  - (b) for the election in accordance with this Act and Part I of the [<sup>F20</sup>Representation of the People Act 1983] of separate representatives on the community council for each community or for the wards of any community or, in the case of an order which adds a community to the group, for that community or for the wards of that community;
  - (c) for the application to the communities included in the group of all or any of the provisions of section 37 of the <sup>M3</sup>Charities Act 1960 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community;

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- (d) for the dissolution of the separate community council of any community included in the group;
- and the order may provide for any necessary adaptations of this Act to the group of communities.
- (4) The council of a group of communities or a community meeting of a community included in a group of communities may, at any time except as provided by section 30 below, apply to the district council for an order dissolving the group or separating one or more of those communities from the group, and the district council may thereupon make an order accordingly, and an order so made shall make such provision as appears to the district council to be necessary for the election of a community council for any of the communities in the group, where it is dissolved, and for any of the communities separated from the group, where it is not.

#### Textual Amendments

**F20** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 8 para. 12](#)

#### Modifications etc. (not altering text)

**C9** [S. 29](#) excluded by [S.I. 1979/1123](#), [art. 4\(2\)](#)

#### Marginal Citations

**M3** [1960 c. 58](#).

VALID FROM 01/04/1996

### <sup>F21</sup>29A Community councils for groups of communities: dissolution.

- (1) The council of a group of communities may apply to the principal council within whose area the communities lie for an order dissolving the group.
- (2) A community meeting of a community included in a group of communities may apply to the principal council within whose area the community lies for an order separating the community from the group.
- (3) If, on any application under this section, the principal council are satisfied that—
- the relevant requirements of section 29B below and Schedule 12 to this Act have been complied with, and
  - in the case of an application under subsection (1) above, that a community meeting of each of the communities in the group has consented to the dissolution of the community council,
- they shall make the order applied for.
- (4) Where a community council are dissolved by an order under this section, the order shall make such provision as appears to the principal council to be necessary for the election of a community council for any of the communities in the group in accordance with this Act and Part I of the <sup>M4</sup>Representation of the People Act 1983.
- (5) Where a community is separated from a group by an order under this section, the order shall make such provision as appears to the principal council to be necessary



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for the election of a community council for the community in accordance with this Act and Part I of the Representation of the <sup>M5</sup>People Act 1983.

- (6) Subject to section 30 below, an application under subsection (1) above may be made at any time.
- (7) This section is subject to section 29B below.]

#### Textual Amendments

**F21** S. 29A inserted (1.4.1996) by 1994 c. 19, s. 11 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1

#### Marginal Citations

**M4** 1983 c. 2.  
**M5** 1983 c. 2.

VALID FROM 01/04/1996

#### [<sup>F22</sup>29B Community councils: applications under section 28, 29 or 29A.

- (1) An application under section 28, 29 or 29A above may be made only if—
- a poll of the local government electors in the community has been held;
  - a majority of those voting in the poll supports the proposal; and
  - in the case of an application under section 29(1)(a), the application is made jointly with the communities to be grouped under the common community council.
- (2) In the case of an application under section 29A(1), paragraphs (a) and (b) of subsection (1) above apply in relation to each of the communities concerned.
- (3) The consent required by section 29(2)(b) or 29A(3)(b) above may be given by a community meeting only if—
- a poll of the local government electors in the community has been held; and
  - a majority of those voting in the poll supports the proposal.
- (4) At any community meeting at which there is discussed a proposal—
- for the establishment, or for the dissolution, of a community council,
  - for the grouping of the community with another community or communities (on an application under section 29(1)(a) or (b) above), under a common community council;
  - for the separation of the community from the communities with which it is grouped under a common community council;
  - for the dissolution of the common community council for the communities with which it is grouped;
  - for the giving of the consent required by section 29(2)(b) or 29A(3)(b) above, a decision to hold a poll on the question shall be effective only if not less than the required number of local government electors is present and voting.

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- (5) The required number of local government electors is such number as is equal to 30% of the local government electorate or, if that number exceeds 300, is 300.
- (6) No poll shall be held for the purposes of this section before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.
- (8) Where the result of any poll (“the previous poll”) held for the purposes of this section is the rejection of the proposal with respect to which the poll was held, no further poll on that question shall be held before the end of the period of two years beginning with the date on which the previous poll was held.]

#### Textual Amendments

**F22** S. 29B inserted (1.4.1996) by 1994 c. 19, s. 12(1) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1

### 30 Restriction on community applications during and after reviews.

- (1) Subject to subsection (3) below, no community application shall be made in relation to any community—
  - (a) until the expiration of two years beginning with the coming into force of an order under Schedule 10 to this Act consequent on the report of the Commission on the special community review relating to that community; or
  - (b) during the two years beginning with the coming into force of an order relating to the community under Part IV of this Act consequent on the report or proposals of the Commission or Commissions on a review under that Part of this Act of the county or district of which the community forms part or, as the case may be, of the community; or
  - (c) during the two years beginning with the coming into force of an order made under this Part of this Act on a community application in relation to the community.
- (2) In relation to an application under section 28(4) above subsection (1) above shall have effect as if for the words “two years”, in each place where they occur, there were substituted the words “five years”.
- (3) The Secretary of State may, on an application made by the Commission or Commissions at any time when conducting a review under Part IV of this Act or on an application by a district council at any time when conducting such a review, direct that no community application shall be made in relation to any community affected by the review until the Secretary of State further directs.
- (4) Notwithstanding anything in subsections (1) and (2) above but without prejudice to subsection (3) above, the Secretary of State may permit the making of a community application in relation to a community if requested to do so by the council of the district in which the community is situated or by the community council (if any) or a community meeting of the community.

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- (5) In this section “community application” means any application under section 28 or 29 above.

### **31 Provision supplementary to sections 27 to 29.**

- (1) An order made by a district council under section 27, 28 or 29 above may contain such incidental, consequential, transitional or supplementary provision as may appear to the district council to be necessary or proper for the purposes or in consequence of the order or for giving full effect thereto, and may include provision with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities.
- (2) Where any such order is made, section 68 below shall apply as if the order were made under Part IV of this Act.
- (3) Two copies of every such order shall be sent to the Secretary of State.

#### **Modifications etc. (not altering text)**

**C10** S. 31 applied (5.7.1994) by 1994 c. 19, ss. 48(3), 66(2)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

### **32 Constitution of community meeting.**

- (1) A community meeting of a community shall consist of local government electors for the community.
- (2) A community meeting may authorise the person presiding and two other local government electors present at the meeting to do anything or any class of things authorised by the meeting.
- (3) Any act of a community meeting may be signified by an instrument signed by the person presiding and two other local government electors present at the meeting.

### **33 Constitution and powers of community council.**

- (1) A community council shall consist of the chairman and community councillors and shall have all such functions as are vested in the council by this Act or otherwise.
- (2) The community council shall be a body corporate [<sup>F23</sup>and, subject to subsection (2A) below, shall be known] by the name “The Community Council” with the addition of the name of the particular community.
- [<sup>F24</sup>(2A) If and so long as this subsection is in force in relation to a community council, subsection (2) above shall have effect in relation to that council as if for the words “The Community Council” there were substituted “Cyngor Cymuned”
- (2B) Subsection (2A) above shall come into force in relation to a community council three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council’s description shall be used; and that subsection shall cease to be in force in relation to a community council three months after the day on which, at a specially convened meeting of the council, it is resolved by a similar

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majority that the Welsh language form of the council's description shall cease to be used.]

- (3) Notwithstanding anything in any rule of law, a community council need not have a common seal, but where a community council have no seal any act of theirs which is required to be signified by an instrument under seal may be signified by an instrument signed and sealed by two members of the council.

#### Textual Amendments

- F23** Words inserted as provided by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 3\(1\)](#)
- F24** [S. 33\(2A\)\(2B\)](#) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 3\(2\)](#)

VALID FROM 03/04/1995

#### <sup>F25</sup>33A Consultation with community councils.

- (1) The Secretary of State may by order designate any matter—
  - (a) for the purposes of subsection (2) below; or
  - (b) for the purposes of subsection (3) below.
- (2) Where a new principal council are to consider any proposal which relates to a matter which is designated for the purposes of this subsection, the council shall—
  - (a) afford the relevant community councils an opportunity to make representations to them about the proposal;
  - (b) before making any decision in relation to the proposal, take into account any representations made to them by any relevant community council with respect to the proposal; and
  - (c) when they take a decision with respect to the proposal, notify without delay any relevant community council by whom any such representations have been made.
- (3) If a community council have given written notice to the relevant principal council—
  - (a) that they wish to be consulted about a specified proposal which is to be considered by the principal council, and which relates to a matter designated for the purposes of this subsection, or
  - (b) that they wish to be consulted about any proposal which is to be considered by the principal council and which relates to such a matter,
 the principal council shall take the steps mentioned in subsection (2) above in relation to that community council.
- (4) An order under this section may—
  - (a) prescribe circumstances (including, in particular, the need to act with urgency) in which subsections (2) and (3) above do not apply;
  - (b) give the Secretary of State power, in such circumstances as may be prescribed by the order, to provide that in relation to any principal council specified by him, those subsections shall not apply or shall apply only to the extent specified by him.

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- (5) A contravention of the duty imposed by subsection (2) or (3) above shall not affect the validity of any decision of a principal council or of anything done in pursuance of any such decision.
- (6) In this section—
  - “relevant community council”, in relation to a principal council, means the council of any community which is, or group of communities which are, within the area of the principal council; and
  - “relevant principal council”, in relation to any community council, means the principal council within whose area the community is, or group of communities are, situated.
- (7) The power to make an order under this section shall include power—
  - (a) to make such incidental, consequential, transitional or supplemental provision as the Secretary of State thinks necessary or expedient; and
  - (b) to make different provision for different areas, including different provision for different localities and for different authorities.]

#### Textual Amendments

- F25** S. 33A inserted (3.4.1995) by 1994 c. 19, s. 14 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 3(1), Sch. 1

### 34 Chairman and vice-chairman of community council.

- (1) The chairman of a community council shall be elected annually by the council from among the councillors.
- (2) The election of a chairman shall be the first business transacted at the annual meeting of the community council and if, apart from subsection (8) below, the person presiding at the meeting would have ceased to be a member of the community council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes in the election of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (5) A community council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.
- (6) A community council may appoint a member of the council to be vice-chairman of the council.
- (7) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council.
- (8) During their term of office the chairman and vice-chairman shall continue to be members of the council notwithstanding the provisions of this Act relating to the retirement of community councillors.

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- (9) Subject to any standing orders made by the community council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

**35 Community councillors.**

- (1) Community councillors shall be elected by the local government electors for the community in accordance with this Act and Part I of the [<sup>F26</sup>Representation of the People Act 1983].
- (2) Subject to any provision included in an order by virtue of section 67 below, the ordinary elections of community councillors shall take place in 1974, 1979 and every fourth year thereafter, their term of office shall be five years in the case of those elected at the ordinary elections in 1974 and four years in the case of those elected at ordinary elections held thereafter, and the whole number of community councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1979 the newly elected councillors shall come into office on the day on which their predecessors retire.
- (3) Where a community is not divided into community wards there shall be one election of community councillors for the whole community.
- (4) Where a community is divided into community wards there shall be a separate election of community councillors for each ward.

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**Textual Amendments**  
**F26** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 8 para. 12**

<sup>F27</sup>**36** .....

.....

**Textual Amendments**  
**F27** S. 36 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. IV**

*Miscellaneous*

**37 Establishment of new authorities in Wales.**

Schedule 5 to this Act shall have effect with respect to the establishment of new local authorities in Wales, the suspension of elections of members of existing local authorities there and related matters.

**38 Extent of Part II.**

This Part of this Act shall extend to Wales only.

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## PART III

F28 39- .....  
45

### Textual Amendments

**F28** Pt. III (ss. 39–45) repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 9 Pt. II**

## PART IV

### CHANGES IN LOCAL GOVERNMENT AREAS

#### Modifications etc. (not altering text)

**C11** Pt. IV (ss. 46–78) extended with modifications by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 19(5)(6), **Sch. 9 para. 3(2)**

**C12** Pt. IV (ss. 46–78) modified by [Caldey Island Act 1990 \(c. 44, SIF 81:1\)](#), s. 4(2)

#### *Proposals by Local Government Boundary Commission for England*

### 46 Local Government Boundary Commission for England.

- (1) There shall be a Local Government Boundary Commission for England (in this Act referred to as “the English Commission”) who shall carry out the functions conferred on them by or under this Act.
- (2) The provisions of Schedule 7 to this Act shall have effect with respect to the English Commission.

### 47 Proposals for changes in local government areas in England.

- (1) Subject to subsections (2) and (3) below, the English Commission may in consequence of a review conducted by them or a district council under this Part of this Act make proposals to the Secretary of State for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):—

- (a) the alteration of a local government area;
- (b) the constitution of a new local government area of any description outside Greater London by the amalgamation of two or more such areas of the like description or by the aggregation of parts of such areas of the like description or by the separation of part of such an area of the like description;
- (c) the abolition of a principal area of any description outside Greater London and its distribution among other areas of the like description;
- (d) .....

F29

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- (e) the constitution of a new London borough by the amalgamation of two or more London boroughs or by the aggregation of parts of London boroughs or by the separation of part of a London borough;
  - (f) the abolition of a London borough and the distribution of its area among other London boroughs;
  - (g) the constitution of a new parish by—
    - (i) the establishment of any area which is not a parish or part of one as a parish; or
    - (ii) the aggregation of the whole or any part of any such area with one or more parishes or parts of parishes;
  - (h) the abolition of a parish with or without the distribution of its area among other parishes;
  - (i) a change of electoral arrangements for any local government area . . . <sup>F30</sup> which is either consequential on any change in local government areas proposed under the foregoing paragraphs or is a change (hereafter in this Part of this Act referred to as a substantive change) which is independent of any change in local government areas so proposed.
- (2) The English Commission shall not make any proposals to the Secretary of State under this section for a substantive change of electoral arrangements for a parish except in accordance with section 50(7) below.

(3) . . . . . <sup>F31</sup>

[<sup>F32</sup>(4) For the purposes of subsection 1(b) and (c) above metropolitan and non-metropolitan districts are areas of a like description.]

#### Textual Amendments

**F29** S. 47(1)(d) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**F30** Words (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 19(5)(6), [Sch. 9 Pt. II para. 2\(2\)](#)) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)

**F31** S. 47(3) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**F32** S. 47(4) substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 16 para. 4](#)

## 48 Duty and power to review local government areas in England.

(1) Subject to subsection (2) and section 49(5) below, it shall be the duty of the English Commission not less than ten or more than fifteen years after 1st April 1974 and thereafter at intervals of not less than ten or more than fifteen years from the submission of the last report of the Commission on the previous review under this subsection to review—

- (a) all [<sup>F33</sup>non-metropolitan] counties in England, all metropolitan districts and all London boroughs;
- (b) the boundaries between Greater London and the counties adjoining it and between the City and the London boroughs adjoining it [<sup>F33</sup>and between each of the metropolitan counties and the non-metropolitan counties adjoining it];

for the purpose of considering whether or not to make such proposals in relation to all or any, or any part, of those areas or boundaries as are authorised by section 47 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.



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- (2) The Secretary of State may by direction given to the English Commission vary the length of any interval specified in subsection (1) above either as respects the whole review or as respects any particular case or class of case.
- (3) At a time when the English Commission are not conducting a review under subsection (1) above, they may, subject to section 49(5) below, review all or any, or any part, of the areas mentioned in subsection (1)(a) above or of the boundaries mentioned in subsection (1)(b) above for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 47 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (4) If the English Commission receive a request from a local authority or parish meeting that the Commission should conduct a review under subsection (3) above with respect to any area or boundary in England in which the authority or meeting appear to the Commission to be interested, the Commission shall consider the request.
- (5) Subject to section 49(5) below, it shall be the duty of the English Commission to keep under review all non-metropolitan districts for the purpose of considering whether or not to make such proposals in relation to any such districts as are authorised by section 47 above and what proposals, if any, to make, and the Commission shall, unless to do so would in their opinion impede the proper discharge of their functions, consider any request made to them by any local authority or parish meeting appearing to the Commission to be interested in any such district that the Commission should make such proposals, and in either case the Commission shall, if they think fit, formulate such proposals accordingly.
- (6) In any case where the Secretary of State has made an order under section 1 of the <sup>M6</sup>New Towns Act 1965 designating any land as, or as an extension of, a new town and the area of the new town as so designated or so extended is not wholly comprised within one district, he shall, as soon as practicable after the order has become operative, send to the English Commission a notice stating that the order is in operation and specifying the districts within which that area is situated, and on receipt of such a notice it shall be the duty of the Commission, subject to section 49(5) below, to review the areas of those districts for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 47 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (7) Subject to section 49(5) below, the English Commission may at any time review the boundaries between the Inner Temple or the Middle Temple and the City or the City of Westminster for the purpose of considering whether or not to make such proposals with respect to any such boundaries as are authorised by section 47 above and what proposals, if any, to make and shall, unless to do so would in their opinion impede the proper discharge of their functions, consider any request made with respect to any such boundaries by the Common Council, the Council of the City of Westminster, the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple, and in either case the Commission shall, if they think fit, formulate such proposals accordingly.
- (8) Subject to section 49(5) below, it shall be the duty of the council for each district in England to keep the whole of their district under review for the purpose of considering whether or not to make recommendations to the English Commission for such proposals with respect to the constitution of new parishes, the abolition of

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parishes or the alteration of parishes in their district as are authorised by section 47 above and what recommendations, if any, to make and the council shall, unless to do so would in their opinion impede the proper discharge of their functions under this Part of this Act, consider any request made with respect to any of those matters by any parish council or parish meeting appearing to the district council to be interested, and the district council shall from time to time report to the Commission accordingly.

- (9) The English Commission shall consider any report made under subsection (8) above with respect to any district in England and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 47 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.

#### Textual Amendments

**F33** Word(s) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 16 para. 5](#)

#### Marginal Citations

**M6** [1965 c. 59](#).

### 49 Power of Secretary of State to direct holding or postponement of reviews.

- (1) The Secretary of State may direct the English Commission to conduct a review of the principal areas in England as a whole, or of any one or more local government areas or parts of such areas in England, for the purpose of considering whether or not to make such proposals in relation to the area reviewed as are authorised by section 47 above and what proposals, if any, to make and the Commission shall, if they think fit, formulate such proposals accordingly.
- (2) The Secretary of State may, at the request of the English Commission or otherwise, direct the council of a district in England to conduct a review of the whole or any part of their district for the purpose of considering whether or not to make recommendations to the Commission for such proposals with respect to the constitution of new parishes, the abolition of parishes or the alteration of parishes in their district as are authorised by section 47 above and what recommendations, if any, to make, and to report to the Commission accordingly within a period specified in the direction.
- (3) The English Commission shall consider any report made under subsection (2) above with respect to any district in England and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 47 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.

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- (4) If a district council fail within the period specified in a direction under subsection (2) above to submit a report to the English Commission, the Secretary of State may direct the English Commission to conduct the review which the district council were directed to conduct for the purpose of considering whether or not to make any such proposals as aforesaid and what, if any, proposals to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (5) The Secretary of State may direct—
  - (a) the English Commission not to undertake during a specified period a review of any one or more local government areas or parts of such areas, or boundaries between such areas, which the Commission have the duty or power to review under section 48 above; and
  - (b) a district council not to undertake during a specified period a review of the whole or any specified part of their district which they have power to review under that section.

## **50 Substantive changes in electoral arrangements.**

- (1) No review shall be conducted under section 48 or 49 above for the purpose of making proposals for a substantive change of electoral arrangements, but the following provisions of this section shall have effect with respect to the making of such proposals.
- (2) It shall be the duty of the English Commission not less than ten or more than fifteen years after the completion of the initial review of the electoral arrangements for counties under Schedule 9 below and thereafter, so far as is reasonably practicable, at intervals of not less than ten or more than fifteen years from the submission of the last report of the Commission on the previous review under this subsection in relation to the area in question, to review the electoral arrangements for every principal area in England . . . <sup>F34</sup> for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (3) Without prejudice to subsection (2) above, the English Commission may at any time, whether at the request of a local authority or otherwise, review the electoral arrangements for a principal area in England . . . <sup>F34</sup> for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (4) It shall be the duty of the council of each district in England to keep under review the electoral arrangements for the parishes (if any) in their district for the purpose of considering whether or not to make substantive changes in those arrangements and what changes, if any, to make, and the council shall consider any request made with respect to those arrangements by the council for, or not less than thirty local government electors of, any parish appearing to the district council to be likely to be affected by those changes, and the district council may, if they think fit, make an order giving effect to those changes.
- (5) The English Commission may, on a request made by the council for, or not less than thirty local government electors of, any parish, review the electoral arrangements for the parish for the purpose of considering whether or not to make proposals to the

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district council for an order under subsection (6) below changing those arrangements and what proposals, if any, to make, and may, if they think fit, formulate such proposals and send them to the district council accordingly.

- (6) Where a district council have received proposals from the English Commission under subsection (5) above for an order under this subsection they may, if they think fit, make the order proposed or may suggest modifications to the proposals and, where the Commission agree to the modifications suggested, may make the order with those modifications.
- (7) If after receiving any such proposals a district council inform the English Commission that in their opinion the order proposed should not be made (whether with or without modifications) or, if within six months of receiving any such proposals the district council have not made the order proposed (whether with or without modifications), the Commission may report that fact to the Secretary of State and make to him the proposals which they made to the district council.
- (8) No representations shall be made after the passing of this Act under paragraph 1 of Part III of Schedule 1 to the 1963 Act (consideration of electoral arrangements for London boroughs).

#### **Textual Amendments**

**F34** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [S. 19\(5\)\(6\)](#), [Sch. 9 Pt. II para. 2\(3\)](#) and repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [ss. 231\(7\)](#), [1 235\(6\)](#), [237\(2\)](#), [Sch. 13 Pt. I](#)

## **51 Commission's reports and their implementation.**

- (1) Where the English Commission have—
  - (a) in accordance with section 48 or 49 above been conducting a review of any area or considering any recommendations made by a district council; or
  - (b) in accordance with section 50 above been conducting a review of electoral arrangements on which they have a power or duty to formulate proposals to, or submit a report to, the Secretary of State;
 and in either case are of the opinion that they are in a position to submit to the Secretary of State a report on the review or any part of it or any of the recommendations, they shall submit a report to him on the review or that part or those recommendations, together with the proposals they have formulated thereon, or, as the case may be, a notification that they have no proposals to put forward thereon.
- (2) The Secretary of State may if he thinks fit by order give effect to any proposals made to him by the Commission, either as submitted to him or with modifications:
 

Provided that an order giving effect to any such proposals shall not be made until after the expiry of six weeks from the day on which those proposals were submitted to him.
- (3) If in relation to any area the Secretary of State decides to make an order under this section giving effect with modifications to proposals made to him by the Commission, he may, if he thinks fit, direct the Commission to conduct a further review of that area or, as the case may be, of its electoral arrangements and to make revised proposals with respect to that area or those arrangements within a time specified in the direction.
- (4) Any statutory instrument containing an order under this section which alters the area of a county, district or London borough, the City, the Inner Temple or the Middle Temple

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or abolishes a county, district or London borough shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **52 Directions about reviews.**

- (1) The Secretary of State may give the English Commission or the council of a district in England directions for their guidance in conducting reviews under section 48, 49 or 50 above and making proposals or recommendations or considering substantive changes in electoral arrangements in consequence thereof, and the directions may relate to all such reviews or to any particular review or class of review.
- (2) A direction shall not be given under subsection (1) above with respect to all reviews, reviews of any class or a single review of all or any class of the principal areas in England except after consultation with associations appearing to the Secretary of State to be representative of local authorities.
- (3) The Secretary of State may give directions to the English Commission with respect to the order in which areas or electoral arrangements are to be reviewed by them under any provision of section 48 or 49 above.

### *Proposals by Local Government Boundary Commission for Wales*

## **53 Local Government Boundary Commission for Wales.**

- (1) There shall be a Local Government Boundary Commission for Wales (in this Act referred to as “the Welsh Commission”) who shall carry out the functions conferred on them by or under this Act.
- (2) The provisions of Schedule 8 to this Act shall have effect with respect to the Welsh Commission.

## **54 Proposals for changes in local government areas in Wales.**

- (1) Subject to subsection (2) below, the Welsh Commission may in consequence of a review conducted by them or a district council under this Part of this Act make proposals to the Secretary of State for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):—
  - (a) the alteration of a local government area;
  - (b) the constitution of a new local government area of any description by the amalgamation of two or more such areas of the like description or by the aggregation of parts of such areas of the like description or by the separation of part of such an area of the like description;
  - (c) the abolition of a local government area of any description and its distribution among other areas of the like description;
  - (d) the constitution of a new community by—
    - (i) the establishment of any area which is not a community or part of one as a community;
    - (ii) the aggregation of the whole or any part of any such area with one or more communities or parts of communities;

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- (e) a change of electoral arrangements for any local government area which is either consequential on any change in local government areas proposed under the foregoing paragraphs or is a substantive change.
- (2) The Welsh Commission shall not make any proposals to the Secretary of State under this section for a substantive change of electoral arrangements for a community except in accordance with section 57(7) below.

## **55 Review of local government areas in Wales.**

- (1) It shall be the duty of the Welsh Commission to keep under review all counties and districts in Wales for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, unless to do so would in their opinion impede the proper discharge of their functions, consider any request made to them by any local authority appearing to the Commission to be interested in any such county or district that the Commission should make such proposals, and in either case the Commission shall, if they think fit, formulate such proposals accordingly.
- (2) Upon the completion, in relation to their district, of the special community review under Schedule 10 below it shall be the duty of the council for each district in Wales to keep the whole of their district under review for the purpose of considering whether or not to make recommendations to the Welsh Commission for such proposals with respect to the constitution of new communities, the abolition of communities or the alteration of communities in their district as are authorised by section 54 above and what recommendations, if any, to make and the council shall, unless to do so would in their opinion impede the proper discharge of their functions under this Part of this Act, consider any request made with respect to any of those matters by any community council or community meeting appearing to the district council to be interested, and the district council shall from time to time report to the Commission accordingly.
- (3) The Welsh Commission shall consider any report made under subsection (2) above with respect to any district in Wales and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 54 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.
- (4) In any case where the Secretary of State has made an order under section 1 of the <sup>M7</sup>New Towns Act 1965 designating any land as, or as an extension of, a new town and the area of the new town as so designated or so extended is not wholly comprised within one district, he shall, as soon as practicable after the order has become operative, send to the Welsh Commission a notice stating that the order is in operation and specifying the districts within which that area is situated, and on receipt of such a notice it shall be the duty of the Commission to review the areas of those districts for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

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(5) If in conducting a review under this section the Commission or a district council intend to make, or recommend the making of, proposals for a change in local government areas they shall also consider whether or not in consequence of that change to make or recommend the making of proposals for any of the following:—

- (a) the constitution of a council for a community (other than a community which is co-extensive with a district) or a group of such communities;
- (b) the dissolution of a community council, whether separate or common;
- (c) the separation of a community from a group of communities having a common community council;
- (d) the addition of a community to a group of communities having a common community council;
- (e) the making of provision for electoral arrangements for any community or group of communities which is consequential on any change proposed under the foregoing paragraphs;

and subsections (1) to (3) above shall apply in relation to proposals for any of those matters and recommendations for such proposals as they apply in relation to proposals authorised by section 54 above and recommendations for such proposals.

#### Marginal Citations

M7 1965 c. 59.

## 56 Power of Secretary of State to direct holding of reviews.

- (1) The Secretary of State may direct the Welsh Commission to conduct a review of Wales as a whole, or of any one or more local government areas or parts of such areas in Wales, for the purpose of considering whether or not to make such proposals in relation to the area reviewed as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (2) The Secretary of State may, at the request of the Welsh Commission or otherwise, direct the council of a district in Wales to conduct a review of the whole or any part of their district for the purpose of considering whether or not to make recommendations to the Commission for such proposals with respect to the constitution of new communities, the abolition of communities or the alteration of communities in their district as are authorised by section 54 above and what recommendations, if any, to make, and to report to the Commission accordingly within a period specified in the direction.
- (3) The Welsh Commission shall consider any report made under subsection (2) above with reference to any district in Wales and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 54 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.

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- (4) If a district council fail within the period specified in a direction under subsection (2) above to submit a report to the Welsh Commission, the Secretary of State may direct the Welsh Commission to conduct the review which the district council were directed to conduct for the purpose of considering whether or not to make any such proposals as aforesaid and what, if any, proposals to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (5) If in conducting a review under this section the Commission or a district council intend to make, or recommend the making of, proposals for a change in local government areas, they shall also consider whether or not in consequence of that change to make or recommend the making of proposals for any such matters as are mentioned in section 55(5) above, and subsections (1) to (3) of that section shall apply in relation to such proposals and recommendations as they apply in relation to proposals authorised by section 54 above and recommendations for such proposals.

## **57 Substantive changes in electoral arrangements.**

- (1) No review shall be conducted under section 55 or 56 above for the purpose of making proposals for a substantive change of electoral arrangements, but the following provisions of this section shall have effect with respect to the making of such proposals.
- (2) It shall be the duty of the Welsh Commission not less than ten or more than fifteen years after the completion of the initial review of the electoral arrangements for counties under Schedule 10 below and thereafter, so far as is reasonably practicable, at intervals of not less than ten or more than fifteen years from the submission of the last report of the Commission on the previous review under this subsection in relation to the area in question, to review the electoral arrangements for every principal area in Wales for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (3) Without prejudice to subsection (2) above, the Welsh Commission may at any time, whether at the request of a local authority or otherwise, review the electoral arrangements for a principal area in Wales for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (4) It shall be the duty of the council of each district in Wales to keep under review the electoral arrangements for the communities in their district for the purpose of considering whether or not to make substantive changes in those arrangements and what changes, if any, to make and the council shall consider any requests made with respect to those arrangements by the council for, or not less than thirty local government electors of, any community appearing to the district council to be likely to be affected by those changes, and the district council may, if they think fit, make an order giving effect to those changes.
- (5) The Welsh Commission may, on a request made by the council for, or not less than thirty local government electors of, any community, review the electoral arrangements for the community for the purpose of considering whether or not to make proposals to the district council for an order under subsection (6) below changing those



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arrangements and what proposals, if any, to make, and may, if they think fit, formulate such proposals and send them to the district council accordingly.

- (6) Where a district council have received proposals from the Welsh Commission under subsection (5) above for an order under this subsection they may, if they think fit, make the order proposed or may suggest modifications to the proposals and, where the Commission agree to the modifications suggested, may make the order with those modifications.
- (7) If after receiving any such proposals a district council inform the Welsh Commission that in their opinion the order proposed should not be made (whether with or without modifications) or if, within six months of receiving any such proposals the district council have not made the order proposed (whether with or without modifications), the Commission may report that fact to the Secretary of State and make to him the proposals which they made to the district council.

## **58 Commission's reports and their implementation.**

- (1) Where the Welsh Commission have—
  - (a) in accordance with section 55 or 56 above been conducting a review of any area or considering any recommendations made by a district council; or
  - (b) in accordance with section 57 above been conducting a review of electoral arrangements on which they have a power or duty to formulate proposals to, or submit a report to, the Secretary of State;

and in either case are of the opinion that they are in a position to submit to the Secretary of State a report on the review or any part of it or any of the recommendations, they shall submit a report to him on the review or that part or those recommendations, together with the proposals they have formulated thereon, or, as the case may be, a notification that they have no proposals to put forward thereon.

- (2) The Secretary of State may if he thinks fit by order give effect to any proposals made to him by the Welsh Commission, either as submitted to him or with modifications:

Provided that an order giving effect to any such proposals shall not be made until after the expiry of six weeks from the day on which those proposals were submitted to him.

- (3) If in relation to any area the Secretary of State decides to make an order under this section giving effect with modifications to proposals made to him by the Commission, he may, if he thinks fit, direct the Commission to conduct a further review of that area or, as the case may be, of its electoral arrangements and to make revised proposals with respect to that area or those arrangements within a time specified in the direction.
- (4) Any statutory instrument containing an order under this section which alters the area of a county or district or abolishes a county or district shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **Modifications etc. (not altering text)**

**C13** S. 58(1) excluded by S.I. 1986/553, art. 3(1)

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## **59 Directions about reviews.**

- (1) The Secretary of State may give the Welsh Commission or the council of a district in Wales directions for their guidance in conducting reviews under section 55, 56 or 57 above and making proposals or recommendations or considering substantive changes in electoral arrangements in consequence thereof, and the directions may relate to all such reviews or to any particular review or class of review.
- (2) A direction shall not be given under subsection (1) above with respect to all reviews, reviews of any class or a single review of all or any class of the principal areas in Wales except after consultation with associations appearing to the Secretary of State to be representative of local authorities.
- (3) The Secretary of State may give directions to the Welsh Commission with respect to the order in which areas or electoral arrangements are to be reviewed by them under any provision of section 55 or 56 above.

### *Conduct of reviews*

## **60 Procedure for reviews.**

- (1) A Commission or district council proposing to conduct a review under the foregoing provisions of this Part of this Act shall take such steps as they think fit to secure that persons who may be interested in the review are informed of the proposal to conduct it and of any directions of the Secretary of State which are relevant to it.
- (2) In conducting any such review a Commission or district council shall—
  - (a) consult—
    - (i) the council of any local government area affected by the review, and such other local authorities and public bodies as appear to them to be concerned;
    - (ii) any bodies representative of staff employed by local authorities who have asked the Commission or the council, as the case may be, to be consulted; and
    - (iii) such other persons as they think fit;
  - (b) take such steps as they think fit for securing that persons who may be interested in the review are informed of any draft proposals or recommendations, any draft of an order under section 50(4) or 57(4) above or any interim decision not to make proposals or recommendations or any such order and of the place or places where those proposals or recommendations or that order or decision can be inspected;
  - (c) in particular, deposit copies of those proposals or recommendations or that order or decision at the offices of any principal council whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices for a period specified in the requirement; and
  - (d) take into consideration any representations made to them within that period.
- (3) In considering any recommendations made by a district council in consequence of a review conducted by them under this Part of this Act a Commission may consult the council of any local government area affected by the review, such other local authorities and public bodies as appear to them to be concerned and such other persons as they think fit.

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- (4) Where a Commission propose to modify any proposals recommended by a district council as aforesaid or not to submit any such proposals, the Commission shall—
  - (a) take such steps as they think fit for securing that persons who may be interested in any modification or decision are informed of it and of the place or places where it can be inspected;
  - (b) deposit copies of any draft modification or the decision at the offices of any principal council whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices for a period specified in the requirement; and
  - (c) take into consideration any representations which may be made to them with respect to any such modification or decision within that period.
- (5) Where a Commission or a district council make a report, proposals or recommendations under this Part of this Act they shall—
  - (a) take such steps as they think fit for securing that persons who may be interested in the report, proposals or recommendations are informed of the report, proposals or recommendations and of the place or places where they can be inspected;
  - (b) in particular, deposit copies of the report, proposals or recommendations at the offices of any principal council whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices until the expiration of six months after the making of an order giving effect, with or without modifications, to the proposals or recommendations or after a notification by the Commission that they have no proposals to put forward or, as the case may be, by the Secretary of State that he does not propose to give effect to the proposals of the Commission.
- (6) Subject to subsections (1) to (5) above, the Secretary of State may make regulations prescribing the procedure by which a Commission or, as the case may be, a district council are to conduct a review under this Part of this Act or by which a Commission are to consider recommendations of a district council thereunder.
- (7) Subject to those subsections and to any regulations made under subsection (6) above, the procedure of a Commission or a district council in conducting any such review and the procedure of the Commission in considering any such recommendations shall be such as they may determine.
- (8) .....

F35

**Textual Amendments**

**F35** S. 60(8) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 19(5)(6), **Sch. 9 Pt. II para. 2(4)**) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**61 Local inquiries.**

- (1) A Commission or district council may cause a local inquiry to be held with respect to any review carried out by them under this Part of this Act.

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- (2) Section 250(2), (3) and (5) below shall apply in relation to an inquiry held under this section with the substitution for references to a Minister of references to the Commission or district council causing the inquiry to be held.

*Border between England and Wales*

**62 Alterations in the boundaries between English and Welsh counties.**

- (1) The English Commission and the Welsh Commission may jointly review the boundary between a county in England and a county in Wales and, with the consent of the councils of both counties, make joint proposals to the Secretary of State for making alterations to the boundary appearing to the Commissions desirable in the interests of effective and convenient local government and for making consequential changes to the electoral arrangements for any area in those counties.
- (2) The Commissions shall before making proposals under this section—
- (a) give public notice in such manner as appears to the Commissions to be sufficient for informing persons likely to be concerned that they are holding a review under this section;
  - (b) prepare draft proposals and furnish copies of them to all public bodies appearing to the Commissions to be affected thereby and require those bodies which are principal councils to make copies available for inspection at their offices for a period specified in the requirement;
  - (c) on furnishing such copies as aforesaid give public notice as aforesaid that copies of the draft proposals are available for inspection as aforesaid and that objections to the proposals may be made to the Commissions within a time specified in the notice;
  - (d) consider any objections received by the Commissions within that time and, if they think fit, cause a local inquiry to be held with respect to the proposals.
- (3) Section 250(2), (3) and (5) below shall apply in relation to an inquiry held under this section with the substitution for references to a Minister of references to the Commissions.
- (4) The Secretary of State may give both the Commissions directions for their guidance in conducting a review and making proposals under this section.
- (5) Where the Commissions have in accordance with this section completed a review thereunder, they shall submit to the Secretary of State a report on the review together with the proposals they have formulated or, as the case may be, a notification that they have no proposals to put forward, and section 60(5) above shall apply to the report and proposals as it applies to any report or proposals mentioned therein.
- (6) Subject to the foregoing provisions of this section, the procedure of the Commissions for conducting a review under this section shall be such as they may determine.
- (7) The Secretary of State may if he thinks fit by order give effect to any proposals made to him under this section either as submitted to him or with such modifications as he may agree with the county councils concerned.
- (8) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

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[<sup>F36</sup>(9) In the case of the boundary between a metropolitan county and a county in Wales the references in subsection (1) above to the councils of both counties and in subsection (7) above to the county councils concerned shall be treated as references to the council of the metropolitan district and the council of the county in Wales between which the boundary lies.]

#### Textual Amendments

**F36** S. 62(9) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 16 para. 6](#)

#### *Initial reviews*

#### **63 Review of electoral arrangements (England).**

Schedule 9 to this Act shall have effect with respect to the initial review of electoral arrangements for counties and districts in England.

#### **64 Special community review and review of electoral arrangements (Wales).**

Schedule 10 to this Act shall have effect with respect to the review of Wales with a view to the making of changes in the areas, councils and electoral arrangements of communities in Wales and with respect to the initial review of electoral arrangements for counties and districts in Wales.

#### *Supplementary provisions*

#### **65 Delegation of functions of Commission.**

- (1) A Commission may appoint one or more members of the Commission—
  - (a) to hold any local inquiry or to carry out any consultation or investigation which the Commission are required or authorised to hold or carry out under this Act; and
  - (b) to report to the Commission accordingly.
- (2) At the request of a Commission the Secretary of State may appoint one or more persons as assistant commissioners for all or any of the purposes specified in subsection (1) (a) and (b) above.
- (3) The appointment of an assistant commissioner under subsection (2) above—
  - (a) shall be for such period or for such purpose or purposes as may be specified in the terms of his appointment; and
  - (b) shall be on such terms and conditions as to remuneration and otherwise as may be determined by the Secretary of State with the approval of the Minister for the Civil Service.

#### **66 Delegation of functions of Commissions acting jointly.**

- (1) The Commissions acting jointly may appoint one or more members of either or both of the Commissions—

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- (a) to hold any local inquiry or to carry out any consultation or investigation which the Commissions, acting jointly, are required or authorised to hold or carry out under this Act; and
  - (b) to report to the Commissions accordingly.
- (2) At the request of the Commissions the Secretary of State may appoint one or more persons as assistant commissioners for all or any of the purposes specified in subsection (1)(a) and (b) above.
- (3) The appointment of an assistant commissioner under subsection (2) above—
- (a) shall be for such period or for such purpose or purposes as may be specified in the terms of his appointment; and
  - (b) shall be on such terms and conditions as to remuneration and otherwise as may be determined by the Secretary of State with the approval of the Minister for the Civil Service.

## **67 Consequential and transitional arrangements relating to Part IV.**

- (1) The Secretary of State may by regulations of general application make such incidental, consequential, transitional or supplementary provision as may appear to him to be necessary or proper for the purposes or in consequence of orders under this Part of this Act or for giving full effect thereto; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (2) Regulations under this section may in particular include, in addition to any provision made by virtue of section 255 below, provision of general application with respect to—
- (a) the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities;
  - (b) the functions or areas of jurisdiction of any public body, justice of the peace, stipendiary magistrate, coroner, custos rotulorum, lord-lieutenant, lieutenant, high sheriff and other officers (including police officers) within any area affected by any such order, and the costs and expenses of such public bodies and persons as aforesaid;
  - (c) the transfer of legal proceedings;
- and may apply, with or without modifications, or extend, exclude or amend, or repeal or revoke, with or without savings, any provision of an Act, an instrument made under an Act or a charter.
- (3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) An order under this Part of this Act may include the like provision in relation to the order as may be made by regulations of general application under this section by virtue of subsections (1) and (2) above; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (5) Any such order may also include provision with respect to—
- (a) the name of any altered area;
  - (b) the constitution and election of public bodies in any area affected by the order;
  - [<sup>F37</sup>(c) the total number of councillors, the apportionment of councillors among electoral areas, the assignment of existing councillors to new or altered electoral areas and the first election of councillors for any new or altered electoral area;]

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- (d) without prejudice to paragraph (c) above, the holding of a fresh election of councillors for all electoral areas in the local government area in question in a case where substantial changes have been made to some of those areas;
- (e) without prejudice to paragraph (c) above, the order of retirement of councillors for any such electoral area;
- (f) in the case of an order relating to the system of election of district councillors, the ordinary year of election and the order of retirement of parish or community councillors for any parish or community situated in the district;
- (g) the abolition or establishment, or the restriction or extension, of the jurisdiction of any public body in or over any part of the area affected by the order.

(6) ..... F38

#### Textual Amendments

**F37** S. 67(5)(c) substituted by S.I. 1977/1710, art. 3(a)

**F38** S. 67(6) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), Sch. 9 Pt. II para. 2(5)) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

### 68 Transitional agreements as to property and finance.

- (1) Any public bodies affected by the alteration, abolition or constitution of any area by an order under this Part of this Act may from time to time make agreements with respect to any property, income, rights, liabilities and expenses (so far as affected by the alteration, abolition or constitution) of, and any financial relations between, the parties to the agreement.
- (2) The agreement may provide—
  - (a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for the joint use of any property;
  - (b) for the making of payments by either party to the agreement in respect of property, rights and liabilities so transferred or retained, or of such joint use, and in respect of the remuneration or compensation payable to any person; and
  - (c) for the making of any such payment either by way of a capital sum or of a terminable annuity.
- (3) In default of agreement as to any matter, the matter shall be referred to the arbitration of a single arbitrator agreed on by the parties, or in default of agreement appointed by the Secretary of State, and the award of the arbitrator may provide for any matter for which an agreement under this section might have provided.
- (4) Any sum required to be paid by a public body in pursuance of an agreement or award under this section may be paid out of such fund or rate as may be specified in the agreement or award, or if no fund or rate was specified, either out of the fund or rate from which the general expenses of the public body are defrayed, or out of such fund or rate as the public body may direct.
- (5) For the purposes of paying any capital sum required to be paid by a public body in pursuance of any such agreement or award—

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- (a) a local authority may borrow without the approval of the Secretary of State, but so that the sum borrowed shall be repaid within such period as the authority with the consent of the Secretary of State may determine;
- (b) any other public body having power under any enactment or any instrument made under any Act to borrow may borrow under that enactment or instrument; and
- (c) a public body having no power under any enactment or any such instrument to borrow may be empowered by an order made by the Secretary of State to borrow in such manner and in accordance with such conditions as may be provided by the order.

<sup>F39</sup>(6) . . . . .

(8) Any agreement or award under this section which relates to the profits of local taxation licences shall, so far as it so relates, be carried out in accordance with regulations made by the Secretary of State.

(9) Subsection (8) above shall apply to—

- (a) an adjustment made under section 151 of the 1933 Act, whether as originally enacted or as applied by any other enactment or any instrument made under any Act; and
- (b) an adjustment made under section 32 or 62 of the <sup>M8</sup>Local Government Act 1888, whether as originally enacted or as so applied, and consequent on an alteration of areas effected after 31st March 1930;

as it applies in relation to an agreement or award under this section.

**Textual Amendments**

**F39** S. 68(6)(7) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), [Sch. 12 Pt. 1](#)

**Marginal Citations**

**M8** 1888 c. 41.

**69 Variation and revocation of orders under Part IV, etc.**

- (1) The power conferred by section 266 below to vary and revoke orders under this Act shall, in the case of orders under this Part of this Act, apply only in relation to any supplementary provision contained in any such order, and an order varying or revoking any such provision shall only be made after compliance with subsections (2) and (3) below.
- (2) The Secretary of State or district council proposing to make any such varying or revoking order shall prepare a draft of the order, shall send copies of the draft to such local or public authorities as appear to him or them to be concerned, and shall give public notice, in such manner as appears to him or them sufficient for informing persons likely to be concerned, that the draft has been prepared, that a copy of the draft is available for inspection at a place specified in the notice and that representations with respect to the draft may be made to him or them within two months of the publication of the notice.



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- (3) The Secretary of State or district council shall consider any representations duly made with respect to the draft and may, if he or they think fit, make an order either in the form of the draft or subject to modifications.
- (4) The Secretary of State or a district council may cause a local inquiry to be held with respect to the draft and section 250(2), (3) and (5) below shall apply in relation to an inquiry held under this subsection by a district council with the substitution for references to a Minister of references to the council.
- (5) Any supplementary provision contained in an order made by a Minister of the Crown under any of the following enactments (being enactments making provision corresponding to some or all of the foregoing provisions of this Part of this Act), that is to say—
- (a) section 46 of the <sup>M9</sup>Local Government Act 1929;
  - (b) Part VI of the 1933 Act;
  - (c) Part II of the <sup>M10</sup>Local Government Act 1958;
  - (d) section 6 of the 1963 Act;
  - (e) any enactment repealed by the 1933 Act and corresponding to any enactment in the said Part VI;
- may be varied or revoked by an order made by the Secretary of State, and subsections (2) to (4) above shall apply in relation to any such order as they apply in relation to orders varying or revoking orders under this Part of this Act.
- (6) Any supplementary provision contained in an order made under any of the enactments mentioned in subsection (5) above by a county council may be varied or revoked in relation to any new district to which or part of which that provision relates by an order made by the council of the district, and subsections (2) to (4) above shall apply with all necessary modifications in relation to any such order as they apply in relation to orders varying or revoking orders under this Part of this Act.
- (7) In this section “supplementary provision” means any such provision as could be made by an order under this Part of this Act by virtue of section 67 above or section 255 below.

#### Marginal Citations

**M9** 1929 c. 17.

**M10** 1958 c. 55.

#### Miscellaneous

### 70 Restriction on promotion of Bills for changing local government areas, etc.

[<sup>F40</sup>[<sup>F41</sup>No] local authority or a joint authority . . . <sup>F42</sup>] shall have power to promote a bill for forming or abolishing any local government area . . . <sup>F43</sup> or for altering, or altering the status or electoral arrangements of, any local government area . . . <sup>F43</sup>.

#### Textual Amendments

**F40** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. I para. 1

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- F41** Word substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 Pt. II para. 41**
- F42** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F43** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 1** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**Modifications etc. (not altering text)**

- C14** S. 70 amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(a)**
- C15** S. 70 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(a)**
- C16** S. 70 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

**71 Modification of seaward boundaries of local government areas.**

- (1) A Commission may at any time review so much of the boundary of any county as lies below the high-water mark of medium tides and does not form a common boundary with another county and may make proposals to the Secretary of State for making alterations to any part of the boundary so as to include in the county any area of the sea which at the date of the proposals is not, in whole or in part, comprised in any other county or to exclude from the county any area of the sea which at that date is comprised in the county.
- (2) The Secretary of State may direct a Commission to conduct a review under this section of a particular boundary or not to undertake during a specified period such a review of a particular boundary, and may give a Commission directions for their guidance in conducting a review and making proposals under this section.
- (3) Subsections (1), (2), (5), (6) and (7) of section 60 above shall apply in relation to a review under this section as they apply in relation to a review under the provisions of this Part of this Act which precede that section.
- (4) The Secretary of State may if he thinks fit by order give effect to any proposals made to him under this section, either as submitted to him or with modifications.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**72 Accretions from the sea, etc.**

- (1) Subject to subsection (3) below, every accretion from the sea, whether natural or artificial, and any part of the sea-shore to the low water-mark, which does not immediately before the passing of this Act form part of a parish shall be annexed to and incorporated with—
  - (a) in England, the parish or parishes which the accretion or part of the sea-shore adjoins, and
  - (b) in Wales, the community or communities which the accretion or part of the sea-shore adjoins,
 in proportion to the extent of the common boundary.
- (2) Every accretion from the sea or part of the sea-shore which is annexed to and incorporated with a parish or community under this section shall be annexed to and incorporated with the district and county in which that parish or community is situated.

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- (3) In England, in so far as the whole or part of any such accretion from the sea or part of the sea-shore as is mentioned in subsection (1) above does not adjoin a parish, it shall be annexed to and incorporated with the district which it adjoins or, if it adjoins more than one district, with those districts in proportion to the extent of the common boundary; and every such accretion or part of the sea-shore which is annexed to and incorporated with a district under this section shall be annexed to and incorporated with the county in which that district is situated.

### **73 Alteration of local boundaries consequent on alteration of water-course.**

- (1) Where, in the exercise of any power conferred by the <sup>M11</sup>Land Drainage Act 1930 or any other enactment, a water-course forming a boundary line between two or more areas of local government is straightened, widened or otherwise altered so as to affect its character as a boundary line, the drainage board or other persons under whose authority the alteration is made shall forthwith send notice of the alteration to the Secretary of State.
- (2) If after consultation with the English Commission or the Welsh Commission, as the case may require, the Secretary of State is satisfied that, having regard to the alteration specified in the notice, a new boundary line may conveniently be adopted, he may by order declare that such line as may be specified in the order (whether or not consisting wholly or in part of the line of the water-course as altered) shall be substituted for so much of the boundary line as, before the alteration, lay along the line of the water-course; and where such an order is made the limits of the areas of which the water-course, before the alteration, was the boundary shall be deemed to be varied accordingly.
- (3) The Secretary of State shall, in such manner as he thinks appropriate, publish notice of any order made by him under this section.

#### **Marginal Citations**

**M11** 1930 c. 44.

### **74 Change of name of county, district or London borough.**

- (1) Subject to subsection (5) below, the council of a county, district or London borough may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, change the name of the county, district or borough.
- (2) Where the name of a district which has been granted the status of a city, borough or royal borough or the name of a London borough is changed in pursuance of this section, the charter or other grant or incorporation order shall have effect as if the new name were substituted for the old.
- (3) Notice of any change of name made under this section [<sup>F44</sup>or by virtue of a resolution under section 21(5) above]—
  - (a) shall be sent by the council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and
  - (b) shall be published in such manner as the Secretary of State may direct.

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- (4) A change of name made in pursuance of this section [<sup>F44</sup>or by virtue of a resolution under section 21(5) above] shall not affect any rights or obligations of any county, district or London borough or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.
- (5) The name of a county or district shall not be changed under this section before 1st April 1978 unless the change is made with the consent of the Secretary of State.

#### Textual Amendments

**F44** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 4](#)

### 75 Change of name of parish.

- (1) At the request of the parish council or, where there is no parish council, at the request of the parish meeting, the council of the district in which the parish is situated may change the name of the parish.
- (2) Notice of any change of name made under this section—
- shall be sent by the district council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and
  - shall be published by the district council in the parish and elsewhere in such manner as they consider appropriate.
- (3) A change of name made in pursuance of this section shall not affect any rights or obligations of any parish or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

#### Modifications etc. (not altering text)

**C17** [S. 75](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), [Sch. 1](#)

### 76 Change of name of community.

- (1) At the request of the community council or, where there is no community council, at the request of a community meeting, the council of the district in which the community is situated may change the name of the community.
- (2) Notice of any change of name made under this section [<sup>F45</sup>or by virtue of a resolution under section 33(2B) above]—
- shall be sent by the district council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and
  - shall be published by the district council in the community and elsewhere in such manner as they consider appropriate.
- (3) A change of name made in pursuance of this section [<sup>F45</sup>or by virtue of a resolution under section 33(2B) above] shall not affect any rights or obligations of any community or of any council, authority or person, or render defective any legal

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proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

**Textual Amendments**

**F45** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, **Sch. 8 para. 5**

**F46**77 .....

**Textual Amendments**

**F46** S. 77 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

**78 Supplementary.**

(1) In this Part of this Act—

“electoral arrangements” means—

- (a) in relation to a principal area, the number of councillors of the council for that area, the number and boundaries of the electoral areas into which that area is for the time being divided for the purpose of the election of councillors, the number of councillors to be elected for any electoral area in that principal area and the name of any electoral area;
- (b) in relation to a parish or community council or a common parish or community council, the number of councillors, the question whether the parish or community or any parish or community, as the case may be, should or should not be or continue to be divided into wards for the purpose of the election of councillors, the number and boundaries of any such wards, the number of councillors to be elected for any such ward or in the case of a common parish or community council for each parish or community and the name of any such ward;
- (c) <sup>F47</sup> .....

“local government area” includes the City, the Inner Temple and the Middle Temple;

“public body” includes any compensation authority for the purposes of the <sup>M12</sup>Licensing Act 1964.

“substantive change” has the meaning assigned to it by section 47(1)(i) above.

(2) In considering the electoral arrangements for local government areas for the purposes of this Part of this Act, the Secretary of State, each of the Commissions and every district council shall so far as is reasonably practicable comply with the rules set out [<sup>F48</sup>in Schedule 11 to this Act].

**Textual Amendments**

**F47** S. 78(1)(c) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 19(5)(6), **Sch. 9 Pt. II para. 2(6)**) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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**F48** Words substituted by virtue of [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 12 Pt. II para. 42](#)

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**Marginal Citations**  
**M12** 1964 c. 26.

**PART V**

GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

**Modifications etc. (not altering text)**  
**C18** Pt. 5 applied (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), [art. 9\(8\)](#)  
**C19** Pt. 5 applied (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), [art. 20\(6\)](#)  
**C20** Pt. V (ss. 79-100) applied (12.4.1994) by [S.I. 1994/867](#), [reg. 11\(6\)](#)  
Pt. V (ss. 79-100) applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 4\(1\)](#)

*Qualifications and disqualifications*

**79 Qualifications for election and holding office as member of local authority.**

- (1) A person shall, unless disqualified by virtue of this Act or any other enactment, be qualified to be elected and to be a member of a local authority if he is a British subject or a citizen of the Republic of Ireland and on the relevant day he has attained the age of twenty-one years and—
  - (a) on that day he is and thereafter he continues to be a local government elector for the area of the authority; or
  - (b) he has during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in that area; or
  - (c) his principal or only place of work during that twelve months has been in that area; or
  - (d) he has during the whole of those twelve months resided in that area; or
  - (e) in the case of a member of a parish or community council he has during the whole of those twelve months resided either in the parish or community or within three miles of it.
- (2) In this section “relevant day”, in relation to any candidate, means—
  - (a) except in the case of an election not preceded by the nomination of candidates, the day on which he is nominated as a candidate and also, if there is a poll, the day of election; and
  - (b) in the said excepted case, the day of election.

<sup>F49</sup>(3) .....

**Textual Amendments**  
**F49** [S. 79\(3\)](#) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 Pt. I para. 2](#)) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)

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**Modifications etc. (not altering text)**

- C21** S. 79 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**  
S. 79: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
- C22** S. 79 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**  
S. 79: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
- C23** S. 79 applied (12.4.1994) by S.I. 1994/867, **reg. 11(6)**

**80 Disqualifications for election and holding office as member of local authority.**

(1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he—

(a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman) appointments to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a <sup>F50</sup> . . . joint committee on which the authority are represented or by any person holding any such office or employment; or

(b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or

<sup>F51</sup>(c) . . . . .

(d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or

(e) is disqualified for being elected or for being a member of that authority under Part III of the [<sup>F52</sup>Representation of the People Act 1983] or under [<sup>F53</sup>Part III of the Local Government Finance Act 1982].

(2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of—

(a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or

(b) a joint board [<sup>F54</sup>, joint authority] or joint committee on which the authority are represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that other local authority.

(3) Teachers in a school maintained but not established by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school established by the authority.

<sup>F55</sup>(4) . . . . .

(5) For the purposes of subsection (1) <sup>F56</sup> . . . (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the <sup>F56</sup> . . . conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the <sup>F56</sup> . . . conviction, <sup>F56</sup> . . .

<sup>F57</sup>(6) . . . . .

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**Textual Amendments**

- F50** Words repealed by virtue of [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), ss. 1(3)(a), 194(4), **Sch. 12 Pt. II**
- F51** [S. 80\(1\)\(c\)](#) repealed by [Local Government Finance Act 1982](#) (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**
- F52** Words substituted by [Representation of the People Act 1983](#) (c. 2, SIF 42), s. 206, **Sch. 8 para. 12**
- F53** Words substituted by [Local Government Finance Act 1982](#) (c. 32, SIF 81:1), s. 34, **Sch. 5 para. 5(1)**
- F54** Words inserted by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 3(1)**
- F55** [S. 80\(4\)](#) repealed by [Transport Act 1985](#) (c. 67, SIF 126), ss. 139(3), 140, **Sch. 8**
- F56** Words repealed by [Local Government Finance Act 1982](#) (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**
- F57** [S. 80\(6\)](#) (inserted by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 3(2)**) repealed by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**Modifications etc. (not altering text)**

- C24** [S. 80](#) applied (7.8.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**  
[S. 80](#) applied (10.1.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**
- C25** [S. 80](#): certain functions transferred (subject to modifications) (7.8.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**  
[S. 80](#): certain functions transferred (subject to modifications) (10.1.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**
- C26** [S. 80\(1\)\(a\)](#) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(b)**
- C27** [S. 80\(1\)\(a\)](#) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(b)**
- C28** [S. 80\(1\)\(e\)](#) amended by [Local Government Act 1985](#) (c. 51, SIF 81:1), **s. 92(7)** and by [Education Reform Act 1988](#) (c. 40, SIF 41:1), **ss. 191(5), 231(7), 235(6)**
- C29** [S. 80\(2\)\(b\)](#) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(b)**
- C30** [S. 80\(2\)\(b\)](#) modified by [S.I. 1987/2110](#), art. 2, **Sch. 1 para. 3(b)**

**81 Exceptions to provisions of section 80.**

[<sup>F58</sup>(1) Where a person is disqualified under section 80 above by reason of having been adjudged bankrupt, the disqualification shall cease—  
(a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and  
(b) if the bankruptcy order is so annulled, on the date of the annulment.]

(2) Where a person is disqualified under section 80 above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

<sup>F59</sup>(3) .....

<sup>F60</sup>(3A) .....

(4) Section 80(2) and (3) above shall not operate so as to disqualify—

(a) any person by reason of his being a teacher, or otherwise employed, in a school, <sup>F61</sup> . . . or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council; or

<sup>F62</sup>(b) .....



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### Textual Amendments

- F58** S. 81(1) substituted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, Sch. 8 para. 22, **Sch. 9 para. 11(2)**
- F59** S. 81(3) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F60** S. 81(3A) repealed by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3)(b), Sch. 7
- F61** Word repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**
- F62** S. 81(4)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

### Modifications etc. (not altering text)

- C31** S. 81 applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**.  
S. 81: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**.  
S. 81 applied (with modifications) (8.1.1996) by [1995 c. x](#), ss. 1(3), 44, **Sch. Pt. I**
- C32** S. 81 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**.  
S. 81: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**
- C33** S. 81(1)(2) applied (4.3.1996) by [S.I. 1996/263](#), **reg. 7(6)**

## 82 Validity of acts done by unqualified persons.

[<sup>F63</sup>(1)] The acts and proceedings of any person elected to an office under this Act [<sup>F64</sup>or elected or appointed to an office under Part <sup>F65</sup>. . . IV of the Local Government Act 1985] and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

[<sup>F66</sup>(2) Subsection (1) above shall have effect, in relation to the Broads Authority, as if the reference to this Act included a reference to the Norfolk and Suffolk Broads Act 1988.]

### Textual Amendments

- F63** S. 82 renumbered as s. 82(1) by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(2)**
- F64** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 4**
- F65** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F66** S. 82(2) added by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(2)**

### Modifications etc. (not altering text)

- C34** S. 82 amended by [S.I. 1985/1884](#), arts. 10, 11(3), **Sch. 3 para. 2**
- C35** S. 82 modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 4**
- C36** S. 82 applied (7.8.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**  
S. 82 applied (10.1.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**  
S. 82 applied (with modifications) (8.1.1996) by [1995 c. x](#), ss. 1(3), 44, **Sch. Pt. I**
- C37** S. 82: certain functions transferred (subject to modifications) (7.8.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**  
S. 82: certain functions transferred (subject to modifications) (10.1.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**
- C38** S. 82(1) applied (with modifications) (5.12.1995) by: [S.I. 1995/3127](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3132](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3133](#), art. 2, **Sch. para. 20(1)**

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S. 82(1) applied (with modifications) (11.12.1995) by: S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**  
 S. 82(1) applied (with modifications) (20.11.1996) by: S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**

*Acceptance, resignation and vacation of office, and casual vacancies*

**83 Declaration of acceptance of office.**

- (1) The person elected to any of the following offices, that is to say, the office of chairman, vice-chairman, . . . <sup>F67</sup> councillor of the council of a county, district or London borough . . . <sup>F68</sup> shall not, unless he has made a declaration of acceptance of office in a form prescribed by [<sup>F69</sup>an order made by the Secretary of State], and the declaration has within two months from the day of the election been delivered to the proper officer of the council, act in the office except for the purpose of taking such a declaration.
- (2) If such a declaration is not made and delivered to the proper officer within the appointed time, the office of the person elected shall at the expiration of that time become vacant.
- (3) The declaration shall be made before either—
  - (a) two members of the council to which the declarant is elected; or
  - (b) the proper officer of the council; or
  - (c) a justice of the peace or magistrate in the United Kingdom, the Channel Isles or the Isle of Man; or
  - (d) a commissioner appointed to administer oaths in the Supreme Court.
- (3A) . . . . . <sup>F70</sup>
- (4) A person elected to the office of chairman of a parish or community council or parish or community councillor shall—
  - (a) in the case of the chairman, at the meeting at which he is elected;
  - (b) in the case of a councillor, before or at the first meeting of the parish or community council after his election; or
  - (c) in either case if the council at that meeting so permit, before or at a later meeting fixed by the council;

make in the presence of a member of the council or of the proper officer of the council and deliver to the council a declaration of acceptance of office in a form prescribed by [<sup>F69</sup>an order made by the Secretary of State], and if he fails to do so his office shall thereupon become vacant.
- (5) Any person before whom a declaration is authorised to be made under this section may take the declaration.

**Textual Amendments**

**F67** Words repealed by S.I. 1977/1710, art. 3(c)  
**F68** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17  
**F69** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 30(2)

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**F70** S. 83(3A) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 5**) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**Modifications etc. (not altering text)**

**C39** S. 83 excluded by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 84(2)(b)**, 86(9)

**C40** S. 83 amended by Local Government and Housing Act 1989 (c. 42, SIF 81:1), **s. 31(7)**

## 84 Resignation.

[<sup>F71</sup>(1)] A person elected to any office under this Act may at any time resign his office by written notice delivered—

- (a) except in a case falling within paragraph (b), (c) or (d) below, to the proper officer of the council;
- (b) in the case of a person elected to a corporate office in a London borough, to the proper officer of the borough;
- (c) in the case of a parish or community councillor, to the chairman of the parish or community council;
- (d) in the case of a chairman of a parish or community council or of a parish meeting, to the council or the meeting, as the case may be;

and his resignation shall take effect upon the receipt of the notice by the person or body to whom it is required to be delivered.

[<sup>F72</sup>(2) A person elected or appointed to an office under Part . . . <sup>F73</sup> IV of the Local Government Act 1985 may at any time resign his office by written notice delivered to the proper officer of the authority of which he is a member and his resignation shall take effect upon the receipt of the notice by that officer.]

**Textual Amendments**

**F71** S. 84 renumbered as s. 84(1) by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 6**

**F72** S. 84(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 6**

**F73** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**Modifications etc. (not altering text)**

**C41** S. 84 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.

S. 84: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.

S. 84 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**

**C42** S. 84 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**

S. 84: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**

**C43** S. 84(2) amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 2**

**C44** S. 84(2) modified by S.I. 1987/2110, **art. 2(2) Sch. 1 para. 4**

## 85 Vacation of office by failure to attend meetings.

- (1) Subject to subsections (2) and (3) below, if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason

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approved by the authority before the expiry of that period, cease to be a member of the authority.

- (2) Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority.
- (3) A member of any branch of Her Majesty's naval, military or air forces when employed during war or any emergency on any naval, military or air force service, and a person whose employment in the service of Her Majesty in connection with war or any emergency is such as, in the opinion of the Secretary of State, to entitle him to relief from disqualification on account of absence, shall not cease to be a member of a local authority by reason only of a failure to attend meetings of the local authority if the failure is due to that employment.

[<sup>F74</sup>(4) In this section “local authority” includes a joint authority . . . <sup>F75</sup>]

#### Textual Amendments

- F74** S. 85(4) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 Pt. I para. 7](#)
- F75** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)

#### Modifications etc. (not altering text)

- C45** S. 85 applied by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 9(10), 23(2), 27(2), [Sch. 4 para. 3](#)
- C46** S. 85 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, [Sch. 1](#)  
S. 85: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, [Sch. 1](#)
- C47** S. 85 applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, [Sch. 1](#).  
S. 85: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, [Sch. 1](#).  
S. 85 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), [Sch. 7 para. 8](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
- C48** S. 85(4) modified by [S.I. 1987/2110](#), art. 2(2), [Sch. 1 para. 3\(c\)](#)

## 86 Declaration by local authority of vacancy in office in certain cases.

[<sup>F76</sup>(1)] Where a member of a local authority—

- (a) ceases to be qualified to be a member of the authority; or
- (b) becomes disqualified for being a member of the authority otherwise than [<sup>F77</sup>under Part III of the Local Government Finance Act 1982 or by virtue of], a conviction or a breach of any provision of Part II of the [<sup>F78</sup>Representation of the <sup>M13</sup>People Act 1983]; or
- (c) ceases to be a member of the authority by reason of failure to attend meetings of the authority;

the authority shall, except in any case in which a declaration has been made by the High Court under this Part of this Act, forthwith declare his office to be vacant.

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[<sup>F79</sup>(2) In this section “local authority” includes a joint authority <sup>F80</sup> . . . ]

**Textual Amendments**

- F76** The provisions of s. 86 become s. 86(1) by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 8**
- F77** Words substituted by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 34, Sch. 5 para. 5(2)
- F78** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 8 para. 12**
- F79** [S. 86\(2\)](#) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 8**
- F80** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**Modifications etc. (not altering text)**

- C49** [S. 86\(1\)\(b\)](#) amended by [Local Government \(Interim Provisions\) Act 1984 \(c. 53, SIF 81:1\)](#), **s. 10(2)**; by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 1, 92(7)** and by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 191(5), 231(7), 235(6)
- C50** [S. 86\(2\)](#) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(d)**
- C51** [S. 86\(2\)](#) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(d)**

**Marginal Citations**

- M13** [1983 c. 2.\(42\)](#).

**87 Date of casual vacancies.**

(1) For the purpose of filling a casual vacancy in any office for which an election is held under this Act, the date on which the vacancy is to be deemed to have occurred shall be—

- (a) in the case of non-acceptance of office by any person who is required to make and deliver a declaration of acceptance of office, on the expiration of the period appointed under this Part of this Act for the delivery of the declaration;
- (b) in the case of resignation, upon the receipt of the notice of resignation by the person or body to whom the notice is required to be delivered;
- (c) in the case of death, on the date of death;
- (d) in the case of a disqualification [<sup>F81</sup>under Part III of the Local Government Finance Act 1982 or by virtue of] conviction, on the expiration of the ordinary period allowed for making an appeal or application with respect to the [<sup>F82</sup>relevant order or decision under that Part of that Act or (as the case may be) that] conviction or, if an appeal or application is made, on the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof;
- (e) in the case of an election being declared void on an election petition, on the date of the report or certificate of the election court;
- (f) in the case of a person ceasing to be qualified to be a member of a local authority, or becoming disqualified, for any reason other than one mentioned in paragraphs (a) to (e) above, or ceasing to be a member of a local authority by reason of failure to attend meetings, on the date on which his office is declared to have been vacated either by the High Court or by the local authority, as the case may be; and
- (g) .....

<sup>F83</sup>

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- (2) Public notice of a casual vacancy in any such office as is referred to in subsection (1) above shall be given by the local authority in which the office exists; and the steps required to be taken to give public notice in accordance with section 232 below shall be taken—
  - (a) in a case where the local authority declare the office to be vacant, immediately after the declaration; and
  - (b) in any other case, as soon as practicable after the date on which, by virtue of subsection (1) above, the vacancy is deemed to have occurred.
- (3) ..... <sup>F84</sup>

**Textual Amendments**

**F81** Words substituted by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 34, **Sch. 5 para. 5(3)(a)**

**F82** Words substituted by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 34, **Sch. 5 para. 5(3)(b)**

**F83** [S. 87\(1\)\(g\)](#) repealed by [S.I. 1977/1710](#), **art. 3(c)**

**F84** [S. 87\(3\)](#) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 9**) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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**Modifications etc. (not altering text)**

**C52** [S. 187\(1\)\(d\)](#) amended by [Local Government \(Interim Provisions\) Act 1984 \(c. 53, SIF 81:1\)](#), s. **10(2)**; by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. **92(7)** and by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. **191(5)**, 231(7), 235(6)

**88 Filling of casual vacancy in case of chairman, etc.**

- (1) On a casual vacancy occurring in the office of chairman of any council <sup>F85</sup> . . . , an election to fill the vacancy shall be held not later than the next ordinary meeting of the council held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next following ordinary meeting of the council, and shall be conducted in the same manner as an ordinary election.
- (2) <sup>F86</sup> . . . , a meeting of the council for the election may be convened by the proper officer of the authority.
- <sup>F87</sup>(2A) . . . . .
- (3) In a parish not having a separate parish council, a casual vacancy in the office of chairman of the parish meeting shall be filled by the parish meeting, and a parish meeting shall be convened for the purpose of filling the vacancy forthwith.

**Textual Amendments**

**F85** Words repealed by [S.I. 1977/1710](#), **art. 3(c)**

**F86** Words repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), **Sch. 1 Pt. XII**

**F87** [S. 88\(2A\)](#) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 10(1)**) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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**Modifications etc. (not altering text)**

- C53** S. 88(1)(2) applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1  
S. 88(1)(2): certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1
- C54** S. 88(1)(2) applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.  
S. 88(1)(2): certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch.1.

**89 Filling of casual vacancies in case of councillors.**

- (1) Subject to the provisions of this section, on a casual vacancy occurring in the office of councillor for any principal area, an election to fill the vacancy shall be held—
  - (a) in a case in which the High Court or the council have declared the office to be vacant, within [<sup>F88</sup>thirty-five days] (computed in accordance with section 243(4) below) from the date of the declaration;
  - (b) in any other case, within [<sup>F88</sup>thirty-five days] (so computed) after notice in writing of the vacancy has been given to the proper officer of the authority by two local government electors for the area.
- (2) The day of election to fill a casual vacancy in any office mentioned in subsection (1) above shall be fixed by the returning officer <sup>F89</sup> . . .
- (3) Where a casual vacancy in any such office occurs within six months before the day on which the councillor whose office is vacant would regularly have retired, an election shall not be held under subsection (1) above unless on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the council exceeds one third of the whole number of members; and where an election under subsection (1) above is not held, the vacancy shall be filled at the next ordinary election.

<sup>F90</sup>(3A) . . . . .

- (4) Where more than one casual vacancy in the office of councillor of a district in which councillors are elected by thirds is filled at the same election, the person elected by the smallest number of votes shall be deemed to be elected in place of the councillor who would regularly have first retired, and the person elected by the next smallest number of votes shall be deemed to be elected in place of the councillor who would regularly have next retired and so with respect to the others; and if there has not been a contested election, or if any doubt arises, the order of retirement shall be determined by lot.
- (5) Where an election to fill one or more casual vacancies in the office of councillor of any such district is combined with an ordinary election of councillors, the following provisions shall apply—
  - (a) where an election is contested—
    - (i) the persons who are elected by the smallest numbers of votes, or if any relevant votes are equal such persons as are determined by lot, shall be deemed elected to fill the casual vacancies;
    - (ii) if the persons elected to fill the casual vacancies will hold office for different periods, the person elected by the smallest number of votes or, if the relevant votes are equal, such person as is determined by lot, shall hold office for the shorter period, and so with respect to the others;

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- (b) where the election is not contested—
- (i) those declared elected (if fewer than the vacancies to be filled) shall be deemed elected to fill the vacancies in which they will hold office for the longest periods;
  - (ii) where there are two or more persons declared elected and they are to fill vacancies in which they will hold office for different periods, any retiring councillors elected shall be deemed elected to fill the vacancies in which they will hold office for the longest period, and the question which of the persons declared elected who are not retiring councillors is to be deemed elected to fill any of the vacancies not filled by retiring councillors shall be determined by lot.
- (6) A casual vacancy among parish or community councillors shall be filled by election or by the parish or community council in accordance with rules made under [F91section 36 of the Representation of the People Act 1983].
- (7) Where under this section any question is required to be determined by lot—
- (a) in the case of a contested election, the lot shall be drawn by the returning officer immediately after the question has arisen; and
  - (b) in any other case, the lot shall be drawn at the next meeting of the council after the question has arisen, and the drawing shall be conducted under the direction of the person presiding at the meeting.

#### Textual Amendments

- F88** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(c)**, 29 (by S.I. 1985/1080, **art. 4(5)**) it is provided that the amendment made by s. 19(6)(c) shall not have effect for the purposes of any vacancy which occurred before 16.2.87)
- F89** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F90** S. 89(3A) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 10(2)**) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F91** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 8 para. 13**

#### Modifications etc. (not altering text)

- C55** S. 89 excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 84(2)(b)**, 86(9)
- C56** S. 89 modified (8.3.1995) by S.I. 1995/610, **art. 9(4)**  
S. 89 applied (with modifications)(1.11.1995) by S.I. 1995/1747, **art. 2**  
S. 89 applied (with modifications)(12.7.1995) by S.I. 1995/1769, **art. 12(2)**  
S. 89 modified (12.7.1995) by S.I. 1995/1770, **art. 14(3)**; S.I. 1995/1771, **art. 11(2)**; S.I. 1995/1772, **art. 10(2)**; S.I. 1995/1773, **art. 10(3)**; S.I. 1995/1774, **art. 10(3)**; S.I. 1995/1775, **art. 11(2)**; S.I. 1995/1776, **art. 10(2)**; S.I. 1995/1779, **art. 11(2)**  
S. 89 applied (with modifications)(1.3.1996) by S.I. 1996/507, **art. 10(2)**  
S. 89 applied (with modifications)(19.7.1996) by S.I. 1996/1865, **art. 8(2)**; S.I. 1996/1866, **art. 8(2)**; S.I. 1996/1867, **art. 11(2)**; S.I. 1996/1868, **art. 8(2)**; S.I. 1996/1875, **art. 9(2)**; S.I. 1996/1876, **art. 12(2)**; S.I. 1996/1878, **art. 11(2)**; S.I. 1996/1879, **art. 15(2)**
- C57** S. 89 excluded (26.2.2008) by [The Cornwall \(Structural Change\) Order 2008 \(S.I. 2008/491\)](#), **art. 12(2)**
- C58** S. 89 excluded (26.2.2008) by [The Shropshire \(Structural Change\) Order 2008 \(S.I. 2008/492\)](#), **art. 12(2)**
- C59** S. 89 excluded (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), **art. 5(3)**
- C60** S. 89 excluded (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), **art. 12(2)**



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- C61** S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 5(3)**
- C62** S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 12(2)**
- C63** S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 23(2)**
- C64** S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 24(2)**
- C65** S. 89 excluded (25.3.2010) by The Norwich and Norfolk (Structural Changes) Order 2010 (S.I. 2010/997), arts. 1, **11(2)**  
S. 89 excluded (25.3.2010) by The Exeter and Devon (Structural Changes) Order 2010 (S.I. 2010/998), arts. 1, **11(2)**
- C66** S. 89(1) excluded (29.8.2008) by The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 (S.I. 2008/2113), **reg. 13**
- C67** S. 89(3) modified (5.11.2008) by The Local Elections (Ordinary Day of Elections in 2009) Order 2008 (S.I. 2008/2857), **art. 5**
- C68** S. 89(3) applied (with modifications) (13.3.2004) by The Local Elections (Ordinary Day of Election 2004) Order 2004 (S.I. 2004/222), **art. 3(a)**

## 90 Term of office of persons filling casual vacancies.

A person elected or appointed under the foregoing provisions of this Act in England or Wales [<sup>F92</sup>or under Part <sup>F93</sup> . . . IV of the Local Government Act 1985] to fill any casual vacancy, or elected under the 1933 Act in England to fill a casual vacancy in the office of chairman of a parish council or parish meeting or of parish councillor, shall hold office until the date upon which the person in whose place he is elected [<sup>F92</sup>or appointed] would regularly have retired, and he shall then retire.

### Textual Amendments

**F92** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 11**

**F93** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), **Sch. 13 Pt. I**

### Modifications etc. (not altering text)

**C69** S. 90 amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 2**

**C70** S. 90 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 4**

## 91 Temporary appointment of members of parish and community councils.

- (1) Where there are so many vacancies in the office of parish or community councillor that the parish or community council are unable to act, the district council may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.
- (2) In the case of a common parish council under which are grouped, by virtue of section 11(5) above, parishes situated in different districts, the reference in subsection (1) above to the district council shall be construed as a reference to the council of the district in which there is the greater number of local government electors for the parishes in the group.
- (3) Two copies of every order made under this section shall be sent to the Secretary of State.

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### *Proceedings for disqualification*

## **92 Proceedings for disqualification.**

- (1) Proceedings against any person on the ground that he acted or claims to be entitled to act as a member of a local authority while disqualified for so acting within the meaning of this section may be instituted by, and only by, any local government elector for the area concerned—
  - (a) in the High Court or a magistrates' court if that person so acted;
  - (b) in the High Court if that person claims to be entitled so to act;
 but proceedings under paragraph (a) above shall not be instituted against any person after the expiration of more than six months from the date on which he so acted.
- (2) Where in proceedings instituted under this section it is proved that the defendant has acted as a member of a local authority while disqualified for so acting, then—
  - (a) if the proceedings are in the High Court, the High Court may—
    - (i) make a declaration to that effect and declare that the office in which the defendant has acted is vacant;
    - (ii) grant an injunction restraining the defendant from so acting;
    - (iii) order that the defendant shall forfeit to Her Majesty such sum as the court think fit, not exceeding £50 for each occasion on which he so acted while disqualified;
  - (b) if the proceedings are in a magistrates' court, the magistrates' court may, subject to the provisions of this section, convict the defendant and impose on him a fine not exceeding [F<sup>94</sup>level 3 on the standard scale] for each occasion on which he so acted while disqualified.
- (3) Where proceedings under this section are instituted in a magistrates' court, then—
  - (a) if the court is satisfied that the matter would be more properly dealt with in the High Court, it shall by order discontinue the proceedings;
  - (b) if the High Court, on application made to it by the defendant within fourteen days after service of the summons, is satisfied that the matter would be more properly dealt with in the High Court, it may make an order, which shall not be subject to any appeal, requiring the magistrates' court by order to discontinue the proceedings.
- (4) Where in proceedings instituted under this section in the High Court it is proved that the defendant claims to act as a member of a local authority and is disqualified for so acting, the court may make a declaration to that effect and declare that the office in which the defendant claims to be entitled to act is vacant and grant an injunction restraining him from so acting.
- (5) No proceedings shall be instituted against a person otherwise than under this section on the ground that he has, while disqualified for acting as a member of a local authority, so acted or claimed to be entitled so to act.
- (6) For the purposes of this section a person shall be deemed to be disqualified for acting as a member of a local authority—
  - (a) if he is not qualified to be, or is disqualified for being, a member of the authority; or
  - (b) if by reason of failure to make and deliver the declaration of acceptance of office within the period required, or by reason of resignation or failure to

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attend meetings of the local authority, he has ceased to be a member of the authority.

[<sup>F95</sup>(7) In this section “local authority” includes a joint authority . . . <sup>F96</sup>; and in relation to a joint authority the reference in subsection (1) above to a local government elector for the area concerned shall be construed as a reference to a local government elector for any local government area in the area for which the authority is established.]

[<sup>F97</sup>(8) In relation to the Broads Authority, the reference in subsection (1) above to a local government elector for the area concerned shall be construed as a reference to a local government elector for the area of any of the local authorities mentioned in section 1(3) (a) of the Norfolk and Suffolk Broads Act 1988.]

**Textual Amendments**

- F94** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F95** [S. 92\(7\)](#) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 12**
- F96** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F97** [S. 92\(8\)](#) added by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(3)**

**Modifications etc. (not altering text)**

- C71** [S. 92](#) extended by [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), s. 3(9), **Sch. 1 para. 8(5)**
- C72** [S. 92](#) applied by [Water Act 1973 \(c. 37\)](#), s. 2(8), **Sch. 3 para. 9(5)**
- C73** [S. 92](#) applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**  
[S. 92](#): certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**
- C74** [S. 92\(7\)](#) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(e)**
- C75** [S. 92\(7\)](#) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(e)**

*Restrictions on voting*

<sup>F98</sup>**93** .....

**Textual Amendments**

- F98** [S. 93](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

**94 Disability of members of authorities for voting on account of interest in contracts, etc.**

(1) Subject to the provisions of section 97 below, if a member of a local authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the local authority at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.

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- (2) If any person fails to comply with the provisions of subsection (1) above he shall for each offence be liable on summary conviction to a fine not exceeding [<sup>F99</sup>level 4 on the standard scale] unless he proves that he did not know that the contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at that meeting.
- (3) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.
- (4) A local authority may by standing orders provide for the exclusion of a member of the authority from a meeting of the authority while any contract, proposed contract or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.
- (5) The following, that is to say—
  - (a) the receipt by the chairman, vice-chairman or deputy chairman of a principal council of an allowance to meet the expenses of his office or his right to receive, or the possibility of his receiving, such an allowance;
  - (b) the receipt by a member of a local authority of an allowance or other payment under any provision of sections 173 to 176 below [<sup>F100</sup>or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989] or his right to receive, or the possibility of his receiving, any such payment;
 shall not be treated as a pecuniary interest for the purposes of this section.

#### Textual Amendments

**F99** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

**F100** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(1), [Sch. 11 para. 22](#)

#### Modifications etc. (not altering text)

**C76** [S. 94](#) modified by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 74(12)

**C77** [S. 94](#) applied with modifications by virtue of [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), [Sch. 1 para. 14B\(1\)](#), as inserted by [Water Act 1983 \(c. 23, SIF 130\)](#), s. 11(2), [Sch. 4 para. 6](#)

**C78** [S. 94](#) applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, [Sch.1](#)

[S. 94](#): certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, [Sch.1](#)

## 95 Pecuniary interests for purposes of section 94.

- (1) For the purposes of section 94 above a person shall be treated, subject to the following provisions of this section and to section 97 below, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if—
  - (a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
  - (b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.
- (2) Subsection (1) above does not apply to membership of or employment under any public body, and a member of a company or other body shall not by reason only of his

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membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body.

- (3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.

**Modifications etc. (not altering text)**

- C79** Ss. 95, 96 applied with modifications by virtue of Land Drainage Act 1976 (c. 70, SIF 73:1), Sch. 1 para. 14B(1), as inserted by Water Act 1983 (c. 23, SIF 130), s. 11(2), Sch. 4 para. 6
- C80** S. 95 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1  
S. 95: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1

**96 General notices and recording of disclosures for purposes of section 94.**

- (1) A general notice given in writing to the proper officer of the authority by a member thereof to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, or that he or his spouse is the tenant of any premises owned by the authority, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person or to those premises which may be the subject of consideration after the date of the notice.
- (2) The proper officer of the authority shall record in a book to be kept for the purpose particulars of any disclosure made under section 94 above and of any notice given under this section, and the book shall be open at all reasonable hours to the inspection of any member of the local authority.

**Modifications etc. (not altering text)**

- C81** Ss. 95, 96 applied with modifications by virtue of Land Drainage Act 1976 (c. 70, SIF 73:1), Sch. 1 para. 14B(1), as inserted by Water Act 1983 (c. 23, SIF 130), s. 11(2), Sch. 4 para. 6
- C82** S. 96 excluded (16.1.1990 to the extent mentioned in S.I. 1989/2445, art. 4, otherwise *prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 19(4), 195(2)
- C83** S. 96 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1  
S. 96: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1

**97 Removal or exclusion of disability, etc.**

- (1) The district council, as respects a member of a parish or community council, and the Secretary of State, as respects a member of any other local authority, may, subject to such conditions as the district council or the Secretary of State may think fit to impose, remove any disability imposed by section 94 above in any case in which the number of members of the local authority disabled by that section at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the district council or the Secretary of State in the interests of the inhabitants of the area that the disability should be removed.

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- (2) The power of a district council and of the Secretary of State under subsection (1) above includes power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any member (or, in the case of the power of the Secretary of State, any member or any class or description of member) by reason of such interests, and in respect of such matters, as may be specified by the council or the Secretary of State.
- (3) Nothing in section 94 above precludes any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to a district council or the Secretary of State for the exercise of the powers conferred by subsections (1) and (2) above.
- (4) Section 94 above does not apply to an interest in a contract, proposed contract or other matter which a member of a local authority has as [<sup>F101</sup>a person who is liable under the Local Government Finance Act 1988 to pay an amount in respect of any community charge or who would be so liable but for any enactment or anything provided or done under any enactment or as] a ratepayer or inhabitant of the area or as an ordinary consumer of water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.
- (5) For the purposes of section 94 above a member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only of an interest of his or of any company, body or person with which he is connected as mentioned in section 95(1) above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.
- (6) Where a member of a local authority has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed [<sup>F102</sup>£5,000] or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, section 94 above shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.

#### Textual Amendments

**F101** Words inserted by [S.I. 1990/10, art. 2](#)

**F102** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\), s. 194\(1\), Sch. 11 para. 23](#)

#### Modifications etc. (not altering text)

**C84** [S. 97](#) applied with modifications by virtue of [Land Drainage Act 1976 \(c. 70, SIF 73\), Sch. 1 para. 14B\(1\)](#), as inserted by [Water Act 1983 \(c. 23, SIF 130\), s. 11\(2\), Sch. 4 para. 6](#)

**C85** [S. 97](#) applied (07.08.1991) by [S.I. 1991/1773, arts. 6, 8, Sch.1.](#)

[S. 97](#): certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773, arts. 6, 8, Sch.1.](#)

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## 98 Interpretation of sections 95 and 97.

- (1) In sections 95 and 97 above “securities”<sup>F103</sup> means—]
- [<sup>F103</sup>(a) investments falling within any of paragraphs 1 to 6 of Schedule 1 to the Financial Services Act 1986 or, so far as relevant to any of those paragraphs, paragraph 11 of that Schedule; or
- (b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any society registered under the Industrial and Provident Societies Act 1965 or any building society within the meaning of the <sup>M14</sup> Building Societies Act 1986.]

[<sup>F104</sup>(1A) In sections 94 and 97 above “local authority” includes a joint authority . . . <sup>F105</sup> and in section 94(5)(a) above “principal council” includes any such authority.]

- (2) In section 95 above “public body” includes any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the <sup>M15</sup> National Trust Act 1907.

### Textual Amendments

**F103** S. 98(1)(a)(b) and word substituted by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(2), [Sch. 16 para. 8\(a\)](#)

**F104** S. 98(1A) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 Pt. I para. 13](#)

**F105** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)

### Modifications etc. (not altering text)

**C86** S.98 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, [Sch. 1](#).

S. 98: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, [Sch.1](#).

**C87** S. 98(1A) amended by [S.I. 1985/1884](#), art. 10, [Sch. 3 para. 1\(f\)](#)

**C88** S. 98(1A) modified by [S.I. 1987/2110](#), art. 2(2), [Sch. 1 para. 3\(f\)](#)

### Marginal Citations

**M14** [1986 c.53 \(16\)](#).

**M15** [1907 c. cxxxvi](#).

## Meetings and proceedings

## 99 Meetings and proceedings of local authorities.

The provisions of Schedule 12 to this Act shall have effect with respect to the meetings and proceedings of local authorities [<sup>F106</sup>, joint authorities, . . . <sup>F107</sup>] and their committees, parish meetings and their committees and community meetings.

### Textual Amendments

**F106** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 Pt. I para. 14](#)

**F107** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)

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#### Modifications etc. (not altering text)

- C89** S. 99 amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(g)**
- C90** S. 99 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(g)**
- C91** S. 99 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch.1**.  
 S. 99: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch.1**.
- C92** S. 99 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.  
 S. 99: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.Sch.1**.

### 100 Admission of public and press to local authority committee meetings.

- (1) For the purpose of securing the admission, so far as practicable, of the public (including the press) to all meetings of committees of local authorities as well as to meetings of local authorities themselves, the <sup>M16</sup>Public Bodies (Admission to Meetings) Act 1960 (in this section referred to as “the 1960 Act”) shall have effect subject to the following provisions of this section.
- (2) Without prejudice to section 2(1) of the 1960 Act (application of section 1 of that Act to any committee of a body whose membership consists of or includes all members of that body) section 1 of the 1960 Act shall apply <sup>F108</sup> . . . to any committee appointed by one or more local authorities under section 102 below, not being a committee falling within section 2(1) of the 1960 Act [<sup>F109</sup> or section 100E(3)(a) or (b) below (whether or not by virtue of section 100J below)].
- (3) Where section 1 of the 1960 Act applies to a committee by virtue of subsection (2) above, then, for the purposes of subsection (4)(c) of that section, premises belonging to the local authority or one or more of the local authorities which appointed the committee shall be treated as belonging to the committee.

#### Textual Amendments

- F108** Words repealed by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 61(1)(a)**, Sch. 3
- F109** Words added by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 6(1)(b)**

#### Modifications etc. (not altering text)

- C93** S. 100 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**.  
 S. 100: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**.
- C94** S. 100 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.  
 S. 100: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.  
 S. 100 excluded (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(1)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

#### Marginal Citations

- M16** 1960 c. 67.



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## [<sup>F110</sup>PART VA

### ACCESS TO MEETINGS AND DOCUMENTS OF CERTAIN AUTHORITIES, COMMITTEES AND SUB-COMMITTEES.]

#### Textual Amendments

**F110** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\)](#), **s. 1(1)**

#### Modifications etc. (not altering text)

- C95** Pt. 5A applied (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), **art. 20(6)**
- C96** Pt. 5A applied in part (with modifications) (8.5.2008) by [The Standards Committee \(England\) Regulations 2008 \(S.I. 2008/1085\)](#), **reg. 8**
- C97** Pt. 5A applied (with modifications) (6.4.2008) by [The Town and Country Planning \(Mayor of London\) Order 2008 \(S.I. 2008/580\)](#), **art. 9**
- C98** Pt. VA (ss. 100A–100K) modified by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\)](#), **s. 3, Sch. 2 para. 7**  
Pt. VA (ss. 100A–100K) modified (11.9.1998) by [1998 c. 18, ss. 10\(6\), 55\(2\)](#)  
Pt. VA (ss. 100A–100K) modified (E.) (2.4.2001) by [S.I. 2001/1299](#), **reg. 6(10)(a)**  
Pt. VA (ss. 100A–100K) modified (W.) (28.7.2001) by [S.I. 2001/2284](#), **reg. 5(1)(a)**  
Pt. VA (ss. 100A–100K) modified (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), **ss. 24(7), 73; S.I. 2005/558, **art. 2(1), Sch. 1****
- C99** Pt. VA (ss. 100A–100K) extended (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), **s. 67(4)**  
Pt. VA (ss. 100A–100K) extended (with modifications) (8.5.2000 and 3.7.2000) by [1999 c. 29, ss. 58, 61, 65 \(with Sch. 12 para. 9\(1\)\)](#); [S.I. 2000/801](#), **art. 2(2)(b)(c)**, **Sch. Pts. 2, 3**  
Pt. VA (ss. 100A–100K) extended (E.) (26.10.2000) and (W.) (28.7.2001) by [2000 c. 22, ss. 21\(11\)\(a\), 108\(4\)-\(6\)](#); [S.I. 2000/2849](#), **art. 2(a)**
- C100** Pt. VA (ss. 100A–100K) applied (12.4.1994) by [S.I. 1994/867](#), **reg. 11(6)**  
Pt. VA (ss. 100A–100K) applied (with modifications) (28.6.1995) by [1995 c. iii, s. 26, Sch. 1](#)  
Pt. VA (ss. 100A–100K) applied (with modifications) (8.5.2000 for specified purposes otherwise 3.7.2000) by [1988 c. 41, s. 115\(3A\)](#) (as inserted (8.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29, s. 131\(3\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3434](#), **arts. 3, 4**  
Pt. VA applied (with modifications) (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 21(2)(a)**  
Pt. VA applied (with modifications) (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 21(2)(a)**  
Pt. VA (ss. 100A–100K) applied (W.) (28.7.2001) by [S.I. 2001/2284](#), **reg. 19(8)**  
Pt. VA (ss. 100A–100K) applied (W.) (1.4.2002) by [The Local Authorities \(Executive Arrangements\) \(Discharge of Functions\) \(Wales\) Regulations 2002 \(S.I. 2002/802\)](#), **reg. 11(8)(9)**
- C101** Pt. VA (ss. 100A–100K): power to make provisions about matters of the kind dealt with in this part conferred (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), **Sch. 4 para. (a)(iii)**; [S.I. 1997/1930](#), **art. 2(1)(2)(m)**  
Pt. VA (ss. 100A–100K): power to apply or reproduce (with or without modifications) conferred (E.) (7.8.2000 for specified purposes otherwise 26.10.2000) and (W.) (1.11.2000) by [2000 c. 22, s. 22\(12\)](#); [S.I. 2000/2187](#), **art. 2(b)**; [S.I. 2000/2849](#), **art. 2(b)**; [S.I. 2000/2948](#), **art. 2**  
Pt. VA (ss. 100A–100K): power to apply or reproduce conferred (W.) (1.11.2000 and 19.12.2000 with application in relation to police authorities in Wales) and (E.) (19.12.2000) by [2000 c. 22, s. 53\(12\)](#); [S.I. 2000/2948](#), **art. 2**; [S.I. 2000/3335](#), **art. 2**  
Pt. VA (ss. 100A–100K): power to apply (with or without modifications) conferred (1.1.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), **s. 20(11)**, **Sch. 6 para. 5**; [S.I. 2002/3190](#), **art. 2**

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Pt. VA (ss. 100A-100K): power to apply (with or without modifications) conferred (1.9.2003) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 19(5)**, 42(3); S.I. 2003/2246, **art. 2**

**C102** Pt. 5A applied (with modifications) by S.I. 2001/2812, **reg. 7(1)** (as substituted (1.3.2006) by The Relevant Authorities (Standards Committee) (Amendment) Regulations 2006 (S.I. 2006/87), **reg. 2(a)**)

**C103** Pt. 5A: power to apply (with modifications) conferred (1.3.2007) by National Health Service Act 2006 (c. 41), **ss. 241(5)**, 277(1) (subject to s. 277(2)-(5))

**C104** Pt. VA (ss. 100A-100K) (except ss. 100E, 100G, 100J, 100K) applied (28.8.2001) by S.I. 2001/2812, **reg. 7(1)(2)** (as amended by S.I. 2003/1483, **reg. 3(2)**)

**C105** Pt. VA modified (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), **reg. 9(1)**

Pt. VA modified (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), **reg. 16(8)**

### [<sup>F111</sup>100A Admission to meetings of principal councils.

- (1) A meeting of a principal council shall be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under subsection (2) below or by resolution under subsection (4) below.
- (2) The public shall be excluded from a meeting of a principal council during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence; and nothing in this Part shall be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.
- (3) For the purposes of subsection (2) above, “confidential information” means—
  - (a) information furnished to the council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
  - (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;
 and, in either case, the reference to the obligation of confidence is to be construed accordingly.
- (4) A principal council may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I below.
- (5) A resolution under subsection (4) above shall—
  - (a) identify the proceedings, or the part of the proceedings, to which it applies, and
  - (b) state the description, in terms of Schedule 12A to this Act, of the exempt information giving rise to the exclusion of the public,
 and where such a resolution is passed this section does not require the meeting to be open to the public during proceedings to which the resolution applies.
- (6) The following provisions shall apply in relation to a meeting of a principal council, that is to say—

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- (a) public notice of the time and place of the meeting shall be given by posting it at the offices of the council three clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
  - (b) while the meeting is open to the public, the council shall not have power to exclude members of the public from the meeting; and
  - (c) while the meeting is open to the public, duly accredited representatives of newspapers attending the meeting for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the council or not on the telephone, for telephoning the report at their own expense.
- (7) Nothing in this section shall require a principal council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.
- (8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.]

#### Textual Amendments

**F111** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\)](#), **s. 1(1)**

#### Modifications etc. (not altering text)

**C106** Ss. 100A-100D extended (with modifications) by [Health Services Joint Consultative Committees \(Access to Information\) Act 1986 \(c. 24, SIF 113:2\)](#), **s. 2(1)**

**C107** Ss. 100A-100D applied (with modifications) by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\)](#), **s. 1(1)(2)**

S. 100A applied (with modifications) (W.) (28.7.2001) by [S.I. 2001/2283](#), **regs. 26, 27**

**C108** S. 100A(4) modified (11.5.2001 for specified purposes, 1.1.2003 for E. and otherwise 1.3.2007) by [2001 c. 15, ss. 9, 70\(2\), Sch. 1 \(with ss. 64\(9\), 65\(4\)\)](#); [S.I. 2003/53](#), **art. 3(a)**; [S.I. 2006/1407](#), **art. 2, Sch. 1 Pt. 2 para. 8**

S. 100A(4) modified (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), **ss. 246(2), 277(1)** (subject to [s. 277\(2\)-\(5\)](#))

#### [<sup>F112</sup>100B Access to agenda and connected reports.

- (1) Copies of the agenda for a meeting of a principal council and, subject to subsection (2) below, copies of any report for the meeting shall be open to inspection by members of the public at the offices of the council in accordance with subsection (3) below.
- (2) If the proper officer thinks fit, there may be excluded from the copies of reports provided in pursuance of subsection (1) above the whole of any report which, or any part which, relates only to items during which, in his opinion, the meeting is likely not to be open to the public.
- (3) Any document which is required by subsection (1) above to be open to inspection shall be so open at least three clear days before the meeting, except that—
  - (a) where the meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened, and

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- (b) where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (or of the revised agenda), and the copies of any report for the meeting relating to the item, shall be open to inspection from the time the item is added to the agenda;
- but nothing in this subsection requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the council.
- (4) An item of business may not be considered at a meeting of a principal council unless either—
- (a) a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public in pursuance of subsection (1) above for at least three clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
- (b) by reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- (5) Where by virtue of subsection (2) above the whole or any part of a report for a meeting is not open to inspection by the public under subsection (1) above—
- (a) every copy of the report or of the part shall be marked “Not for publication”; and
- (b) there shall be stated on every copy of the whole or any part of the report the description, in terms of Schedule 12A to this Act, of the exempt information by virtue of which the council are likely to exclude the public during the item to which the report relates.
- (6) Where a meeting of a principal council is required by section 100A above to be open to the public during the proceedings or any part of them, there shall be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and, subject to subsection (8) below, of the reports for the meeting.
- (7) There shall, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper—
- (a) a copy of the agenda for a meeting of a principal council and, subject to subsection (8) below, a copy of each of the reports for the meeting;
- (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda; and
- (c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council in connection with the item.
- (8) Subsection (2) above applies in relation to copies of reports provided in pursuance of subsection (6) or (7) above as it applies in relation to copies of reports provided in pursuance of subsection (1) above.]

#### Textual Amendments

**F112** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)

#### Modifications etc. (not altering text)

**C109** Ss. 100A-100D extended (with modifications) by [Health Services Joint Consultative Committees \(Access to Information\) Act 1986 \(c. 24, SIF 113:2\), s. 2\(1\)](#)

**Status:** Point in time view as at 01/04/1991. This version of this Act contains provisions that are not valid for this point in time.

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**C110** Ss. 100A-100D applied (with modifications) by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s. 1\(1\)\(2\)](#)  
S. 100B applied (with modifications) (W.) (28.7.2001) by [S.I. 2001/2283, regs. 26, 27](#)

### [<sup>F113</sup>100C] **Inspection of minutes and other documents after meetings.**

- (1) After a meeting of a principal council the following documents shall be open to inspection by members of the public at the offices of the council until the expiration of the period of six years beginning with the date of the meeting, namely—
  - (a) the minutes, or a copy of the minutes, of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information;
  - (b) where applicable, a summary under subsection (2) below;
  - (c) a copy of the agenda for the meeting; and
  - (d) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.
- (2) Where, in consequence of the exclusion of parts of the minutes which disclose exempt information, the document open to inspection under subsection (1)(a) above does not provide members of the public with a reasonably fair and coherent record of the whole or part of the proceedings, the proper officer shall make a written summary of the proceedings or the part, as the case may be, which provides such a record without disclosing the exempt information.]

#### **Textual Amendments**

**F113** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)

#### **Modifications etc. (not altering text)**

- C111** Ss. 100A-100D extended (with modifications) by [Health Services Joint Consultative Committees \(Access to Information\) Act 1986 \(c. 24, SIF 113:2\), s. 2\(1\)](#)
- C112** Ss. 100A-100D applied (with modifications) by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s. 1\(1\)\(2\)](#)  
S. 100C applied (with modifications) (W.) (28.7.2001) by [S.I. 2001/2283, regs. 26, 27](#)
- C113** Ss. 100A-100D applied (with modifications) (E.) (1.1.2003) by The Commission for Patient and Public Involvement in [Health \(Membership and Procedure\) Regulations 2002 \(S.I. 2002/3038\), reg. 11, Sch. 2 para. 1\(1\)\(2\)](#)
- C114** Ss. 100A-100D applied (12.11.2009 for certain purposes and otherwise prosp.) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 151\(7\)\(a\), 324\(1\)\(c\)\(3\) \(with ss. 172\(3\), 185\)](#)

### [<sup>F114</sup>100D] **Inspection of background papers.**

- (1) Subject, in the case of section 100C(1), to subsection (2) below, if and so long as copies of the whole or part of a report for a meeting of a principal council are required by section 100B(1) or 100C(1) above to be open to inspection by members of the public—
  - (a) copies of a list, compiled by the proper officer, of the background papers for the report or the part of the report, and
  - (b) at least one copy of each of the documents included in that list, shall also be open to their inspection at the offices of the council.

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- (2) Subsection (1) above does not require a copy of the list, or of any document included in the list, to be open to inspection after the expiration of the period of four years beginning with the date of the meeting.
- (3) Where a copy of any of the background papers for a report is required by subsection (1) above to be open to inspection by members of the public, the copy shall be taken for the purposes of this Part to be so open if arrangements exist for its production to members of the public as soon as is reasonably practicable after the making of a request to inspect the copy.
- (4) Nothing in this section—
  - (a) requires any document which discloses exempt information to be included in the list referred to in subsection (1) above; or
  - (b) without prejudice to the generality of subsection (2) of section 100A above, requires or authorises the inclusion in the list of any document which, if open to inspection by the public, would disclose confidential information in breach of the obligation of confidence, within the meaning of that subsection.
- (5) For the purposes of this section the background papers for a report are those documents relating to the subject matter of the report which—
  - (a) disclose any facts or matters on which, in the opinion of the proper officer, the report or an important part of the report is based, and
  - (b) have, in his opinion, been relied on to a material extent in preparing the report, but do not include any published works.]

#### Textual Amendments

**F114** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)

#### Modifications etc. (not altering text)

**C115** Ss. 100A–100D extended (with modifications) by [Health Services Joint Consultative Committees \(Access to Information\) Act 1986 \(c. 24, SIF 113:2\), s. 2\(1\)](#)

**C116** Ss. 100A–100D applied (with modifications) by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s. 1\(1\)\(2\)](#)

#### [<sup>F115</sup>100E] **Application to committees and sub-committees.**

- (1) Sections 100A to 100D above shall apply in relation to a committee or sub-committee of a principal council as they apply in relation to a principal council.
- (2) In the application by virtue of this section of sections 100A to 100D above in relation to a committee or sub-committee—
  - (a) section 100A(6)(a) shall be taken to have been complied with if the notice is given by posting it at the time there mentioned at the offices of every constituent principal council and, if the meeting of the committee or sub-committee to which that section so applies is to be held at premises other than the offices of such a council, at those premises;
  - (b) for the purposes of section 100A(6)(c), premises belonging to a constituent principal council shall be treated as belonging to the committee or sub-committee; and

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- (c) for the purposes of sections 100B(1), 100C(1) and 100D(1), offices of any constituent principal council shall be treated as offices of the committee or sub-committee.
- (3) Any reference in this Part to a committee or sub-committee of a principal council is a reference to—
- (a) a committee which is constituted under an enactment specified in section 101(9) below or which is appointed by one or more principal councils under section 102 below; or
- (b) a joint committee not falling within paragraph (a) above which is appointed or established under any enactment by two or more principal councils and is not a body corporate; or
- [ the Navigation Committee of the Broads Authority; or]
- <sup>F116</sup>(bb)
- (c) a sub-committee appointed or established under any enactment by one or more committees falling within [<sup>F117</sup>paragraphs (a) to (bb)] above.
- (4) Any reference in this Part to a constituent principal council, in relation to a committee or sub-committee, is a reference—
- (a) in the case of a committee, to the principal council, or any of the principal councils, of which it is a committee; and
- (b) in the case of a sub-committee, to any principal council which, by virtue of paragraph (a) above, is a constituent principal council in relation to the committee, or any of the committees, which established or appointed the sub-committee.]

#### Textual Amendments

**F115** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\)](#), s. 1(1)

**F116** S. 100E(3)(bb) inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), Sch. 6 para. 10(4)

**F117** Words substituted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), Sch. 6 para. 10(4)

VALID FROM 12/12/2008

#### <sup>F118</sup>100E~~A~~ Inspection of records relating to functions exercisable by members

- (1) The Secretary of State may by regulations make provision for written records of decisions made or action taken by a member of a local authority, in exercise of a function of the authority by virtue of arrangements made under section 236 of the Local Government and Public Involvement in Health Act 2007, to be made and provided to the authority by the member.
- (2) Any written record provided to the authority under regulations under subsection (1) shall be open to inspection by members of the public at the offices of the authority for the period of six years beginning with the date on which the decision was made or action was taken.

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- (3) A statutory instrument containing regulations under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F118** S. 100EA inserted (12.12.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 237(1), 245**; S.I. 2008/3110, **art. 2(i)**

### [<sup>F119</sup>100F Additional rights of access to documents for members of principal councils.

- (1) Any document which is in the possession or under the control of a principal council and contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee of the council shall, subject to sub-section (2) below, be open to inspection by any member of the council.
- (2) Where it appears to the proper officer that a document discloses exempt information of a description for the time being falling within any of paragraphs 1 to 6, 9, 11, 12 and 14 of Part I of Schedule 12A to this Act, subsection (1) above does not require the document to be open to inspection.
- (3) The Secretary of State may by order amend subsection (2) above—
  - (a) by adding to the descriptions of exempt information to which that subsection refers for the time being; or
  - (b) by removing any description of exempt information to which it refers for the time being.
- (4) Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The rights conferred by this section on a member of a principal council are in addition to any other rights he may have apart from this section.]

#### Textual Amendments

**F119** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985](#) (c. 43, SIF 81:1, 2), **s. 1(1)**

#### Modifications etc. (not altering text)

**C117** S. 100F applied (with modifications) (W.) (28.7.2001) by [S.I. 2001/2283](#), **regs. 26, 27**

### [<sup>F120</sup>100G Principal councils to publish additional information.

- (1) A principal council shall maintain a register stating—
  - (a) the name and address of every member of the council for the time being and the ward or division which he represents; and
  - (b) the name and address of every member of each committee or sub-committee of the council for the time being.
- (2) A principal council shall maintain a list—



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- (a) specifying those powers of the council which, for the time being, are exercisable from time to time by officers of the council in pursuance of arrangements made under this Act or any other enactment for their discharge by those officers; and
  - (b) stating the title of the officer by whom each of the powers so specified is for the time being so exercisable;
- but this subsection does not require a power to be specified in the list if the arrangements for its discharge by the officer are made for a specified period not exceeding six months.
- (3) There shall be kept at the offices of every principal council a written summary of the rights—
    - (a) to attend meetings of a principal council and of committees and sub-committees of a principal council, and
    - (b) to inspect and copy documents and to be furnished with documents,
 which are for the time being conferred by this Part, Part XI below and such other enactments as the Secretary of State by order specifies.
  - (4) The register maintained under subsection (1) above, the list maintained under subsection (2) above and the summary kept under subsection (3) above shall be open to inspection by the public at the offices of the council.]

#### Textual Amendments

**F120** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)

#### Modifications etc. (not altering text)

**C118** S. 100G applied (with modifications) (8.1.1996) by [1995 c. x, ss. 1\(3\), 44, Sch. Pt. I](#)

### [<sup>F121</sup>100H Supplemental provisions and offences.

- (1) A document directed by any provision of this Part to be open to inspection shall be so open at all reasonable hours and—
  - (a) in the case of a document open to inspection by virtue of section 100D(1) above, upon payment of such reasonable fee as may be required for the facility; and
  - (b) in any other case, without payment.
- (2) Where a document is open to inspection by a person under any provision of this Part, the person may, subject to subsection (3) below—
  - (a) make copies of or extracts from the document, or
  - (b) require the person having custody of the document to supply to him a photographic copy of or of extracts from the document,
 upon payment of such reasonable fee as may be required for the facility.
- (3) Subsection (2) above does not require or authorise the doing of any such act which infringes the copyright in any work except that, where the owner of the copyright is a principal council, nothing done in pursuance of that subsection shall constitute an infringement of the copyright.

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- (4) If, without reasonable excuse, a person having the custody of a document which is required by section 100B(1) or 100C(1) above to be open to inspection by the public—
- (a) intentionally obstructs any person exercising a right conferred by this Part to inspect, or to make a copy of or extracts from, the document, or
  - (b) refuses to furnish copies to any person entitled to obtain them under any provision of this Part,
- he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (5) Where any accessible document for a meeting to which this subsection applies—
- (a) is supplied to, or open to inspection by, a member of the public, or
  - (b) is supplied for the benefit of any newspaper, in pursuance of section 100B(7) above,
- the publication thereby of any defamatory matter contained in the document shall be privileged unless the publication is proved to be made with malice.
- (6) Subsection (5) above applies to any meeting of a principal council and any meeting of a committee or sub-committee of a principal council; and, for the purposes of that subsection, the “accessible documents”; for a meeting are the following—
- (a) any copy of the agenda or of any item included in the agenda for the meeting;
  - (b) any such further statements or particulars for the purpose of indicating the nature of any item included in the agenda as are mentioned in section 100B(7) (b) above;
  - (c) any copy of a document relating to such an item which is supplied for the benefit of a newspaper in pursuance of section 100B(7)(c) above;
  - (d) any copy of the whole or part of a report for the meeting;
  - (e) any copy of the whole or part of any background papers for a report for the meeting, within the meaning of section 100D above.
- (7) The rights conferred by this Part to inspect, copy and be furnished with documents are in addition, and without prejudice, to any such rights conferred by or under any other enactment.]

#### **Textual Amendments**

**F121** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)

#### **Modifications etc. (not altering text)**

**C119** S. 100H extended (with modifications) by [Health Services Joint Consultative Committees \(Access to Information\) Act 1986 \(c. 24, SIF 113:2\), ss. 2\(2\), 4](#)

**C120** S. 100H amended by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s. 1\(4\)\(a\)](#)

**C121** S. 100H applied (with modifications) (W.) (28.7.2001) by [S.I. 2001/2283, regs. 26, 27](#) (as amended (W.) (21.5.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356), reg. 7(2)(g))  
 S. 100H applied (with modifications) (E.) (1.1.2003) by The Commission for Patient and Public Involvement in [Health \(Membership and Procedure\) Regulations 2002 \(S.I. 2002/3038\), reg. 11, Sch. 2 para. 1\(3\)](#)

**C122** S. 100H(2)(b) modified by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s.1\(4\)\(b\)](#)

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**C123** S. 100H(3) modified by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s. 1\(4\)\(c\)](#)

**C124** S. 100H(5) applied by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s. 1\(4\)\(d\)](#)

**[<sup>F122</sup>100I Exempt information and power to vary Schedule 12A.**

- (1) The descriptions of information which are, for the purposes of this Part, exempt information are those for the time being specified in Part I of Schedule 12A to this Act, but subject to any qualifications contained in Part II of that Schedule; and Part III has effect for the interpretation of that Schedule.
- (2) The Secretary of State may by order vary Schedule 12A to this Act by adding to it any description or other provision or by deleting from it or varying any description or other provision for the time being specified or contained in it.
- (3) The Secretary of State may exercise the power conferred by subsection (2) above by amending any Part of Schedule 12A to this Act, with or without amendment of any other Part.
- (4) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F122** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)

**Modifications etc. (not altering text)**

**C125** S. 100I applied (with modifications) (W.) (28.7.2001) by [S.I. 2001/2283, regs. 26, 27](#)

**C126** S. 100I(2) extended (E.W.) by [Health Services Joint Consultative Committees \(Access to Information\) Act 1986 \(c. 24, SIF 113:2\), ss. 2\(3\), 4](#) and by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s. 1\(5\)](#)

**[<sup>F123</sup>100J Application to new authorities, Common Council, etc.**

- (1) Except in this section, any reference in this Part to a principal council includes a reference to—
  - (a) .....<sup>F124</sup>
  - (b) a joint authority;
  - (c) the Common Council;
  - [ The Broads Authority;]
  - <sup>F125</sup>(cc)
  - (d) a joint board or joint committee falling within subsection (2) below;
  - (e) a combined police authority which is a body corporate;
  - (f) a combined fire authority.
- (2) A joint board or joint committee falls within this subsection if—
  - (a) it is constituted under any enactment as a body corporate; and
  - (b) it discharges functions of two or more principal councils;

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and for the purposes of this subsection any body falling within paragraph (a), (b) or (c) of subsection (1) above shall be treated as a principal council.

- (3) In its application by virtue of subsection (1) above in relation to a body falling within paragraph . . . <sup>F126</sup>, (b) [<sup>F127</sup>(cc)], (d), (e) or (f) of that subsection, section 100A (6)(a) above shall have effect with the insertion after the word “council” of the words “and, if the meeting is to be held at premises other than those offices, at those premises”.
- (4) In its application by virtue of subsection (1) above, section 100G(1)(a) above shall have effect—
- (a) in relation to a joint authority or a combined police authority, with the substitution for the words from ward onwards of the words name or description of the body which appointed him; and
  - <sup>F128</sup>(aa) [ in relation to the Broads Authority or its Navigation Committee, with the substitution for the words from “ward” onwards of the words “name of the body which appointed him”; and]
  - (b) in relation to joint board or joint committee falling within subsection (2) above, with the omission of the words from “and the ward” onwards; and
  - (c) in relation to a combined fire authority, with the substitution for the words “ward or division” of the words “constituent area”.
- (5) In this section “combined fire authority” means a fire authority constituted by a combination scheme under the <sup>M17</sup> Fire Services Act 1947.]

#### Textual Amendments

- F123** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)
- F124** Words repealed by [Education Reform Act 1988 \(c. 40 SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I
- F125** [S. 100J\(1\)\(cc\)](#) inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), [Sch. 6 para. 10\(5\)](#)
- F126** Reference to paragraph (a) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#) ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I
- F127** “(cc)” inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), [Sch. 6 para. 10\(5\)](#)
- F128** [S. 100J\(4\)\(aa\)](#) inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), Sch. 6 para. 10(5)

#### Modifications etc. (not altering text)

- C127** [S. 100J\(1\)\(b\)](#) amended by [S.I. 1985/1884](#), art. 10, [Sch. 3 para. 1\(h\)](#)
- C128** [S. 100J\(1\)\(b\)](#) modified by [S.I. 1987/2110](#), art. 2(2), [Sch. 1 para. 3\(h\)](#)

#### Marginal Citations

- M17** [1947 c.41 \(50\)](#).

### [<sup>F129</sup>100K Interpretation and application of Part VA.

- (1) In this Part—
- “committee or sub-committee of a principal council” shall be construed in accordance with section 100E(3) above;

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“constituent principal council” shall be construed in accordance with section 100E(4) above;

“copy”, in relation to any document, includes a copy made from a copy;

“exempt information” has the meaning given by section 100I above;

“information” includes an expression of opinion, any recommendations and any decision taken;

“newspaper” includes—

- (a) a news agency which systematically carries on the business of selling and supplying reports or information to news-papers; and
- (b) any organisation which is systematically engaged in collecting news—
  - (i) for sound or television broadcasts; or
  - [ for inclusion in programmes to be included in any programme service
  - <sup>F130</sup>(ii) (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service;]

“principal council” shall be construed in accordance with section 100J above.

- (2) Any reference in this Part to a meeting is a reference to a meeting held after 1st April 1986]

#### Textual Amendments

**F129** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\)](#), **s. 1(1)**

**F130** [S. 100K\(1\)\(b\)\(ii\)](#) substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(1), **Sch. 20 para. 16**

## PART VI

### DISCHARGE OF FUNCTIONS

#### Modifications etc. (not altering text)

**C129** Pt. VI (ss. 101-110): power conferred to make provisions about matters of the kind dealt with in this part (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), **Sch. 4(a)(iv)**; [S.I. 1997/1930](#), **art. 2(1)(2)(m)**

#### 101 Arrangements for discharge of functions by local authorities.

- (1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions—
  - (a) by a committee, a sub-committee or an officer of the authority; or
  - (b) by any other local authority.
- (2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the authority and where by virtue of this section any functions of a local authority may be discharged by a sub-committee of the authority, then, unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

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- (3) Where arrangements are in force under this section for the discharge of any functions of a local authority by another local authority, then, subject to the terms of the arrangements, that other authority may arrange for the discharge of those functions by a committee, sub-committee or officer of theirs and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of that other authority.
- (4) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.
- (5) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so,—
- (a) they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities; and
  - (b) any enactment relating to those functions or the authorities by whom or the areas in respect of which they are to be discharged shall have effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.
- (6) A local authority's functions with respect to levying, or issuing a precept for, a rate . . .  
<sup>F131</sup> shall be discharged only by the authority.
- (7) A local authority shall not make arrangements under this section for the discharge of any of their functions under the <sup>M18</sup>Diseases of Animals Act 1950 by any other local authority.
- (8) Any enactment, except one mentioned in subsection (9) below, which contains any provision—
- (a) which empowers or requires local authorities or any class of local authorities to establish committees (including joint committees) for any purpose or enables a Minister to make an instrument establishing committees of local authorities for any purpose or empowering or requiring a local authority or any class of local authorities to establish committees for any purpose; or
  - (b) which empowers or requires local authorities or any class of local authorities to arrange or to join with other authorities in arranging for the exercise by committees so established or by officers of theirs of any of their functions, or provides that any specified functions of theirs shall be discharged by such committees or officers, or enables any Minister to make an instrument conferring such a power, imposing such a requirement or containing such a provision;
- shall, to the extent that it makes any such provision, cease to have effect.
- (9) The following enactments, that is to say—
- (a) paragraphs 1 and 3 to 11 of Part II of Schedule 1 to the <sup>M19</sup>Education Act 1944 (education committees of local education authorities);
  - (b) . . . . .<sup>F132</sup>
  - (c) sections 2 and 3 of the <sup>M20</sup>Police Act 1964 (police committees);
  - (d) section 1 of the <sup>M21</sup>Sea Fisheries Regulation Act 1966;

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- (e) ..... F133
- (f) section 2 of the <sup>M22</sup>Local Authority Social Services Act 1970 (social services committees);
- (g) ..... F134
- (h) Part I of Schedule 17 to this Act;
- are exempted from subsection (8) above.
- (10) This section shall not authorise a local authority to arrange for the discharge by any committee, sub-committee or local authority of any functions which by any enactment mentioned in subsection (9) above are required or authorised to be discharged by a specified committee, but the foregoing provision shall not prevent a local authority who are required by or under any such enactment to establish, or delegate functions to, a committee established by or under any such enactment from arranging under this section for the discharge of their functions by an officer of the local authority or committee, as the case may be.
- (11) ..... F135
- (12) References in this section and section 102 below to the discharge of any of the functions of a local authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.
- (13) In this Part of this Act “local authority” includes the Common Council, the Sub-Treasurer of the Inner Temple, the Under Treasurer of the Middle Temple, [<sup>F136</sup>any joint authority except a police authority, . . . <sup>F137</sup>,] a joint board on which a local authority within the meaning of this Act or any of the foregoing authorities are represented and, without prejudice to the foregoing, any port health authority.
- (14) Nothing in this section affects the operation of section 5 of the 1963 Act or the <sup>M23</sup>Local Authorities (Goods and Services) Act 1970.

#### Textual Amendments

- F131** Words repealed (subject to savings in S.I. 1990/431, art. 4, **Sch. 1 para. 1(b)**) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 45(4)(5), 194(4), **Sch. 12 Pt. II**
- F132** S. 101(9)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F133** S. 101(9)(e) repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 30, **Sch. 10 Pt. I**
- F134** S. 101(9)(g) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. VII**
- F135** S. 101(11) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F136** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84(1), **Sch. 14 para. 15**
- F137** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

#### Modifications etc. (not altering text)

- C130** S. 101 extended by Local Government Act 1974 (c. 7), s. 25(4)
- C131** S. 101 excluded by Lotteries and Amusements Act 1976 (c. 32, SIF 12:1), s. 6(3) and by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), ss. 4(5), 5(5) and by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 45(4)
- C132** S. 101 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 91, **Sch. 15 para. 1(2)(a)** and restricted (16.1.1990 to the extent mentioned in S.I. 1989/2445, art. 4, and 1.8.1990 to the extent

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mentioned in S.I. 1990/1552, **art. 3** otherwise *prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2) ss. 9(8)(a)(10), 195(2)

**C133** S. 101 modified by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 73(4), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

**C134** S. 101 excluded (1.6.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 90(5), 164(3); S.I. 1991/1042, **art. 3**

**C135** S. 101 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**.

S. 101: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**.

**C136** S. 101 excluded by S.I. 1991/445, **reg. 5(4)**

**C137** S. 101 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.

S. 101: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.

**C138** S. 101(1)(a) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 5(a)**

**C139** S. 101(1)(b) excluded by Local Government Finance Act 1988 (c. 41, SIF 81:1), **s. 89(3)**

**C140** S. 101(2) extended by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **s. 2(3)**

**C141** S. 101(2) modified by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 15(7), 17, 40(4), 57(6), **58**

**C142** S. 101(6) amended by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), **ss. 14(14)**, 23(2), 27(2)

**C143** S. 101(13) amended by S.I. 1985/1884, art. 10, **Sch. 3**, para. 1(i)

**C144** S. 101(13) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(i)**

#### Marginal Citations

**M18** 1950 c. 36.

**M19** 1944 c. 31.

**M20** 1964 c. 48.

**M21** 1966 c. 38.

**M22** 1970 c. 42.

**M23** 1970 c. 39.

## 102 Appointment of committees.

(1) For the purpose of discharging any functions in pursuance of arrangements made under section 101 above [F138 or [F139 section 31 of the Child Care Act 1980]] [F139 section 53 of the Children Act 1989]—

- (a) a local authority may appoint a committee [F140 or a sub-committee] of the authority; or
- (b) two or more local authorities may appoint a joint committee of those authorities; or
- (c) any such committee may appoint one or more sub-committees.

(2) Subject to the provisions of this section, the number of members of a committee appointed under subsection (1) above, their term of office, and the area (if restricted) within which the committee are to exercise their authority shall be fixed by the appointing authority or authorities or, in the case of a sub-committee, by [F141 the appointing committee] [F141 the appointing authority or committee (as the case may be)].

(3) A committee appointed under subsection (1) above, other than a committee for regulating and controlling the finance of the local authority or of their area, may, subject to section 104 below, include persons who are not members of the appointing



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authority or authorities or, in the case of a sub-committee, the authority or authorities of whom they are a sub-committee, . . . <sup>F142</sup>

(4) A local authority may appoint a committee, and two or more local authorities may join in appointing a committee, to advise the appointing authority or authorities on any matter relating to the discharge of their functions, and any such committee—

(a) may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities; and

(b) may appoint one or more sub-committees to advise the committee with respect to any such matter.

<sup>F143</sup>(4A) A local authority may appoint one or more sub-committees of a committee appointed by them under subsection (4) above to advise the committee with respect to any matter relating to the discharge of functions with respect to which the committee is appointed to advise.]

(5) Every member of a committee appointed under this section who at the time of his appointment was a member of the appointing authority or one of the appointing authorities shall upon ceasing to be a member of that authority also cease to be a member of the committee; but for the purposes of this section a member of a local authority shall not be deemed to have ceased to be a member of the authority by reason of retirement if he has been re-elected a member thereof not later than the day of his retirement.

#### Textual Amendments

**F138** Words inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 29, [Sch. 9 Pt. I para. 16](#)

**F139** Words commencing “section 53” substituted (*prosp.*) for words commencing “section 31” by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(2)(5), [Sch. 13 para. 31\(1\)](#)

**F140** Words inserted (*prosp.*) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 194(1), 195(2), [Sch. 11 para. 25\(a\)](#)

**F141** Words commencing “the appointing authority” substituted (*prosp.*) for words “the appointing committee” by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 194(1), 195(2), [Sch. 11 para. 25\(b\)](#)

**F142** Words repealed (16.1.1990 to the extent mentioned in [S.I. 1989/2445, art. 4](#) otherwise 1.8.1990 and 1.1.1991 as provided by [S.I. 1990/1552, art. 3, Sch.](#)) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), ss. 13(8), 194(4), [Sch. 12 Pt. II](#)

**F143** S. 102(4A) inserted (*prosp.*) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 194(1), 195(2), [Sch. 11 para. 25\(c\)](#)

#### Modifications etc. (not altering text)

**C145** S. 102 applied (07.08.1991) by [S.I. 1991/1773, arts. 6, 8, Sch.1](#)

S. 102: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773, arts. 6, 8, Sch. 1](#)

## 103 Expenses of joint committees.

The expenses incurred by a joint committee of two or more local authorities whether appointed or established under this Part of this Act or any other enactment shall be defrayed by those authorities in such proportions as they may agree or in case of disagreement as may be determined—

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- (a) in any case in which those authorities are the councils of parishes or communities or groups of parishes or communities situated in the same district, by the district council; and
- (b) in any other case, by a single arbitrator agreed on by the appointing authorities or, in default of agreement, appointed by the Secretary of State.

#### Modifications etc. (not altering text)

**C146** S. 103 applied (12.4.1994 with effect between the establishment date and the reorganisation date) by S.I. 1994/867, **reg. 11(6)**  
Ss. 101-106 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**  
Ss. 101-106 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**; S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**  
Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
Ss. 103-106 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

#### 104 Disqualification for membership of committees and joint committees.

- (1) Subject to subsection (2) below, a person who is disqualified under Part V of this Act for being elected or being a member of a local authority shall be disqualified for being a member of a committee (including a sub-committee) of that authority, or being a representative of that authority on a joint committee (including a sub-committee) of the authority and another local authority, whether the committee or joint committee are appointed under this Part of this Act or under any other enactment.
- (2) A person shall not by reason of his being a teacher in, or being otherwise employed in, any school, . . . <sup>F144</sup> or other educational institution maintained or assisted by a local education authority be disqualified for being a member of any committee of any local authority—
  - (a) appointed for the purposes of the enactments relating to education; or
  - (b) appointed for purposes connected with the execution of the <sup>M24</sup>Public Libraries and Museums Act 1964;
 or for being a representative of a local authority on a joint committee of the authority and another authority which has been appointed or established for any such purpose.
- (3) Section 92 above shall, so far as applicable, apply with respect to membership of or a claim to be entitled to act as a member of a committee of a local authority or a joint committee of two or more local authorities as it applies to membership of or claims to be entitled to act as a member of a local authority.
- (4) In the application of this section to the Common Council for the reference to Part V of this Act there shall be substituted a reference to the enactments for the time being in force relating to disqualification for membership of the Common Council.

#### Textual Amendments

**F144** Word repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**

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## Marginal Citations

M24 1964 c. 75.

## 105 Disability for voting on account of interest in contracts, etc.

Sections 94 to 98 above shall apply as respects members of a committee of a local authority or of a joint committee of two or more local authorities (including in either case a sub-committee), whether the committee or joint committee are appointed or established under this Part of this Act or under any other enactment, as they apply in respect of members of local authorities, subject to the following modifications—

- (a) references to meetings of any such committee shall be substituted for references to meetings of the local authority; and
- (b) in the case of members of a committee of a local authority of any sub-committee the right of persons who are members of the committee or sub-committee but not members of the local authority to inspect the book kept under section 96(2) above shall be limited to an inspection of the entries in the book relating to the members of the committee or sub-committee.

### Modifications etc. (not altering text)

- C147** S. 105 excluded (27.11.2001*temp.* until 27.7.2002) by S.I. 2001/3576, **art. 3(1)(a)**  
S. 105 excluded (27.11.2001*temp.* until 27.7.2002) by S.I. 2001/3578, **art. 3(1)(a)**
- C148** S. 105 excluded (W.) (18.4.2008) by The Local Authorities (Model Code of Conduct) (Wales) Order 2008 (S.I. 2008/788), **art. 4(1)(a)**
- C149** S. 105 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1.**  
S. 105: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1.**
- C150** S.105 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1.**  
S.105: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1.**  
Ss. 101-106 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**  
Ss. 101-106 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**  
Ss. 101-106 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**; S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**  
Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
Ss. 103-106 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- C151** S.105 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1.**  
S. 105 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 14(2)(b)**  
S. 105 applied (*temp.*) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 14(2)(b)**  
S.105: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1.**  
Ss. 101-106 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2,

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**Sch. para. 20(1);** S.I. 1996/2919, art. 2, **Sch. para. 20(1);** S.I. 1996/2920, art. 2, **Sch. para. 20(1);** S.I. 1996/2921, art. 2, **Sch. para. 20(1);** S.I. 1996/2922, art. 2, **Sch. para. 20(1);** S.I. 1996/2923, art. 2, **Sch. para. 20(1);** S.I. 1996/2924, art. 2, **Sch. para. 20(1)**

Ss. 101-106 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1);** S.I. 1995/3229, art. 2, **Sch. para. 20(1);** S.I. 1995/3230, art. 2, **Sch. para. 20(1)**

Ss. 101-106 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1);** S.I. 1995/3132, art. 2, **Sch. para. 20(1);** S.I. 1995/3133, art. 2, **Sch. para. 20(1)**

Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

Ss. 103-106 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

**C152** S. 105 disappplied by S.I. 2001/2289, art. 4 (as inserted (1.9.2004 for W.) by The Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004 (S.I. 2004/1510), **art. 3)**

**C153** S. 105 disappplied (3.5.2007) by The Local Authorities (Model Code of Conduct) Order 2007 (S.I. 2007/1159), **art. 3(a)**

## 106 Standing orders.

Standing orders may be made as respects any committee of a local authority by that authority or as respects a joint committee of two or more local authorities, whether appointed or established under this Part of this Act or any other enactment, by those authorities with respect to the quorum, proceedings and place of meeting of the committee or joint committee (including any sub-committee) but, subject to any such standing orders, the quorum, proceedings and place of meeting shall be such as the committee, joint committee or sub-committee may determine.

### Modifications etc. (not altering text)

**C154** S. 106 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 20(6)**

**C155** S. 106 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(8)**

**C156** S. 106 excluded by Education (No. 2) Act 1986 (c. 61, SIF 41:1), ss. 26(4), 66, **Sch. 3 para. 15**

**C157** Ss. 101-106 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1);** S.I. 1996/2916, art. 2, **Sch. para. 20(1);** S.I. 1996/2917, art. 2, **Sch. para. 20(1);** S.I. 1996/2918, art. 2, **Sch. para. 20(1);** S.I. 1996/2919, art. 2, **Sch. para. 20(1);** S.I. 1996/2920, art. 2, **Sch. para. 20(1);** S.I. 1996/2921, art. 2, **Sch. para. 20(1);** S.I. 1996/2922, art. 2, **Sch. para. 20(1);** S.I. 1996/2923, art. 2, **Sch. para. 20(1);** S.I. 1996/2924, art. 2, **Sch. para. 20(1)**

Ss. 101-106 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1);** S.I. 1995/3229, art. 2, **Sch. para. 20(1);** S.I. 1995/3230, art. 2, **Sch. para. 20(1)**

Ss. 101-106 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1);** S.I. 1995/3132, art. 2, **Sch. para. 20(1);** S.I. 1995/3133, art. 2, **Sch. para. 20(1)**

Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

Ss. 103-106 applied from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

S. 106 applied (12.4.1994 with effect between the establishment date and the reorganisation date) by S.I. 1994/867, **reg. 11(6)**

S. 106 excluded (1.11.1996) by 1996 c. 56, ss. 159, 583(2), **Sch. 16 para. 15(2)** (with s. 1(4), Sch. 39)

S. 106 excluded (1.11.1996) by 1996 c. 56, ss. 423, 583(2), **Sch. 33 Pt. II para. 15(2)** (with s. 1(4), Sch. 39)

S. 106 applied (4.3.1996) by S.I. 1996/263, **reg. 10(5)**

S. 106 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(1)**

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S. 106 applied (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 17(1)**

S. 106: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), **reg. 2(1)**, **Sch. 1**

**C158** S. 106 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), **art. 2**, **Sch. para. 15**

**C159** S. 106 applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), **reg. 10(5)**

**C160** S. 106 applied (12.11.2009 for certain purposes and otherwise prosp.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 151(7)(a)**, **324(1)(c)(3)** (with **ss. 172(3)**, **185**)

## **107 Application of foregoing provisions to police authorities.**

- (1) Subject to the following provisions of this section—
- (a) sections 101 to 103 and 106 above shall apply to a police authority other than the Secretary of State as they apply to a local authority;
  - (b) sections 104 and 105 above shall apply both to a police authority and a committee of any such authority or authorities as they apply to a committee of a local authority or authorities;
- and in their application to the Common Council as police authority those sections shall have effect subject to those provisions.
- (2) A police authority may not arrange for the discharge of their functions by another police authority, and section 101(1)(b) and (3) above shall not apply to a police authority.
- (3) The officers who may discharge the functions of a police authority in pursuance of arrangements under section 101(1), (2) or (5) above shall include the chief officer of police, his deputy while performing his duties and any civilian officer employed for the purposes of the police authority or one of the police authorities.
- (4) A police authority may not arrange under section 101 above for the discharge of their functions by a committee or officer as respects part only of their area.
- (5) Section 101(10) above shall not apply to a police authority.
- (6) Any committee appointed under section 102 above for discharging the functions of one or more police authorities (including any sub-committee) shall consist only of members of the appointing authority or authorities and section 102(3) above shall not apply to committees of police authorities.
- (7) Section 103 above, in its application to a joint committee of police authorities, shall have effect as if for paragraphs (a) and (b) there were substituted the words “by the Secretary of State”.
- (8) A person shall not be disqualified by virtue of section 104 above for being a member of a police authority or the committee (or any sub-committee) of any such authority or authorities by virtue of his holding any office or employment, except employment for the purposes of the police authority or one of the police authorities.
- (9) Section 106 above shall not authorise any county council to make standing orders with respect to the quorum, proceedings or place of meeting of a police authority.
- (10) For the purposes of this section the following persons shall be treated as employed for the purposes of a police authority, that is to say—

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- (a) any person employed under section 10 of the <sup>M25</sup>Police Act 1964 for police purposes of the police authority’s area; and also
- (b) in the case of a combined police authority, any person whose services are made available for the use of that authority in pursuance of section 4(5) of that Act.

**Marginal Citations**  
**M25** 1964 c. 68.

**108 Committees of parish meetings.**

In a parish not having a separate parish council the parish meeting may, subject to any provisions made by a grouping order and subject to such conditions as the meeting may impose, arrange for the discharge of any of their functions by a committee of local government electors for the parish, but any such arrangement shall not prevent the meeting from exercising those functions.

**109 Conferring functions of parish council on parish meeting.**

- (1) On the application of the parish meeting of a parish not having a separate parish council, the district council may, subject to the provisions of the grouping order if the parish is grouped with any other parish, by order confer on the parish meeting any functions of a parish council.
- (2) Two copies of every order made under this section shall be sent by the district council to the Secretary of State.

<sup>F145</sup>**110** .....

**Textual Amendments**  
**F145** S. 110 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(4), [Sch. 12](#), Pt. II

**PART VII**

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

**Modifications etc. (not altering text)**  
**C161** [Pt. VII](#) (ss. 111–146) extended by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 164(2), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26](#) paras. 3(1)(2), 17, 40(4), 57(6), **58**

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### Subsidiary powers

#### 111 Subsidiary powers of local authorities.

- (1) Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.
- (2) For the purposes of this section, transacting the business of a parish or community meeting or any other parish or community business shall be treated as a function of the parish or community council.
- (3) A local authority shall not by virtue of this section raise money, whether by means of rates, precepts or borrowing, or lend money except in accordance with the enactments relating to those matters respectively.
- (4) In this section “local authority” includes the Common Council.

#### Modifications etc. (not altering text)

**C162** S. 111 extended by [Housing Act 1974 \(c. 44\)](#), s. 126(1)

**C163** S. 111 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), [Sch. 13 para. 12\(a\)](#)

**C164** S. 111 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, [Sch. 1](#).

S. 111: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, [Sch. 1](#).

**C165** S. 111 applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, [Sch.1](#).

S. 111: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, [Sch. 1](#).

S. 111 modified (1.4.1995) by [S.I. 1995/401](#), art. 18, [Sch. para. 1\(a\)](#)

S. 111: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 3\(3\)](#)

S. 111 applied (4.3.1996) by [S.I. 1996/263](#), [reg. 16\(3\)](#)

S. 111: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50](#), s. 44(1), [Sch. 4\(a\)\(v\)](#); [S.I. 1997/1930](#), [art. 2\(1\)\(2\)\(m\)](#)

**C166** S. 111 applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), [reg. 14\(1\)](#)

**C167** S. 111(1)(3) extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(a)(b), [Sch. 13 para. 19\(a\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

**C168** S. 111(3) excluded (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), ss. {93(7)(a)}, 128

### Staff

#### 112 Appointment of staff.

- (1) Without prejudice to section 111 above but subject to the provisions of this Act, a local authority shall appoint such officers as they think necessary for the proper discharge by the authority of such of their or another authority’s functions as fall to be discharged by them and the carrying out of any obligations incurred by them in connection with an agreement made by them in pursuance of section 113 below.

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- (2) An officer appointed under subsection (1) above shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit.
- (3) Subject to subsection (4) below, any enactment or instrument made under an enactment which requires or empowers all local authorities or local authorities of any description or committees of local authorities to appoint a specified officer shall, to the extent that it makes any such provision, cease to have effect.

The reference in this section to committees of local authorities does not include a reference to any committee of which some members are required to be appointed by a body or person other than a local authority.

- (4) Subsection (3) above does not apply to the following officers, that is to say—
- (a) ..... <sup>F146</sup>
  - (b) chief education officers appointed under section 88 of the <sup>M26</sup>Education Act 1944;
  - (c) chief officers and other members of fire brigades maintained under the <sup>M27</sup>Fire Services Act 1947;
  - (d) ..... <sup>F147</sup>
  - (e) ..... <sup>F146</sup>
  - (f) agricultural analysts and deputy agricultural analysts appointed under section 67(3) of the <sup>M28</sup>Agriculture Act 1970; and
  - (g) directors of social services appointed under section 6 of the <sup>M29</sup>Local Authority Social Services Act 1970;

and it is hereby declared that subsection (3) above does not apply . . . <sup>F148</sup> to any other person appointed by a local authority to perform a specified function.

- (5) Without prejudice to the provisions of subsection (1) above, a parish or community council may appoint one or more persons from among their number to be officers of the council, without remuneration.
- (6) Nothing in this section affects the operation of section 5 of the 1963 Act or the <sup>M30</sup>Local Authorities (Goods and Services) Act 1970.

#### Textual Amendments

**F146** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

**F147** S. 112(4)(d) repealed by Weights and Measures Act 1985 (c. 72, SIF 131), s. 98, **Sch. 13 Pt. I**

**F148** Words repealed by virtue of Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. XI**

#### Modifications etc. (not altering text)

**C169** S. 112 extended by City of London (Various Powers) Act 1977 (c. xv), **s. 19**

**C170** S. 112 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**

**C171** S. 112 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.

S. 112: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.

**C172** S. 112 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.

S. 112: certain functions transferred (10.01.1992) by S.I. 1991/2913, **art.8(1)(3)**, **Sch.2**.

S. 112 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)

S. 112: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

S. 112 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**



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S. 112 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

**C173** S. 112(2)(5) applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**

#### Marginal Citations

**M26** 1944 c. 31.

**M27** 1947 c. 41.

**M28** 1970 c. 40.

**M29** 1970 c. 42.

**M30** 1970 c. 39.

### 113 Placing of staff of local authorities at disposal of other local authorities.

(1) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him.

[<sup>F149</sup>(1A) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with a Regional Health Authority, Area Health Authority [<sup>F150</sup>District Health Authority] or special health authority [<sup>F151</sup>or NHS trust]—

(a) for the placing at the disposal of the Regional [<sup>F152</sup>Area or District] Health Authority or special health authority [<sup>F151</sup>or NHS trust] for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the local authority;

(b) for the placing at the disposal of the local authority for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the Regional [<sup>F152</sup>Area or District] Health Authority or the special health authority [<sup>F151</sup>or NHS trust];

but a local authority shall not enter into an agreement in pursuance of paragraph (a) of this subsection in respect of any officer without consulting him.]

(2) For superannuation purposes service rendered by an officer of a local authority whose services are placed at the disposal of another local authority in pursuance of this section is service rendered to the authority by whom he is employed, but any such officer shall be treated for the purposes of any enactment relating to the discharge of local authorities' functions as an officer of that other local authority.

[<sup>F153</sup>(3) An officer whose services are placed at the disposal of a local authority in pursuance of subsection (1A) of this section shall be treated as an officer of the authority for the purposes of any enactment relating to the discharge of local authorities' functions.]

[<sup>F154</sup>(4) In subsection (1A) above “NHS trust” means a National Health Service trust established under Part I of the National Health Service and Community Care Act 1990.]

#### Textual Amendments

**F149** S. 113(1A) added by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 151(1)**

**F150** Words inserted by Health Services Act 1980 (c. 53, SIF 113:2), ss. 1, 2, **Sch. 1 Pt. 1 para. 22**

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- F151** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 13(a)**
- F152** Words substituted by Health Services Act 1980 (c. 53, SIF 113:2), ss. 1, 2, **Sch. 1 Pt. 1 para. 22**
- F153** S. 113(3) added by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 151(2)**
- F154** S. 113(4) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 13(b)**

#### Modifications etc. (not altering text)

- C174** S. 113 extended by City of London (Various Powers) Act 1977 (c. xv), **s. 19**
- C175** S. 113 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C176** S. 113 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**  
S. 113: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C177** S. 113 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**  
S. 113: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**  
S. 113 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 113: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 113 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**
- C178** S. 113(1) restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 91, **Sch. 15 para. 1(2)(a)**

## 114 Security to be taken in relation to officers.

- (1) A local authority shall, in the case of an officer employed by them, whether under this or any other enactment, who by reason of his office or employment is likely to be entrusted with the custody or control of money, and may in the case of any other officer employed by them, take such security, for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him, as the local authority consider sufficient.
- (2) A local authority may, in the case of a person not employed by them but who is likely to be entrusted with the custody or control of money or property belonging to the local authority, take such security as they think sufficient for the person duly accounting for all such money or property.
- (3) A local authority shall defray the cost of any security taken under this section, and every such security shall be produced to the auditor at the audit of the accounts of the local authority.

#### Modifications etc. (not altering text)

- C179** S. 114 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**
- C180** Ss. 114, 115 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C181** S. 114 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**  
S. 114: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**  
S. 114: applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 114 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 114 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**  
S. 114 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

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- S. 114 applied (with modifications) (5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 24**; S.I. 1995/3131, art. 2, **Sch. para. 24**; S.I. 1995/3132, art. 2, **Sch. para. 24**; S.I. 1995/3133, art. 2, **Sch. para. 24**
- S. 114 applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 25**; S.I. 1995/3229, art. 2, **Sch. para. 25**; S.I. 1995/3230, art. Sch. para. 25
- S. 114 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**
- S. 114 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 24**; S.I. 1996/2916, art. 2, **Sch. para. 24**; S.I. 1996/2917, art. 2, **Sch. para. 24**; S.I. 1996/2918, art. 2, **Sch. para. 24**; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921, art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2, **Sch. para. 24**
- S. 114: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C182** S. 114 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**
- S. 114: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch.2**
- C183** S. 114 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**
- S. 114 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C184** S. 114 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**
- C185** Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**

## 115 Accountability of officers.

- (1) Every officer employed by a local authority, whether under this Act or any other enactment, shall at such times during the continuance of his office or within three months after ceasing to hold it, and in such manner as the local authority direct, make out and deliver to the authority, or in accordance with their directions, a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein, and a list of persons from whom or to whom money is due in connection with his office, showing the amount due from or to each.
- (2) Every such officer shall pay all money due from him to the proper officer of the local authority or in accordance with their directions.

### Modifications etc. (not altering text)

- C186** S. 115 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**
- C187** Ss. 114, 115 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C188** S. 115 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**
- S. 115: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C189** S.115 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**
- S.115: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**
- S. 115 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- S. 115 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**
- S. 115 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

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- S. 115 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- S. 115 applied (with modifications) (5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 24**; S.I. 1995/3133, art. 2, **Sch. para. 24**; S.I. 1995/3127, art. 2, **Sch. para. 24**; S.I. 1995/3131, art. 2, **Sch. para. 24**
- S. 115 applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 25**; S.I. 1995/3229, art. 2, **Sch. para. 25**; S.I. 1995/3230, art. 2, **Sch. para. 25**
- S. 115 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**
- S. 115 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 24**; S.I. 1996/2916, art. 2, **Sch. para. 24**; S.I. 1996/2917, art. 2, **Sch. para. 24**; S.I. 1996/2918, art. 2, **Sch. para. 24**; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921, art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, **art. 2 Sch. para. 24**
- S. 115: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C190** S. 115 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**
- S. 115 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C191** S. 115 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**
- C192** Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**

## 116 Members of local authorities not to be appointed as officers.

A person shall, so long as he is, and for twelve months after he ceases to be, a member of a local authority, be disqualified for being appointed by that authority to any paid office, other than to the office of chairman or vice-chairman <sup>F155</sup> . . .

### Textual Amendments

**F155** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

### Modifications etc. (not altering text)

- C193** S. 116 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**
- C194** S. 116 modified by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 175(6), 231(7), 235(6)**
- C195** S. 116 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**
- S. 116: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C196** S.116 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**
- S.116: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch.2**
- S. 116 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- S. 116 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- S. 116 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117)
- S. 116 restricted (23.11.1995) by S.I. 1995/2803, art. 19(1), **Sch. 6 para. 1**
- S. 116 applied (with modifications) (5.12.1995) by: S.I. 1995/3132, art. 2, **Sch. para. 24**; S.I. 1995/3133, art. 2, **Sch. para. 24**; S.I. 1995/3127, art. 2, **Sch. para. 24**; S.I. 1995/3131, art. 2, **Sch. para. 24**
- S. 116 applied (with modifications) (11.12.1995) by: S.I. 1995/3218, art. 2, **Sch. para. 25**; S.I. 1995/3229, art. 2, **Sch. para. 25**; S.I. 1995/3230, art. 2, **Sch. para. 25**
- S. 116 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**

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S. 116 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**  
S. 116 applied (with modifications) (20.11.1996) by: S.I. 1996/2912, art. 2, **Sch. para. 24**; S.I. 1996/2916, art. 2, **Sch. para. 24**; S.I. 1996/2917, art. 2, **Sch. para. 24**; S.I. 1996/2918, art. 2, **Sch. para. 24**; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921, art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2, **Sch. para. 24**  
S. 116: power to make provisions about matters of the kind dealt with in this section conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

## 117 Disclosure by officers of interest in contracts.

- (1) If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

- (2) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
- (3) Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding [<sup>F156</sup>level 4 on the standard scale].
- (4) References in this section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.

### Textual Amendments

**F156** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

### Modifications etc. (not altering text)

- C197** S. 117 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), **Sch. 3 para. 12**
- C198** S. 117 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C199** S. 117 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**  
S.117: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C200** S.117 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**  
S.117: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch.2**  
S. 117 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
S. 117 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**  
S. 117 modified (3.4.1995) by 1994 c. 19, s. 66(7), **Sch. 17 para. 10** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1995/852, art. 9(1), **Sch. 5**  
S. 117 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 117 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117)  
S. 117 modified (23.11.1995) by 1995/2803, art. 19(1), [Sch. 6 para. 2](#)  
S. 117 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**

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- S. 117: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- S. 117 applied (with modifications) (8.5.2000) by 1999 c. 29, **s. 71** (with Sch. 12 para. 9(1)); S.I. 2000/801, **art. 2(2)(b)**
- C201** S. 117 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**
- S. 117 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C202** S. 117 modified (24.3.2005) by The New Forest National Park Authority (Establishment) Order 2005 (S.I. 2005/421), **art. 17, Sch. 4 para. 4**
- C203** Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**
- C204** S. 117 modified (24.3.2010) by The South Downs National Park Authority (Establishment) Order 2010 (S.I. 2010/497), **art. 1, Sch. 4 para. 4**
- C205** S. 117(1)(2)(3) applied (with modifications) (5.12.1995) by S.I. 1995/3132, **art. 2, Sch. para. 24**; S.I. 1995/3133, **art. 2, Sch. para. 24**; S.I. 1995/3127, **art. 2, Sch. para. 24**; S.I. 1995/3131, **art. 2, Sch. para. 24**
- S. 117(1)(2)(3) applied (with modifications) (11.12.1995) by S.I. 1995/3218, **art. 2, Sch. para. 25**; S.I. 1995/3229, **art. 2, Sch. para. 25**; S.I. 1995/3230, **art. 2, Sch. para. 25**
- S. 117(1)(2)(3) applied (with modifications) (20.11.1996) by S.I. 1996/2912, **art. 2, Sch. para. 24**; S.I. 1996/2916, **art. 2, Sch. para. 24**; S.I. 1996/2917, **art. 2, Sch. para. 24**; S.I. 1996/2918, **art. 2, Sch. para. 24**; S.I. 1996/2919, **art. 2, Sch. para. 24**; S.I. 1996/2920, **art. 2, Sch. para. 24**; S.I. 1996/2921, **art. 2, Sch. para. 24**; S.I. 1996/2922, **art. 2, Sch. para. 24**; S.I. 1996/2923, **art. 2, Sch. para. 24**; S.I. 1996/2924, **art. 2, Sch. para. 24**
- C206** S. 117(1) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), **art. 2, Sch. para. 19**
- C207** S. 117(2) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), **art. 2, Sch. para. 19**
- C208** S. 117(3) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), **art. 2, Sch. para. 19**

## 118 Payment of salary, etc., due to mentally disordered person.

- (1) Subject to the provisions of this section, the power of a local authority to pay remuneration to their officers shall include power, where the authority are satisfied after considering medical evidence that the person to whom, apart from this section, any sum to which this section applies is payable (hereafter in this section referred to as “the patient”) is incapable, by reason of mental disorder within the meaning of [F157the Mental Health Act 1983], of managing and administering his property and affairs, to pay that sum or such part thereof as the authority think fit to the institution or person having the care of the patient to be applied for his benefit and to pay the remainder, if any, or such part thereof as the authority think fit—
- (a) to or for the benefit of persons who appear to the authority to be members of the patient’s family or other persons for whom the patient might be expected to provide if he were not mentally disordered; or
  - (b) in reimbursement, with or without interest, of money applied by any person either in payment of the patient’s debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph.
- (2) This section applies to any sum payable by a local authority to an officer or pensioner of the authority, or to the widow or widower of a child of a deceased officer

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or pensioner thereof, by way of remuneration, pension, superannuation or other allowance, gratuity or annuity, or by way of repayment (with or without interest) of contributions made to any superannuation or other fund; and in this subsection the expression “pensioner” includes a person entitled to any pecuniary benefit under any enactment or scheme for the establishment of a superannuation fund or a superannuation and provident fund administered by the local authority.

- (3) A local authority shall not in exercise of the powers conferred by subsection (1) above apply in any year in respect of any one person more than £500, or such other sum as may be prescribed.
- (4) Before exercising their powers under this section in relation to any patient a local authority shall give to the authority having jurisdiction under [<sup>F158</sup>Part VII of the said Act of 1983] notice in writing of their intention so to do, specifying the name and address of the patient and the amount and nature of the sums in respect of which the local authority intend to exercise those powers, and the local authority shall, at the same time, give notice in writing to the patient in a form approved by the authority having jurisdiction as aforesaid; and, except with the approval of the authority having jurisdiction as aforesaid, the local authority shall not make the first payment under this section in relation to that patient before the expiration of the period of fourteen days beginning with the date of the service of the notice.
- (5) If at any time the authority having jurisdiction as aforesaid give to the local authority notice in writing that the first-mentioned authority objects to the exercise by the local authority of their said powers in relation to any patient, those powers shall, as from the date of the receipt by the local authority of the notice, cease to be exercisable by the local authority in relation to that patient unless and until the first-mentioned authority withdraws the notice.
- (6) A local authority shall be discharged from all liability in respect of any payment or application of money effected by the authority in exercise of their powers under this section.

#### Textual Amendments

**F157** Words “the Mental Health Act 1983” substituted (E.W.) for words “the Mental Health Act 1959” by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 32\(a\)](#)

**F158** Words commencing “Part VII” substituted (E.W.) for words commencing “Part VIII” by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 32\(b\)](#)

#### Modifications etc. (not altering text)

**C209** S. 118 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), [Sch. 3 para. 12](#)

**C210** S. 118 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), [Sch. 2](#).

S. 118: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, [Sch.2](#).

**C211** S. 118 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), [Sch. 2](#).

S. 118: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, [Sch.2](#).

S. 118 extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), [Sch. 13 para. 19\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

S. 118 modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 1\(b\)](#)

S. 118: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, [art. 3\(3\)](#)

S. 118 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), [Sch. 7 para. 13\(6\)](#) (with ss. 7(6), 115, 117)

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- S. 118 applied (with modifications) (5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 24**; S.I. 1995/3133, art. 2, **Sch. para. 24**; S.I. 1995/3127, art. 2, **Sch. para. 24**; S.I. 1995/3131, art. 2, **Sch. para. 24**
- S. 118 applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 25**; S.I. 1995/3229, art. 2, **Sch. para. 25**; S.I. 1995/3230, art. 2, **Sch. para. 25**
- S. 118 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**
- S. 118 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 24**; S.I. 1996/2916, art. 2, **Sch. para. 24**; S.I. 1996/2917, art. 2, **Sch. para. 24**; S.I. 1996/2918, art. 2, **Sch. para. 24**; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921, art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2, **Sch. para. 24**
- S. 118: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C212** S. 118 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**
- S. 118 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C213** S. 118(1) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13**, para. 12(b)

## 119 Payments due to deceased officers.

- (1) If, on the death of any person who is or has been an officer of a local authority, there is due to him or his legal personal representatives from a local authority a sum not exceeding £500 and not being a pension, allowance or gratuity payable by virtue of section 7 of the <sup>M31</sup>Superannuation Act 1972, the authority may, without requiring the production of probate or letters of administration of the estate of the officer, pay the whole or any part of that sum to the officer's personal representatives or to the person, or to or among any one or more of any persons, appearing to the authority to be beneficially entitled to the estate of the officer, and any person to whom such a payment is made, and not the authority, shall be liable to account for the sum paid to him under this subsection.
- (2) The authority may, if they think fit, pay out of the said sum the funeral expenses of the officer or so much thereof as they consider reasonable <sup>F159</sup> . . .
- (3) Subsection (1) above shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the <sup>M32</sup>Administration of Estates (Small Payments) Act 1965, substituting for references to £500 references to such higher amount as may be specified in the order.
- (4) Where provision has been made by regulations under section 7(1)(b) of the said Act of 1972 with respect to the pensions, allowances or gratuities which in certain circumstances are to be, or may be, paid to or in respect of any persons or classes of persons, the Secretary of State may by regulations provide for the application of the foregoing provisions of this section to such of those persons or classes of persons as may be specified in the regulations.

### Textual Amendments

**F159** Words repealed by **Social Security Act 1986** (c. 50, SIF 113:1), s. 86, **Sch. 11**

### Modifications etc. (not altering text)

**C214** S. 119 extended by **Water Act 1973** (c. 37), s. 2(8), **Sch. 3 para. 12**



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- C215** S. 119 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**.  
S. 119: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.
- C216** S. 119 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.  
S. 119: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.  
S. 119 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 119 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**  
S. 119: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 119 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117)  
S. 119 applied (with modifications) (5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 24**; S.I. 1995/3133, art. 2, **Sch. para. 24**; S.I. 1995/3127, art. 2, **Sch. para. 24**; S.I. 1995/3131, art. 2, **Sch. para. 24**  
S. 119 applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 25**; S.I. 1995/3229, art. 2, **Sch. para. 25**; S.I. 1995/3230, art. 2, **Sch. para. 25**  
S. 119 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**  
S. 119 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 24**; S.I. 1996/2916, art. 2, **Sch. para. 24**; S.I. 1996/2917, art. 2, **Sch. para. 24**; S.I. 1996/2918, art. 2, **Sch. para. 24**; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921, art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2, **Sch. para. 24**  
S. 119 applied (with modifications) (21.3.1997) by 1997 c. 45, **s. 2(4)**  
S. 119: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C217** S. 119 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**  
S. 119 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C218** S. 119 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**
- C219** Section 119(1) has effect by virtue of S.I. 1984/539, **art. 2(i)**, as if for the reference to £500 there were substituted a reference to £5,000
- C220** S. 119(1) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**

#### Marginal Citations

- M31** 1972 c. 11.  
**M32** 1965 c. 32.

### *Land transactions — principal councils*

## **120 Acquisition of land by agreement by principal councils.**

- (1) For the purposes of—
- any of their functions under this or any other enactment, or
  - the benefit, improvement or development of their area,
- a principal council may acquire by agreement any land, whether situated inside or outside their area.
- (2) A principal council may acquire by agreement any land for any purpose for which they are authorised by this or any other enactment to acquire land, notwithstanding that the land is not immediately required for that purpose; and, until it is required for

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the purpose for which it was acquired, any land acquired under this subsection may be used for the purpose of any of the council's functions.

- (3) Where under this section a council are authorised to acquire land by agreement, the provisions of Part I of the <sup>M33</sup>Compulsory Purchase Act 1965 (so far as applicable) other than section 31 shall apply, and in the said Part I as so applied the word "land" shall have the meaning assigned to it by this Act.
- (4) Where two or more councils acting together would have power to acquire any land by agreement by virtue of this section, nothing in any enactment shall prevent one of those councils from so acquiring the land on behalf of both or all of them in accordance with arrangements made between them, including arrangements as to the subsequent occupation and use of the land.
- (5) References in the foregoing provisions of this section to acquisition by agreement are references to acquisition for money or money's worth, as purchaser or lessee.

#### Modifications etc. (not altering text)

**C221** S. 120 modified by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\)](#), s. 19(4)

**C222** S. 120 amended and certain functions transferred by [S.I. 1989/304](#), art. 5(3)(g)(4)

**C223** S. 120 amended by [S.I. 1989/304](#), art. 5(4)(c)

**C224** S. 120 modified (07.08.1991) by [S.I. 1991/1773](#), art. 8(2), [Sch.2](#).

S. 120: certain functions transferred (07.08.1991) by [S.I. 1991/1773](#), art. 8, [Sch.2](#)

**C225** S. 120 modified (10.01.1992) by [S.I. 1991/2913](#), art. 8(2), [Sch.2](#).

S. 120: certain functions transferred (10.01.1992) by [S.I. 1991/2913](#), art. 8, [Sch.2](#).

S. 120: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), art. 3(3)

S. 120 extended (with modifications) (19.9.1995) by [1995 c. 25](#), ss. 65(7), 125(2), [Sch. 8 para. 1\(1\)\(a\)\(4\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))

S. 120 (except subsection 1(b)): power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50](#), s. 44(1), [Sch. 4\(a\)\(vii\)](#); [S.I. 1997/1930](#), art. 2(1)(2)(m)

**C226** S. 120 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), art. 2, [Sch. para. 15](#)

**C227** S. 120(3) applied (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), ss. {211(6)}, 277(1) (subject to s. 277(2)-(5))

S. 120(3) applied (1.3.2007) by [National Health \(Wales\) Service Act 2006 \(c. 42\)](#), ss. {159(6)}, 208(1) (subject to s. 208(2)-(5)) (with s. 19(3))

#### Marginal Citations

**M33** [1965 c. 56](#).

## 121 Acquisition of land compulsorily by principal councils.

- (1) Subject to subsection (2) below, for any purpose for which they are authorised by this or any other public general Act to acquire land, a principal council may be authorised by the Minister concerned with that purpose to purchase compulsorily any land, whether situated inside or outside their area.
- (2) A council may not be authorised under subsection (1) above to purchase land compulsorily—
  - (a) for the purpose specified in section 120(1)(b) above, or
  - (b) for the purpose of any of their functions under the <sup>M34</sup>Local Authorities (Land) Act 1963, or

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- (c) for any purpose in relation to which their power of acquisition is by any enactment expressly limited to acquisition by agreement.
- (3) Where one or more councils propose, in exercise of the power conferred by subsection (1) above, to acquire any land for more than one purpose, the Minister or Ministers whose authorisation is required for the exercise of that power shall not be concerned to make any apportionment between those purposes nor, where there is more than one council, between those councils, and—
- (a) the purposes shall be treated as a single purpose and the compulsory acquisition shall be treated as requiring the authorisation of the Minister, or the joint authorisation of the Ministers, concerned with those purposes; and
- (b) where there is more than one council concerned, the councils may nominate one of them to acquire the land on behalf of them all and the council so nominated shall accordingly be treated as the acquiring authority for the purposes of any enactment relating to the acquisition.
- (4) The [<sup>F160</sup>Acquisition of Land Act 1981] shall apply in relation to the compulsory purchase of land in pursuance of subsection (1) above <sup>F161</sup>. . . .

#### Textual Amendments

**F160** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(1), **Sch. 4 para. 1** Table

**F161** Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(3), **Sch. 6 Pt. I**

#### Modifications etc. (not altering text)

**C228** S. 121 modified by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\)](#), s. 19(4)

**C229** S. 121 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**.

S. 121: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.

S. 121: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), **Sch. 4(a)(vii)**; S.I. 1997/1930, art. 2(1)(2)(m)

**C230** S. 121 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.

S. 121: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.

**C231** S. 121 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), art. 2, **Sch. para. 15**

**C232** S. 121(1) modified (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

#### Marginal Citations

**M34** 1963 c. 29.

## 122 Appropriation of land by principal councils.

- (1) Subject to the following provisions of this section, a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a council by virtue of this subsection shall be subject to the rights of other persons in, over or in respect of the land concerned.
- (2) A principal council may not appropriate under subsection (1) above any land which they may be authorised to appropriate under [<sup>F162</sup>section 229 of the Town and Country Planning Act 1990] (land forming part of a common, etc.) unless—

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- (a) the total of the land appropriated in any particular common, . . . <sup>F163</sup> or fuel or field garden allotment (giving those expressions the same meanings as in [<sup>F164</sup>the said section 229]) does not in the aggregate exceed 250 square yards, and
- (b) before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them,

<sup>F165</sup> .....

[<sup>F166</sup>(2A) A principal council may not appropriate under subsection (1) above any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

(2B) Where land appropriated by virtue of subsection (2A) above is held—

- (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
- (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),

the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.]

<sup>F167</sup>(3) .....

(4) Where land has been acquired under this Act or any other enactment or any statutory order incorporating the Lands Clauses Acts and is subsequently appropriated under this section, any work executed on the land after the appropriation has been effected shall be treated for the purposes of section 68 of the <sup>M35</sup>Lands Clauses Consolidation Act 1845 and section 10 of the <sup>M36</sup>Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

<sup>F168</sup>(5) .....

**Textual Amendments**

**F162** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)

**F163** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XII](#)

**F164** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)

**F165** S. 122(2)(b) words following repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

**F166** S. 122(2A)(2B) inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\), s. 118, Sch. 23 Pt. V para. 12](#)

**F167** S. 122(3) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

**F168** S. 122(5)(6) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

*Status:* Point in time view as at 01/04/1991. This version of this Act contains provisions that are not valid for this point in time.

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**Modifications etc. (not altering text)**

- C233** S. 122 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 1(1)(a)(4)** (with ss.7(6), 115, 117, Sch. 8 para. 7)
- C234** S. 122(4) applied by **Town and Country Planning Act 1990 (c. 8, SIF 123:1), s. 232(5)**

**Marginal Citations**

- M35** 1845 c. 18.  
**M36** 1965 c. 56.

**123 Disposal of land by principal councils.**

- (1) Subject to the following provisions of this section, a principal council may dispose of land held by them in any manner they wish.
- (2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.
- [<sup>F169</sup>(2A) A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.
- (2B) Where by virtue of subsection (2A) above a council dispose of land which is held—
- (a) for the purpose of section 164 of the Public Health Act 1875 (pleasure grounds); or
- (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),
- the land shall by virtue of the disposal be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.]
- <sup>F170</sup>(3) .....
- <sup>F171</sup>(6) .....
- (7) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—
- (a) of the grant of a term not exceeding seven years, or
- (b) of the assignment of a term which at the date of the assignment has not more than seven years to run,
- and in this section “public trust land” has the meaning assigned to it by section 122(6) above.

**Textual Amendments**

- F169** S. 123(2A)(2B) inserted by **Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2), s. 118, Sch. 23 Pt. V para. 14**
- F170** S. 123(3)(4)(5) repealed by **Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, Sch. 34 Pt. XIII**

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**F171** S. 123(6) repealed (with savings in S.I. 1990/431, **Sch. 1 para. 1(a)**) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(2), **Sch. 12 Pt. I**

**Modifications etc. (not altering text)**

**C235** S. 123 excluded by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 76(11)**, 137(6), 189(6), 231(7), 235(6)

**C236** S. 123 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.

S. 123: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.

**C237** S. 123 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.

S. 123: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.

**C238** S. 123 excluded (6.5.1992) by Further and Higher Education Act 1992 (c. 13), **s. 39(8)**; S.I. 1992/831, art. 2, **Sch.1**.

**C239** S. 123(2) excluded by Local Government Act 1988 (c. 9, SIF 81:1, 2), **s. 26(5)(b)**

**F172** **123A** .....

**Textual Amendments**

**F172** S. 123A (inserted by Community Land Act 1975 (c. 77), **s. 42(1)**) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1), s. 118, **Sch. 34 Pt. XIII**

*Land transactions—parish and community councils*

**124 Acquisition of land by agreement by parish and community councils.**

- (1) For the purposes of—
  - (a) any of their functions under this or any other public general Act, or
  - (b) the benefit, improvement or development of their area,
 a parish or community council may acquire by agreement any land, whether situated inside or outside their area.
- (2) Where under this section a parish or community council are authorised to acquire land by agreement, the provisions of Part I of the <sup>M37</sup>Compulsory Purchase Act 1965 (so far as applicable) other than section 31 shall apply, and in the said Part I as so applied the word “land” shall have the meaning assigned to it by this Act.
- (3) References in the foregoing provisions of this section to acquisition by agreement are references to acquisition for money or money’s worth, as purchaser or lessee.

**Marginal Citations**

**M37** 1965 c. 56.

**[<sup>F173</sup>125 Compulsory acquisition of land on behalf of parish or community councils.**

- (1) If a parish or community council are unable to acquire by agreement under section 124 above and on reasonable terms suitable land for a purpose for which they are authorised to acquire land other than—

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- (a) the purpose specified in section 124(1)(b) above, or
  - (b) a purpose in relation to which the power of acquisition is by an enactment expressly limited to acquisition by agreement,
- they may represent the case to the council of the district in which the parish or community is situated.
- (2) If the district council are satisfied that suitable land for the purpose cannot be acquired on reasonable terms by agreement, they may be authorised by the Secretary of State to purchase compulsorily the land or part of it; and the Acquisition of Land Act 1981 shall apply in relation to the purchase.
- (3) The district council in making and the Secretary of State in confirming an order for the purposes of this section shall have regard to the extent of land held in the neighbourhood by an owner and to the convenience of other property belonging to the same owner and shall, as far as practicable, avoid taking an undue or inconvenient quantity of land from any one owner.
- (4) The order shall be carried into effect by the district council but the land when acquired shall be conveyed to the parish or community council; and accordingly in construing for the purposes of this section and of the order any enactment applying in relation to the compulsory acquisition, the parish or community council or the district council, or the two councils jointly, shall, as the case may require, be treated as the acquiring authority.
- (5) The district council may recover from the parish or community council the expenses incurred by them in connection with the acquisition of land under this section.
- (6) If a parish or community council make representations to a district council with a view to the making of an order under this section and the district council—
- (a) refuse to make an order, or
  - (b) do not make an order within 8 weeks from the making of the representations or such longer period as may be agreed between the two councils,
- the parish or community council may petition the Secretary of State who may make the order, and this section and the provisions of the Acquisition of Land Act 1981 shall apply as if the order had been made by the district council and confirmed by the Secretary of State.
- (7) In the application of this section to a parish or community council for a group of parishes or communities—
- (a) references to the parish or community shall be construed as references to the area of the group, and
  - (b) if different parts of the area of the group lie in different districts, references to the council of the district in which the parish or community is situated shall be construed as references to the councils of each of the districts acting jointly.]

#### Textual Amendments

**F173** S. 125 substituted (with savings in S.I. 1990/614, [art. 3](#)) by [Housing and Planning Act 1986 \(c. 63, SIF 81:1\)](#), [s. 43](#)

#### Modifications etc. (not altering text)

**C240** S. 125 modified by [S.I. 1990/614, art. 3](#)

*Status:* Point in time view as at 01/04/1991. This version of this Act contains provisions that are not valid for this point in time.

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**126 Appropriation of land by parish and community councils and by parish meetings.**

- (1) Any land belonging to a parish or community council which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the council for any other purpose for which the council are authorised by this or any other public general Act to acquire land by agreement.
- (2) In the case of a parish which does not have a separate parish council, any land belonging to the parish meeting which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the parish meeting for any other purpose approved by the Secretary of State.
- (3) The appropriation of land by virtue of this section by a parish or community council or by a parish meeting shall be subject to the rights of other persons in, over or in respect of the land concerned.
- (4) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section any land which they may be authorised to appropriate under [F174section 229 of the Town and Country Planning Act 1990] (land forming part of a common, etc.) unless—
  - (a) the total of the land appropriated in any particular common, F175 . . . or fuel or field garden allotment (giving those expressions the same meanings as in [F176the said section 229]) does not in the aggregate exceed 250 square yards, and
  - (b) before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them,

F177 . . . . .

[F178(4A) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

- (4B) Where land appropriated by virtue of subsection (4A) above is held—
  - (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
  - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),

the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.]

F179 (5) . . . . .

- (6) Where land has been acquired under this Act or any other enactment or any statutory order incorporating the Lands Clauses Acts and is subsequently appropriated under this section any work executed on the land after the appropriation has been effected



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shall be treated for the purposes of section 68 of the <sup>M38</sup>Lands Clauses Consolidation Act 1845 and section 10 of the <sup>M39</sup>Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

<sup>F179</sup>(7) . . . . .

**Textual Amendments**

- F174** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)
- F175** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)
- F176** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)
- F177** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)
- F178** [S. 126\(4A\)\(4B\) inserted by Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\), s. 118, Sch. 23 Pt. V para. 17\(2\)](#)
- F179** [S. 126\(5\)\(7\) repealed by Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

**Marginal Citations**

- M38** 1845 c. 18.
- M39** 1965 c. 56.

**127 Disposal of land held by parishes and communities.**

- (1) Subject to the following provisions of this section, a parish or community council, or the parish trustees of a parish acting with the consent of the parish meeting, may dispose of land held by them in any manner they wish.
- (2) Except with the consent of the Secretary of State, land shall not be disposed of under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.
- [<sup>F180</sup>(3) Subsections (2A) and (2B) of section 123 above shall apply in relation to the disposal of land under this section as they apply in relation to the disposal of land under that section, with the substitution of a reference to a parish or community council or the parish trustees of a parish for the reference to a principal in the said subsection (2A).]
- (4) Capital money received in respect of a disposal under this section of land held for charitable purposes shall be applied in accordance with any directions given under the <sup>M40</sup>Charities Act 1960.
- (5) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—
  - (a) of the grant of a term not exceeding seven years, or
  - (b) of the assignment of a term which at the date of the assignment has not more than seven years to run.

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#### Textual Amendments

**F180** S. 127(3) substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\)](#), s. 118, [Sch. 23 Pt. V para. 19](#)

#### Marginal Citations

**M40** 1960 c. 58.

### *Land transactions—general provisions*

#### **128 Consents to land transactions by local authorities and protection of purchasers.**

- (1) In any case where under the foregoing provisions of this Part of this Act the consent of any Minister is required to a dealing in land by a local authority, that consent may be given—
  - (a) in relation to any particular transaction or transactions or in relation to a particular class of transactions; and
  - (b) in relation to local authorities generally, or local authorities of a particular class, or any particular local authority or authorities; and
  - (c) either unconditionally or subject to such conditions as the Minister concerned may specify (either generally, or in relation to any particular transaction or transactions or class of transactions).
- (2) Where under the foregoing provisions of this Part of this Act or under any other enactment, whether passed before, at the same time as, or after, this Act, a local authority purport to acquire, appropriate or dispose of land, then—
  - (a) in favour of any person claiming under the authority, the acquisition, appropriation or disposal so purporting to be made shall not be invalid by reason that any consent of a Minister which is required thereto has not been given or that any requirement as to advertisement or consideration of objections has not been complied with, and
  - (b) a person dealing with the authority or a person claiming under the authority shall not be concerned to see or enquire whether any such consent has been given or whether any such requirement has been complied with.
- (3) Notwithstanding that principal councils are authorities to whom Part II of the <sup>M41</sup>Town and Country Planning Act 1959 applies, sections 22, 23 and 26 of that Act (provisions relating to consents required for the exercise of powers of acquisition, appropriation and disposal of land) shall not apply in relation to the exercise by principal councils of powers conferred by this Part of this Act, and in section 29 of that Act (protection of purchasers) references to an authority to whom the said Part II applies shall be construed as though that expression did not include a principal council.
- (4) In this section “local authority” includes a parish meeting and the parish trustees of a parish.

#### Modifications etc. (not altering text)

**C241** S. 128 modified (07.08.1991) by [S.I. 1991/1773](#), art. 8(2), [Sch.2](#).

S. 128: certain functions transferred (07.08.1991) by [S.I. 1991/1773](#), art. 8, [Sch.2](#).

**C242** S. 128 modified (10.01.1992) by [S.I. 1991/2913](#), art. 8(2), [Sch. 2](#).

**Status:** Point in time view as at 01/04/1991. This version of this Act contains provisions that are not valid for this point in time.

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- S. 128: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.  
S. 128 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 1(1)(b)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 128 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 128: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**  
S. 128 applied (with modifications) (1.4.2001 (E.) and 1.5.2001 (W.)) by 2000 c. 37, s. 87(6), **Sch. 14 para. 6** (with s. 84(4)-(6)); S.I. 2001/114, **art. 2(2)(e)**; S.I. 2001/1410, **art. 2(g)**  
**C243** S. 128(1) amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**  
**C244** S. 128(2) restricted by **Housing Act 1980** (c. 51, SIF 61), s. **137(1)**  
**C245** S. 128(2) excluded by **Housing and Building Control Act 1984** (c. 29, SIF 61), s. **22(7)**  
**C246** S. 128(2) restricted by **Local Government Act 1985** (c. 51, SIF 81:1), ss. **1, 93(1)**  
**C247** S. 128(2) amended by **Local Government Act 1985** (c. 51, SIF 81:1), ss. **1, 57(7)**, **Sch. 13 para. 12(c)**  
**C248** S. 128(2) excluded by **Housing Act 1985** (c. 68, SIF 61), s. **44(2)**  
S. 128(2) extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(c)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)  
S. 128(2) modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(c)**

#### Marginal Citations

**M41** 1959 c. 53.

### 129 Payment of purchase or compensation money by one local authority to another.

- (1) With the consent of the Secretary of State, any purchase money or compensation payable in pursuance of the foregoing provisions of this Part of this Act by a local authority in respect of any land acquired from another local authority, being money or compensation which would, apart from this section, be required to be paid into court in accordance with the <sup>M42</sup>Compulsory Purchase Act 1965, may, instead of being so paid, be paid and applied as the Secretary of State may determine.
- (2) A decision of the Secretary of State under this section shall be final.

#### Modifications etc. (not altering text)

- C249** S. 129 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**.  
S. 129: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.  
**C250** S.129 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**.  
S.129: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.  
S. 129 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65, 125(2), **Sch. 8 para. 1(1)(b)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 129: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

#### Marginal Citations

**M42** 1965 c. 56.

### 130 Acquisition by local authorities of lands belonging to the Duchy of Lancaster.

The Chancellor and Council of the Duchy of Lancaster may sell to a local authority any land belonging to Her Majesty in right of that Duchy which the local authority think fit to purchase, and the land may be granted to the local authority and the proceeds of

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sale shall be paid and dealt with as if the land had been sold under the authority of the <sup>M43</sup>Duchy of Lancaster Lands Act 1855.

#### Modifications etc. (not altering text)

- C251** S. 130 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.  
S. 130: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.
- C252** S. 130 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**.  
S. 130: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.  
S. 130 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65, 125(2), **Sch. 8 para. 1(1)(b)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 130: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

#### Marginal Citations

- M43** 1855 c. 58.

### 131 Savings.

- (1) Nothing in the foregoing provisions of this Part of this Act or in Part VIII below—
- (a) shall authorise the disposal of any land by a local authority in breach of any trust, covenant or agreement which is binding upon them, excluding any trust arising solely by reason of the land being held as public walks or pleasure grounds or in accordance with section 10 of the <sup>M44</sup>Open Spaces Act 1906; or
  - (b) shall affect, or empower a local authority to act otherwise than in accordance with, any provision contained in, or in any instrument made under, any of the enactments specified in subsection (2) below and relating to any dealing in land by a local authority or the application of capital money arising from any such dealing.
- (2) The enactments referred to in subsection (1)(b) above are—
- (a) the <sup>M45</sup>Technical and Industrial Institutions Act 1892;
  - (b) the Military Lands Acts 1892 to 1903;
  - (c) the <sup>M46</sup>Light Railways Acts 1896 <sup>M47</sup> and 1912;
  - (d) the Allotments Acts 1908 to 1950;
  - (e) the Small Holdings and Allotments Acts 1908 to 1931;
  - [<sup>F181</sup>(f) the Ancient Monuments and Archaeological Areas Act 1979]
  - (g) section 28 of the <sup>M48</sup>Land Settlement (Facilities) Act 1919;
  - (h) ..... <sup>F182</sup>
  - (i) ..... <sup>F183</sup>
  - (j) Part III of the <sup>M49</sup>Agriculture Act 1970; and
  - (jj) ..... <sup>F183</sup>
  - (k) any local Act (including an Act confirming a provisional order).
  - (l) ..... <sup>F184</sup>
  - [<sup>F185</sup>(m) the Housing Act 1985]
- (3) Nothing in the foregoing provisions of this Part of this Act shall affect the operation of section 29 of the <sup>M50</sup>Charities Act 1960 (restrictions on dealing with charity property) and, in particular, none of those provisions shall be treated as giving any such authority

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for a transaction as is referred to in subsection (3)(a) of that section (certain statutorily authorised transactions not to require the sanction of the Charity Commissioners).

- (4) In this section “local authority” includes a parish meeting and the parish trustees of a parish.

#### Textual Amendments

- F181** S. 131(2)(f) substituted by Ancient Monuments and Archaeological Areas Act 1979 (c. 46, SIF 3), s. 64(2), **Sch. 4 para. 13**
- F182** S. 131(2)(h) repealed by Civil Aviation (Amendment) Act 1982 (c. 1, SIF 9), s. 4(3), **Sch. 2**
- F183** S. 131(2)(i)(jj) repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 6, **Sch. 1**
- F184** S. 131(2)(l) inserted by Housing Act 1980 (c. 51, SIF 61), s. 152(1), **Sch. 25 para. 23** and repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 6, **Sch. 1 Pt. 1**
- F185** S. 131(2)(m) inserted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 23**

#### Modifications etc. (not altering text)

- C253** S. 131 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**  
S. 131: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.
- C254** S. 131 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**  
S. 131: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.

#### Marginal Citations

- M44** 1906 c. 25.  
**M45** 1892 c. 29.  
**M46** 1896 c. 48.  
**M47** 1912 c. 19.  
**M48** 1919 c. 59.  
**M49** 1970 c. 40.  
**M50** 1960 c. 58.

### *Premises and contracts*

#### **132 Provision of offices, etc. by principal councils.**

A principal council may acquire or provide and furnish halls, offices and other buildings, whether within or without the area of the authority, for use for public meetings and assemblies.

#### Modifications etc. (not altering text)

- C255** S. 132 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**  
S. 132: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.
- C256** S. 132 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**  
S. 132: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**  
S. 132 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(a)** (with ss.7(6), 115, 117, **Sch. 8 para. 7**)  
S. 132: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

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**C257** S. 132 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(a)**  
 S. 132 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(a)**

### **133 Provision of parish and community buildings.**

A parish or community council may acquire or provide and furnish buildings to be used for public meetings and assemblies or contribute towards the expenses incurred by any other parish or community council or any other person in acquiring or providing and furnishing such a building.

### **134 Use of schoolroom, etc. in parish or community.**

- (1) If in a parish there is no suitable public room vested in the parish council or the parish trustees, as the case may be, which can be used free of charge, a suitable room in premises of a school maintained by the local education authority [<sup>F186</sup>or of a grant maintained school] or a suitable room the expenditure of maintaining which is payable out of any rate may, subject to subsection (3) below, be used free of charge at all reasonable times and after reasonable notice for any of the following purposes, that is to say, for the purpose of—
  - (a) a parish meeting or any meeting of the parish council, where there is one; or
  - (b) meetings convened by the chairman of the parish meeting or by the parish council, where there is one; or
  - (c) the administration of public funds within or for the purposes of the parish where those funds are administered by any committee or officer appointed by the parish council or parish meeting or by the county council or district council.
  
- (2) If in a community there is no suitable public room vested in the community council which can be used free of charge or there is no community council, a suitable room in premises of a school maintained by the local education authority [<sup>F186</sup>or of a grant maintained school] or a suitable room the expenditure of maintaining which is payable out of any rate may, subject to subsection (3) below, be used free of charge at all reasonable times and after reasonable notice for any of the following purposes, that is to say, for the purpose of—
  - (a) a community meeting or any meeting of the community council, where there is one; or
  - (b) meetings convened by the community council, where there is one; or
  - (c) the administration of public funds within or for the purposes of the community where those funds are administered by any committee or officer appointed by the community council, where there is one, or by the county council or district council.
  
- (3) Nothing in this section shall authorise—
  - (a) the use of a room used as part of a private dwelling; or
  - (b) any interference with the hours during which a room in the premises of a school is used for educational purposes; or
  - (c) any interference with the hours during which a room used for the purposes of the administration of justice, or for the purposes of the police, is used for those purposes.

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- (4) If, by reason of the use of a room for any of the purposes mentioned in subsection (1) or (2) above, any expense is incurred by persons having control of the room, or any damage is done to the room or the building of which it is part or to its appurtenances, or to the furniture of the room or any teaching aids, the expense or the cost of making good the damage shall be defrayed as an expense of the parish or community council or parish or community meeting.
- (5) If any question arises under this section as to what is reasonable or suitable, it may be determined by the Secretary of State.

#### Textual Amendments

**F186** Words inserted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 13**

#### Modifications etc. (not altering text)

- C258** S. 134(1) applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt. I**  
S. 134(1) applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt. I**
- C259** S. 134(2) applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt. I**  
S. 134(2) applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt. I**

### 135 Contracts of local authorities.

- (1) A local authority may make standing orders with respect to the making of contracts by them or on their behalf.
- (2) A local authority shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works.
- (3) Standing orders made by a local authority with respect to contracts for the supply of goods or materials or for the execution of works shall include provision for securing competition for such contracts and for regulating the manner in which tenders are invited, but may exempt from any such provision contracts for a price below that specified in standing orders and may authorise the authority to exempt any contract from any such provision when the authority are satisfied that the exemption is justified by special circumstances.
- (4) A person entering into a contract with a local authority shall not be bound to inquire whether the standing orders of the authority which apply to the contract have been complied with, and non-compliance with such orders shall not invalidate any contract entered into by or on behalf of the authority.

#### Modifications etc. (not altering text)

- C260** S. 135 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**  
S. 135: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C261** S. 135 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. Sch.2**  
S. 135: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**  
S. 135: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 135 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(b)** (with ss.7(6), 115, 117, Sch. 8 para. 7)

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S. 135: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(viii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

S. 135: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

**C262** S. 135 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(b)**

S. 135 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(b)**

### Miscellaneous

#### 136 Contributions towards expenditure on concurrent functions.

Two or more local authorities may make arrangements for defraying any expenditure incurred by one of them in exercising any functions exercisable by both or all of them.

#### Modifications etc. (not altering text)

**C263** S. 136 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 91, **Sch. 15 para. 1(2)(a)**

S. 136: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

S. 136 extended (19.9.1995) by 1995 c. 25, ss. 65, 125(2), **Sch. 8 para. 3(1)(c)** (with ss.7(6), 115, 117, Sch. 8 para. 7)

S. 136: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(ix)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

**C264** S. 136 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(c)**

S. 136 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(c)**

#### [<sup>F187</sup> 137 Power of local authorities to incur expenditure for certain purposes not otherwise authorised.

(1) A local authority may, subject to the provisions of this section, incur expenditure which in their opinion is in the interests of, and will bring direct benefit to, their area or any part of it or all or some of its inhabitants, but a local authority shall not, by virtue of this subsection, incur any expenditure—

- (a) for a purpose for which they are, either unconditionally or subject to any limitation or to the satisfaction of any condition, authorised or required to make any payment by or by virtue of any other enactment; nor
- (b) unless the direct benefit accruing to their area or any part of it or to all or some of the inhabitants of their area will be commensurate with the expenditure to be incurred.

(1A) In any case where—

- (a) by virtue of paragraph (a) of subsection (1) above, a local authority are prohibited from incurring expenditure for a particular purpose, and
- (b) the power or duty of the authority to incur expenditure for that purpose is in any respect limited or conditional (whether by being restricted to a particular group of persons or in any other way),



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the prohibition in that paragraph shall extend to all expenditure to which that power or duty would apply if it were not subject to any limitation or condition.

- (2) It is hereby declared that the power of a local authority to incur expenditure under subsection (1) above includes power to do so by contributing towards the defraying of expenditure by another local authority in or in connection with the exercise of that other authority's functions.

<sup>F188</sup>(2A) .....

- (2C) A local authority may incur expenditure under subsection (1) above on publicity only by way of assistance to a public body or voluntary organisation where the publicity is incidental to the main purpose for which the assistance is given; but the following provisions of this section apply to expenditure incurred by a local authority under section 142 below on information as to the services provided by them under this section, or otherwise relating to their functions under this section, as they apply to expenditure incurred under this section.

<sup>F189</sup>(a) .....

- (2D) In subsection (2C) above—

“publicity” means any communication, in whatever form, addressed to the public at large or to a section of the public; and

“voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.

- (3) A local authority may, subject to the following provisions of this section, incur expenditure on contributions to any of the following funds, that is to say—

- (a) the funds of any charitable body in furtherance of its work in the United Kingdom; or
- (b) the funds of any body which provides any public service (whether to the public as a whole or to any section of it) in the United Kingdom otherwise than for the purposes of gain; or
- (c) any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made by the Lord Mayor of London or the chairman of a principal council or by a committee of which the Lord Mayor of London or the chairman of a principal council is a member or by such a person or body as is referred to in section 83(3)(c) of the Local Government (Scotland) Act 1973.

- (4) The expenditure of a local authority under this section in any financial year shall not exceed the amount produced by multiplying—

- (a) such sum as is for the time being appropriate to the authority under subsection (4AA) below, by
- (b) the relevant population of the authority's area.

- (4AA) For the purposes of subsection (4)(a) above, except in so far as the Secretary of State by order specifies a different sum in relation to an authority of a particular description,—

- (a) the sum appropriate to a county council or the council of a non-metropolitan district is £2.50;
- (b) the sum appropriate to a metropolitan district council, a London borough council or the Common Council is £5.00; and
- (c) the sum appropriate to a parish or community council is £3.50.

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(4AB) For the purposes of subsection (4)(b) above the relevant population of a local authority’s area shall be determined in accordance with regulations made by the Secretary of State; and a statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of the House of Commons.

(4A) For the purpose of determining whether a local authority have exceeded the limit set out in subsection (4) above, their expenditure in any financial year under this section shall be taken to be the difference between their gross expenditure under this section for that year and the aggregate of the amounts specified in subsection (4B) below.

(4B) The amounts mentioned in subsection (4A) above are—

- (a) the amount of any expenditure which forms part of the authority’s gross expenditure for that year under this section and in respect of which any grant has been or is to be paid under any enactment by a Minister of the Crown, within the meaning of the Ministers of the Crown Act 1975 (whether or not the grant covers the whole of the expenditure);
- (b) the amount of any repayment in that year of the principal of a loan for the purpose of financing expenditure under this section in any year;
- (c) so much of any amount raised by public subscription as is spent in that year for a purpose for which the authority are authorised by this section to incur expenditure;
- (d) any grant received by the authority for that year out of the European Regional Development Fund or the Social Fund of the European Economic Community, in so far as the grant is in respect of an activity in relation to which the authority incurred expenditure in that year under this section;
- (e) the amount of any repayment in that year of a loan under this section made by the authority in any year; and
- (f) the amount of any expenditure—
  - (i) which is incurred by the authority in that year in circumstances specified in an order made by the Secretary of State; or
  - (ii) which is incurred by the authority in that year and is of a description so specified; or
  - (iii) which is defrayed by any grant or other payment to the authority which is made in or in respect of that year and is of a description so specified.

(5) A statutory instrument containing an order under this section may apply to all local authorities or may make different provision in relation to local authorities of different descriptions.

(6) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) The accounts of a local authority by whom expenditure is incurred under this section shall include a separate account of that expenditure, and section 24 of the Local Government Finance Act 1982 (rights of inspection) shall apply in relation to any such separate account of a local authority as it applies in relation to any statement of accounts prepared by them pursuant to regulations under section 23 of that Act.

<sup>F190</sup>(8) . . . . .

(9) In this section “local authority” includes the Common Council.]

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### Textual Amendments

- F187** S. 137 amended by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), [s. 36\(2\)-\(8\)](#) and has effect as set out in Sch. 2 to that Act
- F188** S. 137(2A)(2B) (which were inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), [s. 44\(a\)](#)) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [s. 36\(4\)](#)
- F189** S. 137(2C)(a) (which was inserted by [Local Government Act 1986 \(c. 10, SIF 81:1\)](#), [ss. 3, 6](#)) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [s. 36\(4\)](#)
- F190** S. 137(8) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [s. 36\(6\)\(b\)](#)

### Modifications etc. (not altering text)

- C265** S. 137 excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [ss. 1, 48\(12\)](#)
- C266** S. 137 amended by [Local Authorities \(Expenditure Powers\) Act 1983 \(c. 52, SIF 81:1, 2\)](#), [s. 1](#) (which amending Act was repealed (1.7.1990) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [ss. 194\(4\), 195\(2\)](#), [Sch. 12 Pt. II](#); S.I. 1990/1274, [art. 3](#))
- C267** S. 137(1)(a) restricted (retrospective to 1.4.1990) by [1985 c. 68, s. 11A](#) (as inserted (retrospective to 1.4.1990) by [1993 c. 28, s. 126, 188\(2\)\(b\)](#)).
- C268** S. 137(4B)(d) amended (28.11.1994) by S.I. 1994/2825, [reg. 14\(1\)\(a\)](#)
- C269** S. 137(4B)(f)(iii) amended (28.11.1994) by S.I. 1994/2825, [reg. 14\(1\)\(b\)](#)
- C270** S. 137(7) amended (28.11.1994) by S.I. 1994/2825, [reg. 14\(2\)](#)

### [<sup>F191</sup>137A] **Financial assistance to be conditional on provision of information.**

- (1) If in any financial year a local authority provides financial assistance—
- to a voluntary organisation, as defined in subsection (2D) of section 137 above, or
  - to a body or fund falling within subsection (3) of that section,
- and the total amount so provided to that organisation, body or fund in that year equals or exceeds the relevant minimum, then, as a condition of the assistance, the authority shall require the organisation, body or fund, within the period of twelve months beginning on the date when the assistance is provided, to furnish to the authority a statement in writing of the use to which that amount has been put.
- (2) In this section “financial assistance” means assistance by way of grant or loan or by entering into a guarantee to secure any money borrowed and, in relation to any financial assistance,—
- any reference to the amount of the assistance is a reference to the amount of money granted or lent by the local authority or borrowed in reliance on the local authority’s guarantee; and
  - any reference to the date when the assistance is provided is a reference to the date on which the grant or loan is made or, as the case may be, on which the guarantee is entered into.
- (3) The relevant minimum referred to in subsection (1) above is £2,000 or such higher sum as the Secretary of State may by order specify.
- (4) It shall be a sufficient compliance with a requirement imposed by virtue of subsection (1) above that there is furnished to the local authority concerned an annual report or accounts which contain the information required to be in the statement.

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- (5) A statement (or any report or accounts) provided to a local authority in pursuance of such a requirement shall be deposited with the proper officer of the authority.
- (6) In this section “local authority” includes the Common Council.]

**Textual Amendments**  
**F191** S. 137A inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), [s. 37](#)

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**Modifications etc. (not altering text)**  
**C271** S. 137A amended (28.11.1994) by [S.I. 1994/2825, reg. 15](#)

**138 Powers of principal councils with respect to emergencies or disasters.**

- (1) Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and a principal council are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants, the council may—
  - (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
  - (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

[<sup>F192</sup>(1A) If a principal council are of the opinion that it is appropriate to undertake contingency planning to deal with a possible emergency or disaster which, if it occurred,—

- (a) would involve destruction of or danger to life or property, and
- (b) would be likely to affect the whole or part of their area,

they may incur such expenditure as they consider necessary on that planning (whether relating to a specific kind of such possible emergency or disaster or generally in relation to possible emergencies or disasters falling within paragraphs (a) and (b) above).]

(2) ..... <sup>F193</sup>

(3) [<sup>F194</sup>Nothing in this section authorises] a local authority to execute—

- (a) any drainage or other works in any part of a main river, within the meaning of the <sup>M51</sup>Land Drainage Act 1930, or of any other watercourse which is treated for the purposes of any of the provisions of that Act as part of a main river, or
- (b) any works which local authorities have power to execute under section 34 of the <sup>M52</sup>Land Drainage Act 1961 (measures against flooding),

but subject to those limitations, [<sup>F195</sup>the powers conferred by subsections (1) and (1A) above are] in addition to, and not in derogation of, any power conferred on a local authority by or under any other enactment, including any enactment contained in this Act.

(4) In this section “principal council” includes the Common Council and, until 1st April 1974, the council of an existing county, county borough or county district.

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[<sup>F196</sup>(5) With the consent of the Secretary of State, a metropolitan county fire and civil defence authority and the London Fire and Civil Defence Authority may incur expenditure in co-ordinating planning by principal councils in connection with their functions under subsection (1) above.

(6) In this section “contingency planning” means the making, keeping under review and revising of plans and the carrying out of training associated with the plans.]

#### Textual Amendments

**F192** S. 138(1A) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 156(1)

**F193** S. 138(2) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, Sch. 34 Pt. 1

**F194** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 156(2)(a)

**F195** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 156(2)(b)

**F196** S. 138(5)(6) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 156(3)

#### Modifications etc. (not altering text)

**C272** S. 138 excluded by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 1(1), Sch. 1

#### Marginal Citations

**M51** 1930 c. 44.

**M52** 1961 c. 48.

### 139 Acceptance of gifts of property.

(1) Subject to the provisions of this section a local authority may accept, hold and administer—

- (a) for the purpose of discharging any of their functions, gifts of property, whether real or personal, made for that purpose; or
- (b) for the benefit of the inhabitants of their area or of some part of it, gifts made for that purpose;

and may execute any work (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

(2) Where any such work is executed in connection with a gift made for the benefit of the inhabitants of the area of a local authority or of some part of that area, the cost of executing the work shall be added to any expenditure under section 137 above in computing the limit imposed on that expenditure by subsection (4) of that section.

(3) This section shall not authorise the acceptance by a local authority of property which, when accepted, would be held in trust for an ecclesiastical charity or for a charity for the relief of poverty.

(4) Nothing in this section shall affect any powers exercisable by a local authority under or by virtue of the Education Acts 1944 to 1971.

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#### Modifications etc. (not altering text)

- C273** S. 139 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(d)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
S. 139: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

### 140 Insurance by local authorities against accidents to members.

- [<sup>F197</sup>(1) A local authority may enter into a contract of insurance of Class 1 in Part I of Schedule 2 to the Insurance Companies Act [<sup>F198</sup>1982] against risks of any member of the authority meeting with a personal accident, whether fatal or not, while engaged on the business of the authority.]
- (2) Any sum received by the authority under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by them to, or to the personal representatives of, the member of the authority in respect of an accident to whom that sum is received.
- (3) The provisions of the <sup>M53</sup>Life Assurance Act 1774 shall not apply to any such contract, . . . <sup>F199</sup>
- (4) In this section, the expression . . . <sup>F200</sup>“member of the authority” includes a member of a committee or sub-committee of the authority who is not a member of that authority.

#### Textual Amendments

- F197** S. 140(1) substituted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 39(1)(a)**
- F198** Words substituted by Insurance Companies Act 1982 (c. 50, SIF 67), **Sch. 5 para. 13**
- F199** Words repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 39(1)(b), **Sch. 7 Pt. XVI**
- F200** Words repealed by London Regional Transport Act 1984 (c. 32, SIF 126), **ss. 71(3)(b), 72(7)**, Sch. 7

#### Modifications etc. (not altering text)

- C274** S. 140 extended by City of London (Various Powers) Act 1977 (c. xv), **s. 19**
- C275** S. 140 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(d)**
- C276** S. 140 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.  
S. 140: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.
- C277** S. 140 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**.  
S. 140: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch. 2**.  
S. 140 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 140: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 140 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(e)** (with ss.7(6), 115, 117, Sch. 8 para. 7)  
S. 140 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**  
S. 140 applied (4.3.1996) by S.I. 1996/263, **reg. 16(3)**  
S. 140: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(x)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

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### Marginal Citations

M53 1774 c. 48.

## [<sup>F201</sup>140] Insurance of voluntary assistants of local authorities.

(1) A local authority may enter into a contract of insurance of a relevant class against risks of any voluntary assistant of the authority meeting with a personal accident, whether fatal or not, while engaged as such, or suffering from any disease or sickness, whether fatal or not, as the result of being so engaged.

(2) In this section

“local authority” includes—

- (a) a board constituted in pursuance of [<sup>F202</sup>section 2 of the Town and Country Planning Act 1990] or reconstituted in pursuance of Schedule 17 to this Act;
- (b) the Common Council of the City of London; and
- (c) the Council of the Isles of Scilly; and

“voluntary assistant” means a person who, at the request of the local authority or an authorised officer of the local authority, performs any service or does anything otherwise than for payment by the local authority (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the local authority.]

### Textual Amendments

**F201** Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 39(2)

**F202** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 28(2)

### Modifications etc. (not altering text)

**C278** Ss. 140A, 140C amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), Sch. 13 para. 12(d)

S. 140A extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), Sch. 13 para. 19(d) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

S. 140A: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 3(3)

S. 140A extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), Sch. 8 para. 3(1)(e) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

## [<sup>F203</sup>140] Insurance of voluntary assistants of probation committee.

(1) A county council . . . <sup>F204</sup> may enter into a contract of insurance of a relevant class against risks of any voluntary assistant of a relevant probation committee meeting with a personal accident, whether fatal or not, while engaged as such, or suffering from any disease or sickness, whether fatal or not, as the result of being so engaged.

(2) In this section—

“relevant probation committee” means—

- (a) in relation to a county council, a probation committee for a probation area wholly or partly within the county; and

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- (b) in relation to Greater London, a probation committee for a probation area wholly or partly within an outer London borough (within the meaning of section 1 of the 1963 Act); and

“voluntary assistant” means a person who, at the request of an authorised officer of the probation committee, performs any service or does anything otherwise than for payment by the committee (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the committee.]

#### Textual Amendments

**F203** Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 39(2)

**F204** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

#### Modifications etc. (not altering text)

**C279** S. 140B: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 3(3)

### [<sup>F205</sup>140C Provisions supplementary to sections 140A, 140B.

- (1) The relevant classes of contracts of insurance for the purposes of sections 140A and 140B above are—
- (a) class IV in Schedule 1 to the Insurance Companies Act [<sup>F206</sup>1982] (permanent health insurance); and
  - (b) class 1 in Part I of Schedule 2 to that Act (accident insurance).
- (2) Any sum received under a contract of insurance made by virtue of section 140A or 140B above shall, after deduction of any expenses incurred in the recovery thereof, be paid by the authority receiving it to, or to the personal representatives of, the voluntary assistant who suffered the accident, disease or sickness in respect of which the sum is received or to such other person as the authority consider appropriate having regard to the circumstances of the case; and a sum paid to any person other than the assistant or his personal representatives shall be applied by that person in accordance with any directions given by the authority for the benefit of any dependant of the voluntary assistant.
- (3) The provisions of the Life Assurance Act 1774 shall not apply to any such contract.
- (4) Section 119 above shall apply to any sum which is due by virtue of subsection (2) above and does not exceed the amount for the time being specified in section 119(1) above.]

#### Textual Amendments

**F205** Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 39(2)

**F206** Words substituted by Insurance Companies Act 1982 (c. 50, SIF 67), Sch. 5 para. 13

#### Modifications etc. (not altering text)

**C280** Ss. 140A, 140C amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), Sch. 13 para. 12(d)



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S. 140C extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

S. 140C: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

S. 140C extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(e)** (with ss.7(6), 115, 117, Sch. 8 para. 7)

## 141 Research and the collection of information.

- (1) [<sup>F207</sup>The council of a non-metropolitan county] may conduct, or assist in the conducting of, investigations into, and the collection of information relating to, any matters concerning the county or any part of the county and may make, or assist in the making of, arrangements whereby any such information and the results of any such investigation are made available to any other local authority in the county, any government department or the public.
- (2) The appropriate Minister with respect to any matter may require the council of a county to provide him with any information with respect to that matter which is in the possession of, or available to, that council or any other local authority in the county in consequence of the exercise of any power conferred by or under any enactment; and where such requirement is made in respect of any information which is in the possession of, or available to, any other local authority in the county, but not the county council, the county council may require that other authority to furnish them with that information.

### Textual Amendments

**F207** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 16 para. 7**

### Modifications etc. (not altering text)

**C281** [S. 141](#): certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

## 142 Provision of information, etc., relating to matters affecting local government.

- (1) A local authority may make, or assist in the making of, arrangements whereby the public may on application readily obtain, either at premises specially maintained for the purpose or otherwise, information concerning the services available within the area of the authority provided either by the authority or by other authorities [<sup>F208</sup>mentioned in subsection (1B) below] or by government departments or by charities and other voluntary organisations, and other information [<sup>F209</sup>relating to the functions of the authority].
- [<sup>F210</sup>(1A) A local authority may arrange for the publication within their area of information as to the services available in the area provided by them or by other authorities mentioned in subsection (1B) below.
- (1B) The other authorities referred to above are any other local authority, . . . <sup>F211</sup> a joint authority established by Part IV of the Local Government Act 1985 and any authority, board or committee which discharges functions which would otherwise fall to be discharged by two or more local or other such authorities.]
- (2) A local authority may—

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- (a) arrange for the publication within their area of information [<sup>F212</sup>relating to the functions of the authority]; and
- (b) arrange for the delivery of lectures and addresses and the holding of discussions on such matters; and
- (c) arrange for the display of pictures, cinematograph films or models or the holding of exhibitions relating to such matters; and
- (d) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held as aforesaid.

[<sup>F213</sup>(2A) A local authority may assist voluntary organisations to provide for individuals—

- (a) information and advice concerning those individuals' rights and obligations; and
- (b) assistance, either by the making or receiving of communications or by providing representation to or before any person or body, in asserting those rights or fulfilling those obligations.]

(3) In this section “local authority” includes the Common Council and “voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.

#### Textual Amendments

**F208** Words inserted by Local Government Act 1986 (c. 10, SIF 81:1, 2), s. 3(1)(a)

**F209** Words substituted by Local Government Act 1986 (c. 10, SIF 81:1, 2), s. 3(1)(a)

**F210** S. 142(1A)(1B) inserted by Local Government Act 1986 (c. 10, SIF 81:1, 2), s. 3(1)(b)(2)

**F211** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**F212** Words substituted by Local Government Act 1986 (c. 10, SIF 81:1), s. 3(1)(c)

**F213** S. 142(2A) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 38(2)

#### Modifications etc. (not altering text)

**C282** S. 142 amended by S.I. 1990/1765, art. 4(2)

**C283** S. 142 modified by S.I. 1990/1765, art. 4(2)(b)

**C284** S. 142: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 3(3)  
S. 142 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 6** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

### 143 Subscriptions to local government associations.

- (1) A local authority may pay reasonable subscriptions, whether annually or otherwise, to the funds—
- (a) of any association of local authorities formed (whether inside or outside the United Kingdom) for the purpose of consultation as to the common interests of those authorities and the discussion of matters relating to local government, or
  - (b) of any association of officers or members of local authorities which was so formed.
- (2) In this section “local authority” includes the Common Council.

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**Modifications etc. (not altering text)**

- C285** S. 143 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.  
S. 143: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch.2**.
- C286** S. 143 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.  
S. 143: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**.  
S. 143: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 143 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(f)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 143: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(xi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

**144 Power to encourage visitors and provide conference and other facilities.**

- (1) A local authority may (either alone or jointly with any other person or body)—
- (a) encourage persons, by advertisement or otherwise, to visit their area for recreation, for health purposes, or to hold conferences, trade fairs and exhibitions in their area; and
  - (b) provide, or encourage any other person or body to provide, facilities for<sup>F214</sup> . . . , conferences, trade fairs and exhibitions or improve, or encourage any other person or body to improve, any existing facilities for those purposes.

- (2) Without prejudice to subsection (1) above, a local authority may contribute to any organisation approved by the Secretary of State for the purposes of this subsection and established for the purpose of encouraging persons to visit the United Kingdom or any part thereof.

<sup>F215</sup>(3) . . . . .

<sup>F216</sup>(4) . . . . .

- (5) In this section “local authority” includes the Common Council.

**Textual Amendments**

- F214** Word repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), s. 81, **Sch. 2**
- F215** S. 144(3) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XVI**
- F216** S. 144(4) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

**Modifications etc. (not altering text)**

- C287** S. 144 excluded by Greater London Council (General Powers) Act 1978 (c. xiii), **s. 8**  
S. 144 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 6** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- C288** S. 144 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(g)**  
S. 144 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(g)**

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## 145 Provision of entertainments.

- (1) A local authority may do, or arrange for the doing of, or contribute towards the expenses of the doing of, anything (whether inside or outside their area) necessary or expedient for any of the following purposes, that is to say—
  - (a) the provision of an entertainment of any nature or of facilities for dancing;
  - (b) the provision of a theatre, concert hall, dance hall or other premises suitable for the giving of entertainments or the holding of dances;
  - (c) the maintenance of a band or orchestra;
  - (d) the development and improvement of the knowledge, understanding and practice of the arts and the crafts which serve the arts;
  - (e) any purpose incidental to the matters aforesaid, including the provision of refreshments or programmes and the advertising of any entertainment given or dance or exhibition of arts or crafts held by them.
- (2) Without prejudice to the generality of the provisions of subsection (1) above, a local authority—
  - (a) may for the purposes therein specified enclose or set apart any part of a park or pleasure ground belonging to the authority or under their control;
  - (b) may permit any theatre, concert hall, dance hall or other premises provided by them for the purposes of subsection (1) above and any part of a park or pleasure ground enclosed or set apart as aforesaid to be used by any other person, on such terms as to payment or otherwise as the authority think fit, and may authorise that other person to make charges for admission thereto;
  - (c) may themselves make charges for admission to any entertainment given or dance or exhibition of arts or crafts held by them and for any refreshment or programmes supplied thereat.
- (3) Subsection (2) above shall not authorise any authority to contravene any covenant or condition subject to which a gift or lease of a public park or pleasure ground has been accepted or made without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.
- (4) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play or the public exhibition of cinematograph films, or for boxing or wrestling entertainments or for public music or dancing, or for the sale of intoxicating liquor.
- (5) In this section, the expression “local authority” includes the Common Council.

### Modifications etc. (not altering text)

**C289** S. 145 amended and certain functions transferred by S.I. 1989/304, art. 5(3)(h)(4)

**C290** S. 145(1) applied (16.7.1998) by 1998 c. ii, s. 5(1)(a)

## 146 Transfer of securities on alteration of area, etc.

- (1) Where any securities are standing in the books of a company in the name of a local authority, the following provisions shall have effect—
  - (a) if the name of the authority is changed, then at the request of the authority and on production of a statutory declaration by the proper officer of the authority specifying the securities and verifying the change of name and identity of

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the authority, the company shall enter the securities in the new name of the local authority in like manner as if the securities had been transferred to the authority under that name;

- (b) if by virtue of anything done under any provision of this Act or the 1963 Act or any enactment similar to any such provision (whenever passed), any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, a certificate of the proper officer of the council of the county in which the area of that other authority is situated, or the scheme, order or award under which that other authority have become so entitled, shall be a sufficient authority to the company to transfer the securities into the name of the local authority specified in that behalf in the certificate, or in the scheme, order or award, as the case may be, and to pay the dividends or interest to that authority;
- (c) if in any other case any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, the court may on application make an order vesting in that other authority the right to transfer the securities or to receive the dividends or interest, as the case may be, and the <sup>M54</sup>Trustee Act 1925 shall apply in like manner as if the vesting order were made under section 51 of that Act.

(2) In this section, the expression—

“company” includes the Bank of England and any company or person keeping books in which any securities are registered or inscribed;

“local authority” means a local authority within the meaning of the 1933 Act, the <sup>M55</sup>London Government Act 1939 or this Act or a joint board on which, or a joint committee on which, a local authority or parish meeting are represented, a burial board, a joint burial board or the parish trustees of a parish;

[<sup>F217</sup>“securities” has the meaning given in section 98(1) above]

(3) The jurisdiction of the court under this section may be exercised by the High Court or, in cases in which a county court would have jurisdiction if the application were an application made under the <sup>M56</sup>Trustee Act 1925, by that court.

#### Textual Amendments

**F217** Definition substituted by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(2), [Sch. 16 para. 8\(b\)](#)

#### Modifications etc. (not altering text)

**C291** S. 146 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), [Sch. 13 para. 12\(e\)](#)

S. 146 applied (12.4.1994) by [S.I. 1994/867](#), [reg. 11\(6\)](#)

S. 146 extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), [Sch. 13 para. 19\(e\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

S. 146 applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 4\(1\)](#)

S. 146 extended (19.9.1995) by [1995 c. 25](#), ss. 65(7), 125(2), [Sch. 8 para. 4](#) (with ss.7(6), 115, 117, [Sch. 8 para. 7](#))

**C292** S. 146(1)(b) extended (19.9.1995) by [1995 c. 25](#), ss. 65(7), 125(2), [Sch. 8 para. 4](#) (with ss.7(6), 115, 117, [Sch. 8 para. 7](#))

#### Marginal Citations

**M54** 1925 c. 19.

**M55** 1939 c. 40.

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M56 1925 c. 19.

[<sup>F218</sup>**146A Joint Authorities and Inner London Education Authority.**

- (1) A joint authority . . . <sup>F219</sup> shall be treated—
- (a) as [<sup>F220</sup>a local authority] for the purposes of sections 111 to 119, 128 to 131, 135, 136, 139 (except sub-sections (1)(b) and (2) ), 140, 140A, 140C, 143 and 146 above; and
  - (b) as a principal council for the purposes of section 120 (except subsection (1) (b)) and sections 121 to 123 above.
- (2) . . . . . <sup>F221</sup>]

**Textual Amendments**

**F218** S. 146A inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 16**

**F219** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**F220** Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 Pt. II para. 43**

**F221** S. 146A(2) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

**Modifications etc. (not altering text)**

**C293** S. 146A(1) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(j)**

**C294** S. 146A(1) modified by S.I. 1987/2110, **art. 2(2) Sch. 1 para. 3(j)**

**PART VIII**

FINANCE

**Modifications etc. (not altering text)**

**C295** Pt. VIII (ss. 147–178) modified by S.I. 1983/249, reg. 2, **Sch. 4**

*Expenses and receipts*

**147 Expenses of principal councils.**

- (1) All expenses of a principal council shall be general expenses chargeable on the whole of their area except—
- (a) those which by virtue of any enactment or instrument of a legislative character are special expenses chargeable only on part of their area; and
  - (b) in the case of expenses of a county council, expenses incurred under any enactment passed before 1st June 1934 and not declared, directed or ordered to be general expenses or expenses, including expenses of a specified description, for general county purposes.

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- (2) In determining the amount of any expenses of a principal council, whether general or special, a proper proportion of the cost of the offices, buildings and establishment of the council may be added to those expenses.
- (3) A district council may by resolution declare any expenses incurred by them to be special expenses chargeable only on such part of their area as may be specified in the resolution, and any such resolution may be varied or revoked by a subsequent resolution of the council.
- (4) The expenses of a district council arising out of, or incidental to, the possession of property held by the council in trust for any rating district shall, so far as they fall to be defrayed out of rates, be special expenses chargeable only on that rating district, but without prejudice to the powers of the council under subsection (5) below.
- (5) Where any expenses of a principal council are payable as special expenses, the council may determine to contribute as part of their general expenses such sums as appear to them to be reasonable in or towards defraying those expenses, and to treat the remainder, if any, as special expenses.
- (6) Any order made under section 190(3) of the 1933 Act or any enactment replaced by that subsection and declaring expenses of any description to be separately chargeable on any contributory place, being an order in force immediately before 1st April 1974, shall on and after that date have effect as a resolution made under subsection (3) above by the council of the district in which that place is situated declaring the expenses to be special expenses chargeable only on the area of that place, and may be varied or revoked accordingly.

#### **148 Principal councils' funds and accounts.**

- (1) The council of each district and London borough shall keep a general rate fund, and references in any Act or instrument to any fund which by virtue of section 10 of the <sup>M57</sup>Rating and Valuation Act 1925 was amalgamated with the general rate fund of a borough or district shall, unless the context otherwise requires, be construed as references to the general rate fund of the district or borough.
- (2) The council of each county shall keep a fund to be known as the county fund . . . <sup>F222</sup>
- (3) Where any authority other than a rating authority receive income applicable to the relief of rates in some part of their area and the amount of the income so received in any financial year exceeds any expenditure incurred in connection with the income in that year and chargeable only on that part of the area, the authority shall pay the excess to the rating authority of the rating area in which that part is situated to be credited to that part.
- (4) All receipts of a principal council shall be carried to the appropriate fund, that is to say, the county fund in the case of a county . . . <sup>F222</sup> and the general rate fund in the case of a district or London borough, and all liabilities falling to be discharged by any such council shall be discharged out of the appropriate fund.
- (5) Accounts shall be kept of receipts carried to, and payments made out of, the appropriate fund and any account kept in respect of general expenses only of a principal area shall be called the general account of that area and any account kept in respect of any class of special expenses only of any such area shall be called a special account of that area.

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#### Textual Amendments

**F222** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

#### Modifications etc. (not altering text)

**C296** [S. 148\(2\)](#) modified by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. [63\(2\)\(6\)](#)

#### Marginal Citations

**M57** [1925 c. 90.](#)

### 149 Precepts and rates.

- (1) A county council . . . <sup>F223</sup> may issue precepts to the appropriate rating authorities for the levying of rates to meet all liabilities falling to be discharged by the council for which provision is not otherwise made . . . <sup>F224</sup>
- (2) A precept issued by a county council . . . <sup>F223</sup> shall be so issued as to secure that the rate is levied—
  - (a) in the case of a rate to meet liabilities in respect of general expenses of the council, on the whole of the county . . . <sup>F223</sup>; and
  - (b) in the case of a rate to meet liabilities in respect of special expenses of the council, on the area chargeable therewith.
- (3) Amounts leviable by a district or London borough council by means of a rate shall be chargeable—
  - (a) in the case of amounts leviable to meet liabilities in respect of general expenses, on the whole of the district or borough; and
  - (b) in the case of amounts leviable to meet liabilities in respect of special expenses, on the part of the district or borough chargeable therewith.
- (4) A precept issued by a county council . . . <sup>F223</sup> shall include as separate items contributions in respect of general and special expenses respectively.

#### Textual Amendments

**F223** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**F224** Words repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38, [Sch. 6 Pt. I](#)

### 150 Expenses of parish and community councils.

- (1) The sums required to meet the expenses of a parish or community council or a parish or community meeting shall—
  - (a) in the case of a parish or community not grouped under a common parish . . . <sup>F225</sup> council, be chargeable on the parish . . . <sup>F225</sup>;
  - (b) in the case of a common parish . . . <sup>F226</sup> council for parishes . . . <sup>F226</sup> so grouped, be chargeable on the parishes . . . <sup>F226</sup> within the group;
  - (c) in the case of a parish meeting of a parish . . . <sup>F227</sup> so grouped, be chargeable only on that parish . . . <sup>F225</sup>;
  - <sup>F228</sup>(d) in the case of a community council for a community not grouped under a common community council, be chargeable on the community;



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- (e) in the case of a common community council for communities so grouped, be chargeable on the communities within the group;
- (f) in the case of a community meeting of a community having a separate community council, be chargeable on the community;
- (g) in the case of a community meeting of a community grouped under a common community council, be chargeable on the communities within the group;
- (h) in the case of a community meeting of a community not having a community council, whether separate or common, be chargeable on the district in which the community is situated:

Provided that paragraph (h) shall not apply in any case in relation to which a resolution in accordance with section 33(4)(d) of the Local Government Finance Act 1988 (special expenses of a charging authority) is in force]

- (2) In a parish having a separate parish council or in a community having a council, whether separate or common, the expenses of the parish meeting or any community meeting shall be paid by the parish or community council.
- (3) In a community not having a community council, whether separate or common, the expenses of any community meeting shall be paid by the council of the district in which the community is situated.
- (4) For the purpose of obtaining sums necessary to meet the expenses of a parish or community council or a parish or community meeting, the parish or community council, or the chairman of the parish meeting of a parish not having a separate parish council, shall issue precepts to the council of the district in which the parish or community is situated.
- (5) Every cheque or other order for the payment of money by a parish or community council shall be signed by two members of the council.
- (6) Every parish or community council and the chairman of the parish meeting for a parish not having a separate parish council shall keep such accounts as may be prescribed of the receipts and payments of the council or parish meeting, as the case may be.
- (7) References in this section to the expenses of a parish or community meeting include references to the expenses of any poll consequent on a parish or community meeting.

#### Textual Amendments

**F225** Words repealed by S.I. 1990/776, art. 8, Sch. 3 para. 16(a)

**F226** Words repealed by S.I. 1990/776, art. 8, Sch. 3 para. 16(b)

**F227** Words repealed by S.I. 1990/776, art. 8, Sch. 3 para. 16(c)

**F228** S. 150(1)(d)–(h) and words inserted by S.I. 1990/776, art. 8, Sch. 3 para. 16(d)

## 151 Financial administration.

Without prejudice to section 111 above, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.

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**Modifications etc. (not altering text)**

- C297** S. 151 amended (28.11.1994) by S.I. 1994/2825, **reg. 26(1)**  
     S. 151 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
     S. 151 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117)
- C298** S. 151 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 23(1)**  
     S. 151 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 23(1)**
- C299** S. 151 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(1)**

**152 Revenues from undertakings.**

Nothing in sections 147 to 150 above shall be construed as requiring or authorising a local authority to apply or dispose of the surplus revenue arising from any undertaking carried on by them otherwise than in accordance with any enactment or instrument applicable to the undertaking.

<sup>F229</sup>**153 Application of capital money on disposal of land.**

.....

**Textual Amendments**

- F229** S. 153 repealed (the repeal being subject to savings in S.I. 1990/431, **Sch. 1 para. 1(a)**) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(2), **Sch. 12 Pt. I**

<sup>F230</sup>**154**.....  
**167**

**Textual Amendments**

- F230** Ss. 154–167 repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**

*Miscellaneous provisions as to finance and rating*

**168 Local financial returns.**

- (1) Subject to subsection (3) below, every local authority and the chairman of the parish meeting of every parish not having a separate parish council shall make a return to the Secretary of State for each year ending on 31st March, or such other day as the Secretary of State may direct,—
  - (a) of their income and expenditure or, in the case of the chairman of a parish meeting, the income and expenditure of the parish meeting;
  - [<sup>F231</sup>(b) in the case of any charging authority—

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- (i) of the amount payable to the authority by way of personal community charge, standard community charge, collective community charge and non-domestic rates; and
  - (ii) of the amount paid to any other authority in pursuance of a precept or levy.]
- (2) Returns under this section shall be in such form, shall contain such particulars, shall be submitted to the Secretary of State by such date in each year and shall be certified in such manner as the Secretary of State may direct, and a direction under this subsection may impose different requirements in relation to returns of different classes.
- (3) If it appears to the Secretary of State that sufficient information about any of the matters mentioned in subsection (1) above has been supplied to him by a local authority or by or on behalf of a parish meeting under any other enactment, he may exempt the authority or the chairman of the meeting from all or any of the requirements of this section so far as they relate to that matter.
- (4) The Secretary of State shall as respects each year cause a summary to be made of the returns sent to him under this section and of any information supplied to him under any other enactment in consequence of which he has granted an exemption under this section and shall lay the summary before both Houses of Parliament.
- [<sup>F232</sup>(5) In this section “local authority” means—
- (a) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
  - (b) a levying body within the meaning of section 74 of that Act; and
  - (c) a body as regards which section 75 of that Act applies]

#### Textual Amendments

**F231** S. 168(1)(b) substituted by S.I. 1990/776, art. 8, **Sch. 3 para. 17**

**F232** S. 168(5) substituted by S.I. 1990/776, art. 8, **Sch. 3 para. 18**

### 169 Initial expenses of new authorities.

- (1) As soon as may be after the first election of councillors for a new principal area, each existing rating authority whose area or part of whose area falls within that new principal area shall, in accordance with arrangements made by the Secretary of State by regulations, cause the appropriate contribution to be paid into the county fund where the new principal area is a county and into the general rate fund where the new principal area is a district.
- (2) In subsection (1) above “the appropriate contribution”, in relation to an existing rating area or any part of such an area, means an amount equal to one quarter or such other fraction as the Secretary of State may by order prescribe of the product of a rate of 1p in the pound levied in that rating area, or, as the case may be, that part, for the year 1973-74, being—
- (a) in the case of the area of an existing county borough, that product as ascertained for the purposes of Part II of Schedule 1 to the <sup>M58</sup>Local Government Act 1966;

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- (b) in a case where that product has been estimated by the rating authority for the purposes of section 12(2) of the <sup>M59</sup>General Rate Act 1967 (precepts by county councils, etc.), that product as so estimated;
  - (c) in any other case, that product estimated by the rating authority in the same way as it would fall to be estimated for the purposes of the said section 12(2).
- (3) A statutory instrument containing an order under subsection (2) above—
- (a) may apply to all existing rating areas or may make different provision in relation to existing rating areas of different descriptions; and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The council of a new area may borrow for the purpose of meeting any expenditure incurred by them before 1st April 1974 and the council of a new district in Wales may borrow for the purpose of lending to the council of a community in the district to enable the latter to meet any expenditure so incurred.
- (5) With a view to providing sums which may be transferred by an order under section 254 below to one or more new local authorities any existing authority for an area outside Greater London may include in any rates made or precepts issued by them in respect of the last rate period before 1st April 1974 provision to meet contingencies or defray any expenditure which, if this Act had not been passed, would have fallen to be defrayed by the existing authority on or after that date and before the date on which the moneys to be received in respect of the next subsequent rate or precept would have become available.

**Marginal Citations**

**M58** 1966 c. 42.

**M59** 1967 c. 9.

<sup>F233</sup>**170** .....

**Textual Amendments**

**F233** S. 170 repealed by [Rates Act 1984 \(c. 33, SIF 103:1\)](#), **ss. 16(3), 19**

<sup>F234</sup>**171** .....

**Textual Amendments**

**F234** S. 171 repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, **Sch. 34 Pt. VI**

**172 Miscellaneous amendments of enactments relating to finance and rating.**

<sup>F235</sup> . . . Part II of that Schedule shall have effect for making amendments and modifications of enactments relating to local government finance and rating which

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are not replaced by Part I of that Schedule or the foregoing provisions of this Part of this Act.

#### Textual Amendments

**F235** Words repealed (with savings in S.I. 1990/431, **Sch. 1 para. 1(a)**) by **Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(2), Sch. 12 Pt. I**

#### *Allowances to members of local authorities and other bodies*

### **173 Attendance allowance and financial loss allowance.**

- (1) Subject to subsection (6) below, any member of a [<sup>F236</sup>parish or community council] who is a councillor shall be entitled to receive a payment by way of attendance allowance, that is to say, a payment for the performance of any approved duty, being a payment of such reasonable amount, not exceeding the prescribed amount, as the [<sup>F236</sup>parish or community council] may determine [<sup>F237</sup>unless a notice under section 173A below is effective in relation to him].
- (2) The amount prescribed under subsection (1) above may be prescribed by reference to any period of twenty-four hours.
- (3) The amount of any allowance determined by a [<sup>F236</sup>parish or community council] under subsection (1) above may vary according to the time of day and the duration of the duty, but shall be the same for all members of the [<sup>F238</sup>council] entitled to the allowance in respect of a duty of any description at the same time of day and of the same duration.
- (4) Subject to subsection (6) below, any member of a [<sup>F239</sup>parish or community council] who is not entitled under subsection (1) above to receive attendance allowance for the performance of an approved duty shall be entitled to receive a payment by way of financial loss allowance, that is to say, a payment not exceeding the prescribed amount in respect of any loss of earnings necessarily suffered, or any additional expenses (other than expenses on account of travelling or subsistence) necessarily suffered or incurred by him for the purpose of enabling him to perform that duty.

<sup>F240</sup>(5) .....

- (6) A member of a parish or community council shall not be entitled to any payment under this section in respect of the performance as such a member of an approved duty within the parish or community or, in the case of a parish or community grouped under a common parish or community council, the area of the group.

#### Textual Amendments

**F236** Words in s. 173 substituted (27.2.1991 for certain purposes and 1.4.1991 otherwise) by **Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(1), Sch. 11 para. 26(a); S.I. 1991/344, art.3(1)(2)** (with saving in Sch. para. 1(1)(a))

**F237** Words added by **Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1), s. 24(1)(3)**

**F238** Word in s. 173(3) substituted (27.2.1991 for certain purposes and 1.4.1991 otherwise) by **Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(1), Sch. 11 para. 26(b); S.I. 1991/344, art.3(1)(2)** (with saving in Sch. para. 1(1)(a))

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**F239** Words in s. 173(4) substituted (27.1.1991 for certain purposes and 1.4.1991 otherwise) by **Local Government and Housing Act 1989** (c. 42, SIF 81:1), s. 194(1), **Sch. 11 para. 26(c)**; S.I.1991/344, art. 3(1)(2) (with saving in Sch. para. 1(1)(a)(2))

**F240** S. 173(5) repealed by S.I. 1977/1710, **art. 3(c)**

#### Modifications etc. (not altering text)

**C300** S. 173 modified by S.I. 1991/351, **reg. 23**

S. 173 restricted by S.I. 1991/351, **reg. 21**

S. 173 applied (4.3.1996) by S.I. 1996/263, **reg. 16(4)**

S. 173 extended (1.11.1996) by 1996 c. 56, ss. 423(4), 583(2), **Sch. 33 Pt. I para. 4(b)** (with s. 1(4))

**C301** S. 173: power to amend or repeal conferred (1.11.2000 for W. and 19.2.2001 for E.) by 2000 c. 22, **s. 100(4)**; S.I. 2000/2948, **art. 2**; S.I. 2001/415, **art. 2(b)**

S. 173: power to apply (with modifications) conferred (20.1.2003 for E. and 31.5.2005 for W.) by 1998 c. 31, s. 94(5C) (as substituted by 2002 c. 32, **ss. 50, 216(4)** (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2** (with Sch. para. 3(1)(2)); S.I. 2005/1395, **art. 4**, Sch. (with art. 5(3)(a)))

S. 173: power to apply (with modifications) conferred (20.1.2003 for E. and 9.1.2004 for W.) by Education Act 2002 (c. 32), **ss. 52(6), 216(4)** (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2** (with Sch. para. 4); S.I. 2003/2961, **art. 7**, Sch. Pt. IV

S. 173: power to apply (with modifications) conferred (20.1.2003 for E. and 31.5.2005 for W.) by 1998 c. 31, s. 95(3B) (as substituted for s. 95(3) by 2002 c. 32, **ss. 51, 216(4)**, **Sch. 4 para. 9** (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2** (with Sch. para. 3(3)(4)); S.I. 2005/1395, **art. 4**, Sch. (with art. 5(1)))

**C302** Ss. 173-175 restricted (E.) (1.5.2003) by The Local Authorities (Members' Allowances) (England) Regulations 2003 (S.I. 2003/1021), **reg. 34(1)(a)(2)**

**C303** Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(2)**

**C304** S. 173(4) applied (with modifications) (E.) (1.4.2008) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2008 (S.I. 2008/532), **reg. 7**, **Sch. para. 5(1)**

**C305** S. 173(4) extended by Education Act 1980 (c. 20, SIF 41:1), s. 7(4), **Sch. 2 para. 4**

S. 173(4) modified (1.9.1999) by 1998 c. 31, s. 24(5), **Sch. 4 para. 3(1)** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1)**, **Sch. 1**

**C306** S. 173(4) applied (with modifications) (1.4.1999) by 1998 c. 31, s. 94(5), **Sch. 24 Pt. I para. 5(1)** (with ss. 138(9), 144(6)); S.I. 1999/1016, **art. 2(1)**, **Sch. 1**

S. 173(4) applied (with modifications) (1.9.1999) by 1998 c. 31, s. 67(2), **Sch. 18 para. 3(1)** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1)**, **Sch. 1**

S. 173(4) applied (with modifications) (E.) (20.1.2003) by The Education (Admissions Appeals Arrangements) (England) Regulations 2002 (S.I. 2002/2899), **reg. 7(1)**

S. 173(4) applied (with modifications) (W.) (31.5.2005) by The Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (S.I. 2005/1398), **reg. 7(1)**

S. 173(4) applied (W.) (9.1.2004) by The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 (S.I. 2003/3227), **reg. 7**, **Sch. para. 3(1)**

#### [<sup>F241</sup>173A] Right to opt for financial loss allowance.

- (1) If a councillor gives notice in writing to the [<sup>F242</sup>parish or community council] of which he is a member that he wishes to receive financial loss allowance, he shall be entitled, subject to and in accordance with the following provisions of this section, to receive that allowance instead of any payment by way of attendance allowance to which he would otherwise be entitled.
- (2) A notice under this section is referred to in this section as a “financial loss allowance notice”.

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- (3) If a councillor gives a financial loss allowance notice to the [<sup>F242</sup>parish or community council] not later than the end of the period of [<sup>F243</sup>one month beginning with the day of] his election as a member of the [<sup>F244</sup>council][<sup>F245</sup>then, subject to subsection (4A) below], he shall be entitled to receive financial loss allowance for the performance of any approved duty since his election, whether performed before or after the giving of the notice.
- <sup>F246</sup>[ If a councillor gives a financial loss allowance notice to the [<sup>F242</sup>parish or community council] otherwise than in accordance with subsection (3) above, then, subject to subsection (4A) below, he shall be entitled to receive financial loss allowance for the performance of any approved duty after the end of the period of one month beginning with the day on which the notice is given.
- (4A) If a councillor who has given a [<sup>F242</sup>parish or community council] a financial loss allowance notice gives them notice in writing that he withdraws that notice, it shall not have effect in relation to any duty performed after the day on which the notice of withdrawal is given.]]

#### Textual Amendments

- F241** S. 173A inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1), s. 24(2)(3)
- F242** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 194(1), **Sch. 11 para. 26(a)**; S.I.1991/344, **art. 3(2)**
- F243** Words substituted by Miscellaneous Financial Provisions Act 1983 (c. 29, SIF 99:1), s. 7(1)(2)
- F244** Word in s. 173A(3) substituted (1.4.1991), by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s.194(1), **Sch. 11 para. 26(b)**; S.I.1991/344, **art 3(2)**
- F245** Words inserted by Miscellaneous Financial Provisions Act 1983 (c. 29, SIF 99:1), s. 7(1)(2)
- F246** S. 173A(4)(4A) substituted for S. 173A(4)–(6) by Miscellaneous Financial Provisions Act 1983 (c. 29, SIF 99:1), s. 7(1)(3)

#### Modifications etc. (not altering text)

- C307** S. 173A applied (4.3.1996) by S.I. 1996/263, **reg. 16(4)**  
S. 173A: power to amend or repeal conferred (W.) (1.11.2000) and (E.) (19.2.2001) by 2000 c. 22, s. 100(4); S.I. 2000/2948, **art. 2**; S.I. 2001/415, **art. 2(b)**
- C308** Ss. 173-175 restricted (E.) (1.5.2003) by The Local Authorities (Members' Allowances) (England) Regulations 2003 (S.I. 2003/1021), **reg. 34(1)(a)(2)**
- C309** Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(2)**
- C310** S. 173A(3) modified by S.I. 1985/1884, art. 10, **Sch. 3 para. 3(a)**
- C311** S. 173A(3) amended (*temp.*) by Local Government Act 1986 (c. 10, SIF 81:1, 2), s. 11(7) (the amendment falls by virtue of the repeal of the said s.11 (1.4.1991) by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), ss. 194(4), **Sch. 12 Pt. II**); which was brought into force by S.I. 1991/344, **art. 3(2)**

## 174 Travelling allowance and subsistence allowance.

- (1) Subject to subsections (2) and (3) below, a member of a body to which this section applies shall be entitled to receive payments by way of travelling allowance or subsistence allowance where expenditure on travelling (whether inside or outside the United Kingdom) or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any approved duty as a member of that body, being payments at rates determined by that body, but not exceeding, in the case

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of travel [<sup>F247</sup>or subsistence] for the purpose of an approved duty within the United Kingdom, such rates as may be specified by the Secretary of State.

- (2) A member of a parish or community council shall not be entitled to any payment under this section in respect of the performance as such a member of an approved duty within the parish or community or, in the case of a parish or community grouped under a common parish or community council, the area of the group.

<sup>F248</sup>(3) . . . . .

#### Textual Amendments

**F247** Words inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), **s. 25(1)**

**F248** S. 174(3) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, **Sch. 34 Pt. XVI**

#### Modifications etc. (not altering text)

**C312** S. 174 extended by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 7(4), **Sch. 2 para. 4**

S. 174 extended (1.11.1996) by 1996 c. 56, ss. 423(4), 583(2), **Sch. 33 Pt. I para. 4(a)** (with s. 1(4))

S. 174 extended (1.9.1999) by 1998 c. 31, s. 67(2), **Sch. 18 para. 3(1)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**C313** S. 174 modified by S.I. 1991/351, **reg. 23**

S. 174 modified (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 11(1)** (with ss. 7(6), 115, 117)

S. 174 modified (1.9.1999) by 1998 c. 31, s. 24, **Sch. 4 para. 3(1)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**C314** S. 174 restricted by S.I. 1991/351, **reg. 21**

Ss. 173-175 restricted (E.) (1.5.2003) by [The Local Authorities \(Members' Allowances\) \(England\) Regulations 2003 \(S.I. 2003/1021\)](#), **reg. 34(1)(a)(2)**

**C315** S. 174 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**

S. 174 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

S. 174 applied (4.3.1996) by S.I. 1996/263, **reg. 16(4)**

S. 174 applied (with modifications) (1.4.1999) by 1998 c. 31, s. 94(5), **Sch. 24 Pt. I para. 5(1)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

**C316** S. 174: power to amend or repeal conferred (1.11.2000 (W.) and 19.2.2001 (E.)) by 2000 c. 22, **s. 100(4)**; S.I. 2000/2948, **art. 2**; S.I. 2001/415, **art. 2(b)**

S. 174: power to apply (with modifications) conferred (20.1.2003 for E. and 31.5.2005 for W.) by 1998 c. 31, s. 94(5C) (as substituted by 2002 c. 32, **ss. 50**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2** (with Sch. para. 3(1)(2)); S.I. 2005/1395, **art. 4**, Sch. (with art. 5(3)(a)))

S. 174: power to apply (with modifications) conferred (20.1.2003 for E. and 9.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 52(6)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2** (with Sch. para. 4); S.I. 2003/2961, **art. 7**, Sch. Pt. IV

S. 174: power to apply (with modifications) conferred (20.1.2003 for E. and 31.5.2005 for W.) by 1998 c. 31, s. 95(3B) (as substituted for s. 95(3) by 2002 c. 32, ss. 51, 216(4), **Sch. 4 para. 9** (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2** (with Sch. para. 3(3)(4)); S.I. 2005/1395, **art. 4**, Sch. (with art. 5(1)))

**C317** S. 174 excluded (W.) (9.8.2002) by [The Local Authorities \(Allowances for Members of County and County Borough Councils and National Park Authorities\) \(Wales\) Regulations 2002 \(S.I. 2002/1895\)](#), **reg. 20(3)**

S. 174 excluded (W.) (1.4.2003) by [The Local Authorities \(Allowances for Members of Community Councils\) \(Wales\) Regulations 2003 \(S.I. 2003/895\)](#), **reg. 15(3)**

**C318** S. 174 disappplied (W.) (29.9.2004) by [The Local Authorities \(Allowances for Members of Fire Authorities\) \(Wales\) Regulations 2004 \(S.I. 2004/2555\)](#), **reg. 20**



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- C319** S. 174 extended (temp.) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 15(1)**  
S. 174 extended (temp.) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 15(1)**
- C320** Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(2)**
- C321** S. 174(1) applied (with modifications) (E.) (1.4.2008) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2008 (S.I. 2008/532), **reg. 7, Sch. para. 5(2)**
- C322** S. 174(1) modified (1.9.1999) by 1998 c. 31, s. 67(2), **Sch. 18 para. 3(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1), Sch. 1**  
S. 174(1) modified (1.9.1999) by 1998 c. 31, s. 24, **Sch. 4 para. 3(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1), Sch. 1**
- C323** S. 174(1) applied (with modifications) (1.4.1999) by 1998 c. 31, s. 94(5), **Sch. 24 Pt. I para. 5(2)** (with ss. 138(9), 144(6)); S.I. 1999/1016, **art. 2(1), Sch. 1**  
S. 174(1) applied (with modifications) (E.) (20.1.2003) by The Education (Admissions Appeals Arrangements) (England) Regulations 2002 (S.I. 2002/2899), **reg. 7(2)**  
S. 174(1) applied (with modifications) (E.) (20.1.2003) by The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 (S.I. 2002/3178), **reg. 6, Sch. para. 3(2)**  
S. 174(1) applied (with modifications) (W.) (31.5.2005) by The Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (S.I. 2005/1398), **reg. 7(2)**  
S. 174(1) applied (W.) (9.1.2004) by The Education (Pupil Exclusions and Appeals)(Maintained Schools)(Wales) Regulations 2003 (S.I. 2003/3227), **reg. 7, {Sch. para. 3(2)}**

## 175 Allowances for attending conferences and meetings.

- (1) The following bodies, that is to say—
- (a) any local authority;
  - (b) any other body to which this section applies and which has power by virtue of any enactment to send representatives to any conference or meeting to which this section applies;
- may pay any member of the authority or other body attending any such conference or meeting such [<sup>F249</sup>allowances in the nature of an attendance allowance and an allowance for travelling and subsistence, as they think fit.
- (1A) Payments made under subsection (1) above shall be of such reasonable amounts as the body in question may determine in a particular case or class of case but shall not exceed—
- (a) in the case of payments of an allowance in the nature of an attendance allowance, such amounts as may be specified in or determined under regulations made by the Secretary of State; and
  - (b) in the case of payments of an allowance in the nature of an allowance for travel and subsistence in respect of a conference or meeting held in the United Kingdom, such amounts as may be specified under section 174 above for the corresponding allowance under that section;
- and regulations made by the Secretary of State may make it a condition of any payment mentioned in paragraph (a) above that, in the financial year to which the payment would relate, the aggregate amount which the body in question has paid or is already liable to pay in respect of any prescribed allowance or allowances does not exceed such maximum amount as may be specified in or determined under the regulations.]
- (2) Where a body mentioned in subsection (1)(b) above has power under any enactment other than this Act or any instrument under such an enactment to pay expenses incurred in attending a conference or meeting to which this section applies, the amount payable

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under that enactment or instrument shall not exceed the amount which would be payable in respect of the attendance under that subsection.

- (3) In relation to a local authority this section applies to a conference or meeting held inside or outside the United Kingdom and convened by any person or body (other than a person or body convening it in the course of a trade or business or a body the objects of which are wholly or partly political) for the purpose of discussing matters which in their opinion relate to the interests of their area or any part of it or the interests of the inhabitants of their area or any part of it.
- [<sup>F250</sup>(3B) [<sup>F251</sup>In relation to any][<sup>F252</sup>body which is a joint board, joint authority or other combined body all the members of which are representatives of local authorities] this section applies to a conference or meeting held and convened as mentioned in subsection (3) above for the purpose of discussing matters which in the body's opinion relate—
- (a) to the functions of the body; or
  - (b) to any functions of local authorities in which the body has an interest.]
- (4) In relation to any other body to which this section applies this section applies to a conference or meeting convened by one or more such bodies or by an association of such bodies.

#### Subordinate Legislation Made

**P1** [S.175\(1A\)](#):s.178(1)(with ss.173,175(1A),177(1)(b)(f),177(2), 270(1)) powerexercised by [S.I. 1991/351](#)

#### Textual Amendments

- F249** In s.175 words and s.175(1A) substituted (1.4.1990 in so far as the substituting provision confers a power on the Secretary of State but otherwise 1.4.1991: [S.I. 1990/431](#), art.4; [1991/344](#), art.3(2)) by [Local Government and Housing Act 1989 \(c. 42,SIF 81:1\)](#),s. 194(1), Sch. 11 para. 27(a)
- F250** [S. 175\(3B\)](#) inserted by virtue of [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), [s. 25\(3\)](#) and [Water Act 1983 \(c. 23, SIF 130\)](#) s. 11(2), Sch. 4 para. 7
- F251** Words inserted by virtue of [Water Act 1983 \(c. 23, SIF 130\)](#), s. 11(2), [Sch. 4 para. 7](#)
- F252** [S.175\(3B\)](#) substituted (1.4.1991)by [Local Government and Housing Act 1989 \(c. 42,SIF 81:1 ,2\)](#),s. 194(1), Sch. 11 para. 27(b); [S.I.1991/344](#),art. 3(2)

#### Modifications etc. (not altering text)

- C324** [S. 175](#) modified by [S.I. 1987/2110](#), art. 2(2), [Sch. 1 para. 5](#)
- C325** [s. 175](#) restricted by [S.I.1991/351](#), [regs.17,21](#)  
[S. 175](#) applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 4\(1\)](#)  
[S. 175](#) extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), [Sch. 7 para. 11\(1\)](#) (with ss. 7(6), 115, 117)  
[S. 175](#) applied (4.3.1996) by [S.I. 1996/263](#), [reg. 16\(4\)](#)
- C326** [S. 175\(3B\)](#) applied (with modifications) (23.11.1995) by [S.I. 1995/2803](#), art. 18, [Sch. 5 para. 1](#)  
[S. 175\(3B\)](#) applied (with modifications) (4.6.1996) by [S.I. 1996/1243](#), art. 18, [Sch. 5 Pt. I para. 1](#)

## 176 Payment of expenses of official and courtesy visits, etc.

- (1) Subject to subsection (2) below, a local authority may—
- (a) defray any travelling or other expenses reasonably incurred by or on behalf of any members in making official and courtesy visits, whether inside or outside the United Kingdom, on behalf of the authority;

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- (b) defray any expenses incurred in the reception and entertainment by way of official courtesy of distinguished persons visiting the area of the authority and persons representative of or connected with local government or other public services whether inside or outside the United Kingdom and in the supply of information to any such persons.
- (2) In the case of a visit within the United Kingdom, the amount defrayed under this section by a local authority in respect of the expenses of any member of the authority in making a visit within the United Kingdom shall not exceed the payments which he would have been entitled to receive by way of travelling allowance or subsistence allowance under section 174 above if the making of the visit had been an approved duty of that member.

[<sup>F253</sup>(3) In this section “local authority” includes a joint authority . . . <sup>F254</sup>]

#### Textual Amendments

**F253** S. 176(3) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 18**

**F254** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

#### Modifications etc. (not altering text)

**C327** S 176 restricted by S.I. 1991/351, **reg.21**

S. 176 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

S. 176 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 11(1)** (with ss. 7(6), 115, 117)

S. 176 applied (4.3.1996) by S.I. 1996/263, **reg. 16(4)**

**C328** S. 176 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2.**

S. 176: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2.**

**C329** S. 176 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2.**

S. 176: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2.**

**C330** S. 176(3) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(l)**

**C331** S. 176(3) modified by S.I. 1987/2110, art. 2, **Sch. 1 para. 3(1)**

### 177 Provisions supplementary to sections 173 to 176.

[<sup>F255</sup>(1) Subject to paragraph 4 of Schedule 2 to the Education Act 1980 (application of certain allowances to appeal committees), sections 174 and 175 above apply—

- (a) to the bodies specified in section 21(1) of the Local Government and Housing Act 1989, except—
- (i) the Common Council;
  - (ii) a body established pursuant to an order under section 67 of the Local Government Act 1985 (successors to residuary bodies); and
  - (iii) without prejudice to section 265 below, the Council of the Isles of Scilly;
- (b) to any prescribed body on which a body to which those sections apply by virtue of paragraph (a) above is represented; and
- (c) to any parish or community council.]

[<sup>F256</sup>(2) In sections 173 to 176 above “approved duty”, in relation to a member of a body, means such duties as may be specified in or determined under regulations made by the Secretary of State.]

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[<sup>F257</sup>(2A) . . . . .]

(3) For the purposes of sections 173 to 176 above <sup>F258</sup> . . . a member of a committee or sub-committee of a local authority or other body mentioned in subsection (1) above shall be deemed to be a member of that body.

(4) Section 94(5) above shall apply in relation to a member of any body mentioned in subsection (1) above to whom it would not otherwise apply as it applies in relation to a member of a local authority; and no other enactment or instrument shall prevent a member of any such body from taking part in the consideration or determination of any allowance or other payment under any of the provisions of sections 173 to 176 above [<sup>F259</sup> or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989].

<sup>F260</sup>(5) . . . . .

**Textual Amendments**

**F255** S.177(1) substituted (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s.194(1), Sch.11 para.28(2) which is in force 1.4.1991 by [S.I. 1991/344, art.3\(2\)](#)( with saving in Sch. para. 1(1) (b)

**F256** Words in [s.177\(2\)](#) substituted (16.1.1990) to the extent mentioned in [S.I.1989/2445, art.4](#) otherwise 1.4.1991), by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s.194(1), Sch. 11 para.28(3); [S.I.1991/344, art.3\(2\)](#)

**F257** [S.177\(2A\)](#) repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(4), [Sch.12 Pt. II](#); [S.I. 1991/344, art.3\(2\)](#)

**F258** Words in [S.177\(3\)](#) repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(4), [Sch.12 Pt.II](#); [S.I. 1991/344, art. 3\(2\)](#)

**F259** [S.177\(4\)](#): Words inserted by [Local Government And Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 194(1), [Sch. 11 para. 28\(4\)](#)

**F260** [S.177\(5\)](#) repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s.194(4), [Sch.12 Pt.II](#); [S.I.1991/344, art.3\(2\)](#)

**Modifications etc. (not altering text)**

**C332** [S. 177](#): In the application of this Act to the Isles of Scilly "and" is inserted at the end of [s. 177\(1\)\(a\)\(i\)](#) and the words in [s.177\(1\)\(a\)](#) after "residuary bodies)" are omitted ( 1.4.1991) by virtue of [S.I.1991/446, art.2](#)

**C333** [S.177](#) modified by [S.I.1985/1884, art.10, Sch.3 para.3\(b\)](#)  
[S. 177](#) applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042, art. 4\(1\)](#)  
[S. 177](#) extended (19.9.1995) by [1995 c. 25, ss. 63\(5\), 125\(2\), Sch. 7 para. 11\(1\)](#) (with ss. 7(6), 115, 117)  
[S. 177](#) applied (4.3.1996) by [S.I. 1996/263, reg. 16\(4\)](#)  
[S. 177](#) applied (with modifications) (4.6.1996) by [S.I. 1996/1243, art. 18, Sch. 5 Pt. I para. 2](#)

<sup>F261</sup>**177A** . . . . .

**Textual Amendments**

**F261** [S.177A](#) repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s.194(4), Sch.12 Pt.II; [S.I.1991/344, art.3\(2\)](#)

**Status:** Point in time view as at 01/04/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government Act 1972 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## 178 Regulations as to allowances.

- (1) The Secretary of State may make regulations as to the manner in which sections 173 to 176 <sup>F262</sup> . . . above are to be administered, and in particular, and without prejudice to the generality of the foregoing provision, may make regulations—
- (a) providing for the avoidance of duplication in payments under those sections, or between payments under any of those sections and any other Act, and for the determination of the body or bodies by whom any payments under those sections are to be made, and, where such payments are to be made by more than one body, for the apportionment between those bodies of the sums payable;
  - (b) specifying the forms to be used and the particulars to be provided for the purpose of claiming payments under those sections;
  - (c) providing for the publication by a body to which sections 173 to 175 above apply, in the minutes of that body or otherwise, of details of such payments.
- (2) A statutory instrument containing regulations under section 173 [<sup>F263</sup>or 177] above or this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### Textual Amendments

**F262** Words in s.178(1) repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\), s.194\(4\), Sch. 12 Pt. II; S.I. 1991/344, art. 3\(2\)](#)

**F263** Words in s. 178(2) substituted (1.4.1991) by [Local Government and Housing Act 1989\(c. 42,SIF 81:1\),s.194\(1\), Sch.11 para. 29; S.I.1991/344,art.3\(2\)](#)

### Modifications etc. (not altering text)

**C334** S. 178 applied (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\), art. 20\(6\)](#)

**C335** S. 178 applied (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\), art. 9\(8\)](#)

**C336** S. 178 applied (4.3.1996) by [S.I. 1996/263, reg. 16\(4\)](#)

S. 178 applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042, art. 4\(1\)](#)

S. 178: power to amend or repeal conferred (1.11.2000 (W.) and 19.2.2001 (E.) by [2000 c. 22, s.](#)

[100\(4\); S.I. 2000/2948, art. 2; S.I. 2001/415, art. 2\(b\)](#)

**C337** Ss. 173-178 applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\), reg. 14\(2\)](#)

## PART IX

### FUNCTIONS

#### *General*

## 179 General provision for transfer of functions.

- (1) Subsections (2) to (4) below shall have effect for the purpose of adapting the provisions of—
- (a) public general Acts passed before, or during the same session as, this Act; and

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- (b) instruments made before the passing of this Act under public general Acts, being instruments of a legislative character and not being instruments in the nature of local enactments;
- and, in particular, for the purpose of providing for the exercise of functions conferred by such provisions, but those subsections shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and shall be without prejudice to any express provision so made.
- (2) In any such provision any reference to an administrative county or its council, or any reference which is to be construed as such a reference, shall, except where it is a reference to a specified county or council or is to be construed as such, be construed as a reference to a new county or its council, as the case may be.
- (3) In any such provision any reference to an urban district (whether as such or as a district or county district) or to the council of such a district, or any reference which is to be construed as such a reference, shall, except where it is a reference to a specified district or council or is to be construed as such, be construed as a reference to a new district or its council, as the case may be.
- (4) In any such provision any reference to a rural parish (whether as such or as a parish) or the council or meeting of such a parish, or any reference which is to be construed as such a reference, shall, except where it is a reference to a specified parish or its council or meeting, be construed—
- (a) as respects England, as a reference to a parish or, as the case may be, its council or meeting; and
  - (b) as respects Wales, as a reference to a community or, as the case may be, its council, if any.

### *The environment*

#### **180 Public health.**

- (1) For the purposes of the enactments to which this section applies, the local authority and sanitary authority (whether urban or not) shall—
- (a) for a district, be the district council;
  - (b) for a London borough, be the borough council;
  - (c) for the City, be the Common Council;
  - (d) for the Inner Temple and Middle Temple, be the Sub-Treasurer and the Under Treasurer thereof respectively;
- but the foregoing provision shall have effect subject to the other provisions of this Act and, in particular, to Schedule 14 to this Act and, as respects any area in Greater London, to Part I of Schedule 11 to the 1963 Act.
- (2) The <sup>M60</sup>Public Health Act 1936 shall have effect subject to the amendments and modifications specified in Part I of Schedule 14 to this Act and Part II of that Schedule shall have effect for making amendments and modifications to other enactments relating to public health, building control, public parks, lighting and related matters.
- (3) This section applies to the following enactments:—
- (a) the Public Health Acts 1875 to 1925;
  - <sup>F264</sup>(b) the <sup>M61</sup>Alkali, &c. Works Regulation Act 1906;

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- (c) the <sup>M62</sup>Public Health Act 1936, except so much of it as falls within section 181(1) or (2) below;
  - [<sup>F265</sup>(d) section 8 of the <sup>M63</sup>Local Government (Miscellaneous Provisions) Act 1953;]
  - (e) Part XIII of the <sup>M64</sup>Mines and Quarries Act 1954;
  - (f) the <sup>M65</sup>Clean Air Acts 1956 <sup>M66</sup> and 1968;
  - [<sup>F265</sup>(g) section 1 of the <sup>M67</sup>Noise Abatement Act 1960;]
  - (h) the <sup>M68</sup>Public Health Act 1961, except so much of it as falls within section 181(2) below;
  - (i) ..... <sup>F266</sup>
  - (j) ..... <sup>F267</sup>
  - (k) section 6 of the <sup>M69</sup>Chronically Sick and Disabled Persons Act 1970.
- (4) Expressions used in this section and Schedule 14 to this Act and in the <sup>M70</sup>Public Health Act 1936 shall, except so far as the context otherwise requires, have the same meanings respectively in this section and that Schedule as they have in that Act.

#### Textual Amendments

**F264** S. 180(3)(b) repealed (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162(2), 164(3), **Sch. 16 Pt. I**

**F265** S. 180(3)(d)(g) repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40), s. 109(2), **Sch. 4**

**F266** S. 180(3)(i) repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

**F267** S. 180(3)(j) repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

#### Marginal Citations

**M60** 1936 c. 49.

**M61** 1906 c. 14.

**M62** 1936 c. 49.

**M63** 1953 c. 26.

**M64** 1954 c. 70.

**M65** 1956 c. 52.

**M66** 1968 c. 62.

**M67** 1960 c. 68.

**M68** 1961 c. 64.

**M69** 1970 c. 44.

**M70** 1936 c. 49.

## 181 Water and sewerage.

- (1) For the purposes of the following enactments, that is to say—
- (a) Part IV of the <sup>M71</sup>Public Health Act 1936 and Part XII of that Act, so far as relating to the said Part IV;
  - (b) the <sup>M72</sup>Rural Water Supplies and Sewerage Act 1944, so far as relating to water;
  - (c) section 12 of the <sup>M73</sup>Local Government (Miscellaneous Provisions) Act 1953;
  - (d) the <sup>M74</sup>Water Acts 1945 <sup>M75</sup> and 1948 and the <sup>M76</sup>Water Act 1958;
- the local authority shall, for any district, be the district council, and for any London borough, be the borough council.

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- (2) For the purposes of the following enactments, that is to say—
  - (a) [<sup>F268</sup>sections 15, 17–24, 27, 29–34, 36 and 42] of the <sup>M77</sup>Public Health Act 1936 and sections 90 and Part XII of that Act, so far as relating to those sections;
  - (b) the <sup>M78</sup>Public Health (Drainage of Trade Premises) Act 1937;
  - (c) the <sup>M79</sup>Rural Water Supplies and Sewerage Act 1944, so far as relating to sewerage and the disposal of sewage;
  - (d) section 13 of the <sup>M80</sup>Local Government (Miscellaneous Provisions) Act 1953;
  - (e) sections 12 to 15 and Part V of, and Schedule 2 to, the <sup>M81</sup>Public Health Act 1961;

the local authority shall for any area outside Greater London be the district council.

(3) ..... <sup>F269</sup>

- (9) An order under section 6 of the <sup>M82</sup>Public Health Act 1936 or under subsection (3) above or an order amending any such order may confer on a joint board constituted for the exercise of sewerage functions any of the sewerage functions of the constituent members and may confer such functions—

- (a) subject to any limitation or condition specified in the order (whether or not the limitation or condition applies to the discharge of the functions by the constituent member); or
- (b) free from any limitation or condition so specified which applies to the discharge of those functions by the constituent member.

- (10) Schedule 15 to this Act shall have effect for making amendments and modifications to the enactments relating to water and sewerage.

- (11) In this section—

“sewerage functions” means functions under any of the enactments mentioned in subsection (2) above; and

..... <sup>F270</sup>

**Textual Amendments**

**F268** Words substituted by [Building Act 1984 \(c. 55, SIF 15\)](#), ss. 133, 135, [Sch. 6 para. 14](#)

**F269** [Ss. 177\(1\)\(b\), 181\(3\)–\(8\)](#) repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

**F270** Definition repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**Modifications etc. (not altering text)**

**C338** The text of ss. 181(10), 186(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M71** 1936 c. 49.

**M72** 1944 c. 26.

**M73** 1953 c. 26.

**M74** 1945 c. 42.

**M75** 1948 c. 22.

**M76** 1958 c. 67.

**M77** 1936 c. 49.

**M78** 1937 c. 40.



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- M79 1944 c. 26.
- M80 1953 c. 26.
- M81 1961 c. 64.
- M82 1936 c. 49.

## 182 Town and Country Planning.

F271(1) .....

F272(2) .....

(3) In that Schedule—

F272(a) .....

(b) Part II shall have effect with respect to the exercise by such authorities of functions under other enactments relating to town and country planning and for making minor amendments and modifications of such other enactments; and

F272(c) .....

F272(4) .....

### Textual Amendments

F271 S. 182(1) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

F272 S. 182(2)(3)(a)(c)(4)–(6) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1,2), s. 3, Sch.1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

F273 183 .....

### Textual Amendments

F273 S. 183 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1,2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

## 184 National Park and countryside functions.

(1) The functions conferred on a local planning authority by or under the National Parks and Access to the Countryside Act 1949 and the Countryside Act 1968 shall, as respects England elsewhere than [in the metropolitan counties,] Greater London and the Isles of Scilly and as respects Wales, be exercisable in accordance with the following provisions of this section.

(2) The following of the said functions, that is to say those conferred by—

(a) Part II and sections 61, 62, 63, 78, 90(5), 92 (so far as relating to parking places in a National Park), 99(3) and 101(3) of the said Act of 1949; and

(b) sections 12(5), 13 and 14 of the said Act of 1968;

shall, subject to subsection (3) below and Schedule 17 to this Act, be functions of the county planning authority.

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- (3) The functions of a local planning authority under sections 9 and 11 of the said Act of 1949 shall as respects any area outside a National Park be exercisable both by county planning authorities and district planning authorities.
- (4) All other functions conferred by or under any other provision of the said Acts of 1949 and 1968 on a local planning authority shall, subject to Schedule 17 of this Act, be exercisable both by county planning authorities and district planning authorities.
- (5) References in the said Acts of 1949 and 1968 to a local planning authority shall be construed accordingly.
- (6) Part I of Schedule 17 to this Act shall have effect instead of section 8 of the said Act of 1949 (which, as amended by Schedule 4 to the said Act of 1968, provides for the administration of local authorities’ planning and countryside functions in National Parks).
- (7) Sections 27 to 38 of the said Act of 1949 and Parts II to IV of Schedule 3 to the said Act of 1968 (survey of public paths, etc.) shall have effect subject to the modifications specified in Part II of the said Schedule 17 and those Acts shall have effect subject to the further modifications specified in Part III of that Schedule.
- (8) In that Schedule “the 1949 Act” and “the 1968 Act” mean the said Acts of 1949 and 1968 respectively.

<p><b>Textual Amendments</b></p> <p><b>F274</b> Words inserted by <a href="#">Local Government Act 1985 (c. 51, SIF 81:1)</a>, <b>ss. 1, 7</b> Sch. 3 para. 3(2)</p>
<p><b>Modifications etc. (not altering text)</b></p> <p><b>C339</b> <a href="#">S. 184</a> excluded (19.9.1995) by <a href="#">1995 c. 25, ss. 68(1), 125(2)</a> (with <a href="#">ss. 7(6), 115, 117, Sch. 8 para. 7</a>)</p>
<p><b>Marginal Citations</b></p> <p><b>M83</b> <a href="#">1949 c. 97.</a></p> <p><b>M84</b> <a href="#">1968 c. 41.</a></p>

**185 Town development.**

(1) In the <sup>M85</sup>Town Development Act 1952 (in this section referred to as “the principal Act”) in section 1(1) (which defines the term “town development” as applying to development in a county district, the provision of which will relieve congestion or over-population elsewhere) for the word “elsewhere” there shall be substituted the words “ outside the county comprising the district or districts in which the development is carried out ”.

<sup>F275</sup>(2) .....

- (4) The principal Act shall have effect subject to the amendments specified in Schedule 18 to this Act, being—
  - (a) amendments consequential on this Part of this Act, and
  - (b) amendments incorporating provisions of section 34 of the <sup>M86</sup>Housing Act 1961 and subsections (1) and (2) of section 61 of the <sup>M87</sup>London Government Act 1963 (modification of principal Act in relation to counties and to Greater London).

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- (5) Notwithstanding anything in subsection (1) above, any development carried out after the date on which that subsection comes into force as part of a scheme begun before that date, being a scheme of town development within the meaning of the principal Act as then in force, shall be treated as town development for the purposes of that Act.

**Textual Amendments**

**F275** S. 185(2)(3) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. XIV](#)

**Marginal Citations**

- M85** 1952 c. 54.  
**M86** 1961 c. 65.  
**M87** 1963 c. 33.

**186 Traffic and transportation functions.**

- (1) . . . <sup>F276</sup> the <sup>M88</sup>Road Traffic Regulation Act 1967 shall have effect subject to the amendments specified in Part II of that Schedule, being—
- (a) amendments conferring on the councils of counties, and in certain cases also on the councils of districts, functions previously exercised outside Greater London by the councils of county boroughs (together with other local authorities),
  - (b) amendments extending the powers of parish and community councils in relation to parking places so as to empower them to provide, maintain, and regulate the use of off-street parking places for all classes of vehicles, as well as parking places for bicycles and motor cycles, and
  - (c) minor amendments and other amendments consequential on the establishment of new local authorities by or under this Act and on the provisions of this Act relating to highways.
- (2) . . . . . <sup>F277</sup>
- (3) . . . . . <sup>F278</sup>
- (4) In section 2(5) of the <sup>M89</sup> Vehicle and Driving Licences Act 1969 (certain local authorities enabled to exercise, on behalf of the Secretary of State, functions transferred to him under that Act) after the word “authority”, in the first two places where it occurs, there shall be inserted the words “or district council”.
- (5) . . . . . <sup>F279</sup>
- (6) So much of section 6 of the <sup>M90</sup>Transport Charges &c. (Miscellaneous Provisions) Act 1954 as requires the making of an order by the Secretary of State for the revision of any charges in connection with a ferry undertaking shall cease to have effect in relation to an undertaking operated by a local authority or a Passenger Transport Executive, and accordingly a local authority or Passenger Transport Executive operating any such ferry undertaking as is referred to in subsection (1)(c) of that section—
- (a) may from time to time make such revision of any of the charges which they are authorised to demand in connection with the undertaking as seems to them appropriate; and
  - (b) may, if they think fit, determine that any such charges shall no longer be made;

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and so much of section 1(2) of the <sup>M91</sup>Ferries (Acquisition by Local Authorities) Act 1919 as requires the approval of the Secretary of State to any scale of tolls fixed by a local authority or to a determination by a local authority to free a ferry from tolls shall cease to have effect.

(7) In subsection (6) above, “local authority” includes any existing county borough or county district council and the Common Council.

**Textual Amendments**

- F276** Words repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#) ss. 3(1)(2), 5, Sch. 1 Pt. I, Sch. 4 paras. 1, 2
- F277** [S. 186\(2\)](#) repealed by [Refuse Disposal \(Amenity\) Act 1978 \(c. 3, SIF 100:3\)](#), s. 12, **Sch. 2**
- F278** [S. 186\(3\)](#) repealed by [Transport Act 1980 \(c. 34, SIF 107:1\)](#), s. 69, **Sch. 9 Pt. I**
- F279** [S. 186\(5\)](#) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

**Modifications etc. (not altering text)**

- C340** The text of ss. 181(10), 186(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M88** [1967 c. 76.](#)
- M89** [1969 c. 27.](#)
- M90** [1954 c. 64.](#)
- M91** [1919 c. 75.](#)

**187 Local highway authorities and maintenance powers of district councils.**

- (1) ..... <sup>F280</sup>
- (3) With respect to footpaths and bridleways within their area a district council shall have—
  - (a) the like powers as a highway authority under section 57(3) of the National Parks and Access to the <sup>M92</sup>Countryside Act 1949 (prosecution of offences of displaying on footpaths notices deterring public use), and
  - (b) ..... <sup>F280</sup>
- (4) ..... <sup>F280</sup>

**Textual Amendments**

- F280** [S. 187\(1\)\(2\)\(3\)\(b\)\(4\)–\(8\)](#) repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), s. 343(3), **Sch. 25**

**Marginal Citations**

- M92** [1949 c. 97.](#)

<sup>F281</sup>**188** .....

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### Textual Amendments

**F281** S. 188 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), s. 343(3), [Sch. 25](#)

## 189 Commons.

(1) Without prejudice to the making of any new agreement under section 2(2) of the <sup>M93</sup>Commons Registration Act 1965 (agreement for one local authority to be registration authority for land which spans the boundaries of two or more authorities) any agreement under that section which is in force immediately before 1st April 1974 shall cease to have effect on that day.

(2) For subsection (5) of section 8 of the Commons Registration Act 1965 (council in which unclaimed land is to be vested) there shall be substituted the following subsections:—

“(5) Subject to subsection (6) of this section, the local authority in which any land is to be vested under this section is—

- (a) if the land is in a parish or community where there is a parish or community council, that council, but, if the land is regulated by a scheme under the Commons Act 1899, only if the powers of management under Part I of that Act are, in accordance with arrangements under Part VI of the Local Government Act 1972, being exercised by the parish or community council;
- (b) if the land is in a London borough, the council of that borough; and
- (c) in any other case, the council of the district in which, the land is situated.

(6) Where—

- (a) any land has been vested in a district council in accordance with subsection (5)(c) of this section, and
- (b) after the land has been so vested a parish or community council comes into being for the parish or community in which the land is situated (whether by the establishment of a new council or by adding that parish or community to a group of parishes or communities for which a council has already been established),

then, if the circumstances are such that, had the direction under subsection (3) of this section been given at a time after the parish or community council had come into being, the land would in accordance with subsection (5)(a) of this section have been vested in the parish or community council, the district council shall, if requested to do so by the parish or community council, direct the registration authority to register the parish or community council, in place of the district council, as the owner of the land; and the registration authority shall comply with any such direction.

(7) The council of any district, parish or community affected by any registration made in pursuance of subsection (6) above shall pay to the other of those councils so affected such sum, if any, as may be agreed between them to be appropriate to take account of any sums received or to be received, or any expenditure incurred or to be incurred, in respect of the land concerned, and,

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in default of agreement, the question of what sum, if any, is appropriate for that purpose shall be determined by arbitration.”

- (3) The references in section 12 of the <sup>M94</sup>Inclosure Act 1857 (prevention of nuisances in town and village greens, etc.) to a churchwarden or overseer of the parish in which the town or village green or land is situated shall be construed—
  - (a) with respect to a green or land in a parish, as references to the parish council, or, where there is no parish council, the parish meeting;
  - (b) with respect to a green or land in a community where there is a community council, as references to the community council;
  - (c) with respect to any other green or land, as references to the council of the district in which the green or land is situated;

and where those references fall to be construed in accordance with paragraph (c) above, the reference in the said section 12 to highways in the parish shall be construed as a reference to highways in the district.

- (4) In section 193(1) of the <sup>M95</sup> Law of Property Act 1925 (right of the public over certain commons, including those situated within a borough or urban district) after the words “situated within” there shall be inserted the words “an area which immediately before 1st April 1974 was”.

**Modifications etc. (not altering text)**

**C341** The text of s. 189(2)(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M93** 1965 c. 64.

**M94** 1857 c. 31.

**M95** 1925 c 20.

**190 Sites for gipsy encampments.**

- (1) In section 6 of the <sup>M96</sup> Caravan Sites Act 1968 in subsection (1) (duty of local authorities to provide sites for gipsies) the words “county borough” shall be omitted and in subsection (2) of that section (modifications in relation to county boroughs and London boroughs), for the words “county borough” in the first place where they occur, there shall be substituted the words “metropolitan county” and after the words “at a time” there shall be inserted the words “in each district in the county or, as the case may be, in the London borough”<sup>F282</sup> . . .

<sup>F283</sup>(2) . . . . .

- (4) On an application made before 1st April 1974 by the council of an existing county or county borough, the Secretary of State may, by an order made under and in accordance with section 12 of the <sup>M97</sup>Caravan Sites Act 1968, designate as an area to which section 10 of that Act applies so much of a new county as comprises the whole or any part of the existing county or county borough.

**Status:** Point in time view as at 01/04/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government Act 1972 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Textual Amendments

**F282** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), [Sch. 34](#)

**F283** [S. 190\(2\)\(3\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. XVI](#)

### Modifications etc. (not altering text)

**C342** The text of s. 190(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M96** [1968 c. 52.](#)

**M97** [1968 c. 52.](#)

## 191 Ordnance survey.

- (1) In its application outside Greater London, the <sup>M98</sup>Ordnance Survey Act 1841 (in this section referred to as “the 1841 Act”) shall have effect subject to the following modifications.
- (2) An application under section 1 of the 1841 Act shall be sent to the proper officer of either a county council or a district council and, where such an application is made, the function of appointing a person to assist in examining, ascertaining and marking out reputed boundaries shall be exercisable by the council to whose proper officer the application was sent.
- (3) The newspapers in which copies of an application under section 1 of the 1841 Act are to be inserted shall be those circulating in the area of the council to whose proper officer the application was sent.
- (4) References, in whatever terms, in the 1841 Act—
  - (a) to the justices by whom a person is appointed under section 1 of that Act shall be construed as references to the county council or the district council, as the case may require, and
  - (b) to the clerk of the peace for a county shall be construed as references to the proper officer of the county council or the district council as the case may require.
- (5) Without prejudice to section 15 of the 1841 Act (which among other things extends the meaning of the word “county” in that Act) references in that Act to a county include references to any local government area within the meaning of this Act.

### Marginal Citations

**M98** [1841 c. 30.](#)

*Status:* Point in time view as at 01/04/1991. This version of this Act contains provisions that are not valid for this point in time.

*Changes to legislation:* Local Government Act 1972 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### *Education, social and welfare services*

#### **192 Education.**

- (1) The local education authority for each non-metropolitan county shall be the council of the county and the local education authority for each metropolitan district shall be the council of the district.
- (2) No scheme of divisional administration shall be made under Part III of Schedule I to the <sup>M99</sup> Education Act 1944 and that Part of that Schedule shall cease to have effect.
- (3) Section 52 of the <sup>M100</sup> Local Government Act 1958 shall cease to have effect on the passing of this Act.
- (4) For the definition of “minor authority” in section 114(1) of the Education Act 1944 there shall be substituted the following definition:—

““minor authority” means, in relation to a school maintained by a local education authority,—

- (a) where the area which appears to the local education authority to be served by the school is a parish or community, the parish or community council or, in the case of a parish which has no council, the parish meeting;
- (b) where the said area is a community having no community council or is an area in England which is not within a parish and is not situated in a metropolitan county, the council of the district for the area concerned;
- (c) where the said area comprises two or more of the following, a parish, a community or an area in England which is not within a Parish and is not situated in a metropolitan county—
  - (i) the parish or community council or councils, if any ;
  - (ii) in the case of a parish which has no council the parish meeting;
  - (iii) in the case of an area which is a community having no community council or which is in England and is not within a parish, the council of the district concerned ;

acting jointly.”

- (5) Subject to subsection (6) below any instrument made by an existing local education authority for an area outside Greater London in connection with the discharge of any of their functions, and any other thing done by or to or in relation to such an authority in connection therewith, shall be treated as having been made by, or done by or to or in relation to, the new local education authority to whom those functions are transferred by or by virtue of this Act, and any instrument relating to the exercise of those functions, or to things done in their exercise or property held or maintained for the purposes of those functions shall, so far as it so relates, have effect as if any reference to a specified existing local education authority for an area outside Greater London by whom those functions were exercisable or to the area of such an authority were a reference to the new local education authority to whom those functions are so transferred or to so much of the area of the new authority as includes the area of the existing authority, as the case may be.
- (6) Subsection (5) above is without prejudice to any express provision made by, or by any instrument made under, this Act, but has effect subject to any provision to the contrary



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so made and in particular may be excluded from applying, either wholly or to any specified extent, in any particular case by an order made by the Secretary of State.

**Modifications etc. (not altering text)**

**C343** The text of s. 192(2)–(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M99** 1944 c. 31.

**M100** 1958 c. 55.

<sup>F284</sup>**193**, .....

**194.**

**Textual Amendments**

**F284** Ss. 193, 194 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 67, SIF 61\)](#), ss. 3, 6, **Sch. 1 Pt. 1**

**195 Social services functions.**

- (1) Outside Greater London, the local authorities for the purposes of the <sup>M101</sup>Local Authority Social Services Act 1970 (in this section referred to as “the Act of 1970”) shall be the councils of non-metropolitan counties and the councils of metropolitan districts; and accordingly in section 1 of that Act for the words “counties, county boroughs” there shall be substituted the words “non-metropolitan counties, metropolitan districts”.
- (2) In a non-metropolitan county each district council and the county council shall from time to time consult together with respect to the nature and extent of the accommodation needed for people who by reason of infirmity or disability (whether arising from age or otherwise) are in need of accommodation of a special character.
- (3) The following proposals and schemes, so far as in force immediately before 1st April 1974, that is to say,—
  - (a) proposals approved under section 20 of the <sup>M102</sup>National Health Service Act 1946 relating to the duties of local health authorities under section 22 of that Act (care of mothers and young children) or under section 12 of the <sup>M103</sup>Health Services and Public Health Act 1968 (prophylaxis, care and after-care), and
  - (b) schemes approved under section 34 of the <sup>M104</sup>National Assistance Act 1948 (relating to the provision of accommodation, the welfare of handicapped persons and the employment of disabled persons),shall cease to have effect; and the local authorities who, by virtue of section 1 of the Act of 1970, as amended by subsection (1) above, are the local authorities for the purposes of that Act may, with the approval of the Secretary of State, and to such extent as he may direct shall, make arrangements for carrying out the functions to which those proposals and schemes formerly related.

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- (4) Any delegation scheme under section 46 of the <sup>M105</sup>Local Government Act 1958 (relating to health and welfare functions) which is in force immediately before 1st April 1974 shall cease to have effect.
- (5) Any scheme or regional plan made by a children’s regional planning committee under the <sup>M106</sup>Children and Young Persons Act 1969 and in force immediately before 1st April 1974 shall, subject to the provisions of that Act, continue in force with such modifications as may be necessary to take account of the replacement of the existing local authorities by the new authorities.
- (6) The enactments specified in Schedule 23 to this Act, being enactments conferring social services functions on local authorities in varying capacities, shall have effect subject to the amendments specified in that Schedule, being amendments designed—
- (a) to vest those functions in the local authorities who, by virtue of section 1 of the Act of 1970, as amended by subsection (1) above, are the local authorities for the purposes of that Act; and
  - (b) to give effect to subsection (3) above, as it affects those authorities.
- [<sup>F285</sup>(7) In section 64(1) of the National Assistance Act <sup>M107</sup>1948 (interpretation), in the definition of “local authority”, the words “county borough” shall be omitted and, after word “district”, there shall be inserted the words “or London borough or the Common Council of the City of London”.]

#### Textual Amendments

**F285** S. 195(7) added (*retrospectively*) by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), s. 23

#### Marginal Citations

**M101** 1970 c. 42.

**M102** 1946 c. 81.

**M103** 1968 c. 46.

**M104** 1948 c. 29.

**M105** 1958 c. 55.

**M106** 1969 c. 54.

**M107** 1948 c.29(81:3).

### Miscellaneous functions

#### 196 Police.

- (1) The <sup>M108</sup>Police Act 1964 shall be amended in accordance with the following provisions of this section.
- (2) For section 2(6) of that Act there shall be substituted the following subsection:—
- “(6) Section 102(5) of the Local Government Act 1972 shall apply to a committee appointed under this section as it applies to a committee appointed under that section.”
- (3) In subsection (3) of section 8 of the said Act of 1964 (audit of accounts of police authorities) for the words from “and the accounts” to the end of the subsection there shall be substituted the words “shall be treated for the purposes of Part VIII of the

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Local Government Act 1972 as though it were included among the accounts of the council of that county, and the accounts of every combined police authority shall be audited in such manner as may be prescribed by the amalgamation scheme, and for that purpose an amalgamation scheme may apply, in relation to the accounts of the combined police authority, all or any of the provisions of the said Part VIII relating to accounts and audit, subject to such adaptations and modifications as may be prescribed by the amalgamation scheme.”

(4) Section 9 of the said Act of 1964 (acquisition of land for police purposes) shall be amended as follows:—

- (a) in subsection (1), for the words from “section 176” onwards there shall be substituted the words “subsections (3) and (4) of section 120 of the Local Government Act 1972 shall apply to the acquisition of land under this subsection as they apply to the acquisition of land under that section”;
- (b) at the end of subsection (2) there shall be added the words “and subsection (3) of section 121 of the Local Government Act 1972 shall apply in relation to a proposal to acquire any land in exercise of the power conferred by this subsection as it applies in relation to a proposal to acquire land in exercise of the power conferred by subsection (1) of that section”.

(5) For section 19(3) of the said Act of 1964 (powers of special constables outside their area) there shall be substituted the following subsection:—

- “(3) Without prejudice to subsection (2) above, a special constable appointed for any police area shall have all the powers and privileges of a constable—
- (a) in the case of a police area other than the City of London, in any other police area which is contiguous to his own police area;
  - (b) in the case of the City of London, in the metropolitan police district and in any area which is contiguous to that district.”

(6) For section 23(1) of the said Act of 1964 there shall be substituted the following subsections—

- “(1) An amalgamation scheme may be approved or made under this Act—
- (a) with respect to two or more counties established by the Local Government Act 1972;
  - (b) with respect to two or more counties proposed to be constituted, or the areas of which are proposed to be altered, by an order under Part IV of the Local Government Act 1972;

and subject to subsection (1A) below may be so approved or made before the relevant date.

(1A) A scheme under this section shall not come into force before the relevant date, except so far as it relates to the constitution of the combined police authority and to the performance by that authority of functions necessary for bringing the scheme into full operation on that date.

(1B) In subsections (1) and (1A) above “the relevant date” means in relation to an amalgamation scheme approved or made as mentioned in paragraph (a) of the said subsection (1), 1st April 1974, and in relation to an amalgamation scheme approved or made as mentioned in paragraph (b) of that subsection, the date on which the order mentioned in that paragraph comes into force.”

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- (7) In relation to an amalgamation scheme under section 23(1)(a) of the said Act of 1964, section 23(2) of that Act (modifications of provisions of that Act in relation to amalgamation schemes) shall have effect as if in paragraph (c)(i) for the reference to the police authority for any county there were substituted references both to the police authority for any police area existing immediately before 1st April 1974 and wholly or partly to be included in the new county and references to the council of the new county.
- (8) For section 23(3) of the said Act of 1964 there shall be substituted the following subsection:—
- “(3) In the case of an amalgamation scheme to be approved or made by virtue of this section with respect to any county, any steps required by this Part of this Act to be taken before the amalgamation scheme is approved or made may be taken at any time after a report on a review affecting that county, together with any proposals formulated thereon, has been submitted to the Secretary of State under sections 51(1), 58(1) and 62(5) of the Local Government Act 1972, and the Secretary of State has notified the county councils concerned of the general nature of the order which he intends to make to give effect to those proposals.”
- (9) Schedule 3 to the said Act of 1964 (procedure for compulsory amalgamation schemes) shall not apply to an amalgamation scheme made by the Secretary of State under section 21(2) of that Act before 1st April 1974.

**Modifications etc. (not altering text)**

**C344** The text of s. 196(2)–(6)(8) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M108** 1964 c. 48.

**197 Fire services.**

- (1) The proviso to section 6(1) of the <sup>M109</sup> Fire Services Act 1947 (obligation of Secretary of State to obtain consent of county council to a combination scheme made by him where population of the county exceeds 100,000) shall cease to have effect.
- (2) A combination scheme may be made under section 5 of the said Act of 1947 before 1st April 1974 with respect to two or more new counties, but except so far as it relates to the constitution of an authority as the fire authority for the combined area and to the performance by that authority of their functions under subsection (3) below or any functions necessary for bringing the scheme into full operation on that date, the scheme shall not come into force before that date.
- (3) Not later than the 1st January 1974 every council of a new county or every new fire authority established for a combined area by any such scheme which will not come into full operation until 1st April 1974 shall prepare and submit to the Secretary of State for his approval an establishment scheme for a fire brigade for the county or combined area under section 19 of the said Act of 1947 to come into force on 1st April 1974, and the Secretary of State shall, not later than 15th March 1974, approve that scheme either as submitted or subject to such modifications as he may direct.

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(4) ..... F286

(5) In section 10 of the <sup>M110</sup> Fire Services Act 1947, as amended by Schedule 8 to the <sup>M111</sup> Local Government Act 1958 (power to make schemes in advance of alterations of local government areas) for the words from the beginning to “combined authorities” there shall be substituted the words “If an order is made under Part IV of the Local Government Act 1972 constituting any area as a new county or altering the area of a county” and for the words “the new county or county borough” there shall be substituted the words “the new or altered county”

**Textual Amendments**

**F286** S. 197(4) repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38, **Sch. 6 Pt. IV**

**Modifications etc. (not altering text)**

**C345** The text of s. 197(1)(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**C346** “the said Act of 1947” means [Fire Services Act 1947 \(c. 41\)](#)

**Marginal Citations**

**M109** 1947 c. 41.

**M110** 1974 c. 41.

**M111** 1958 c. 55.

<sup>F287</sup>198, .....  
199.

**Textual Amendments**

**F287** Ss. 198, 199 repealed by [Food Act 1984 \(c. 30, SIF 53:1\)](#), ss. 134, 136, **Sch. 11**

**200 Power to confer on district councils in Wales certain functions relating to agriculture.**

- (1) The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may make an order conferring on the council of a district in Wales, with respect to the district, the functions which, apart from the order, would be exercisable by the county council under sections 4 and 5 of the <sup>M112</sup>Agricultural Produce (Grading and Marking) Act 1928 (cold and chemical storage of eggs in registered premises).
- (2) The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may make an order imposing on the council of a district in Wales, with respect to the district, the duty which, apart from the order, would be imposed on the county council by section 67 of the <sup>M113</sup>Agriculture Act 1970 (enforcement of provisions of that Act relating to fertilisers and feeding stuffs).
- (3) The Minister of Agriculture, Fisheries and Food may make an order imposing on the council of a district in Wales, with respect to the district, the duty which, apart from the order, would be imposed on the county council by section 108(8) of the <sup>M114</sup>Medicines Act 1968 (enforcement of certain provisions made by or under that Act).

*Status:* Point in time view as at 01/04/1991. This version of this Act contains provisions that are not valid for this point in time.

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- (4) If and so long as an order under subsection (1), subsection (2) or subsection (3) above confers any functions or imposes any duty on a district council in Wales, references in the enactment or enactments to which the order relates—
  - (a) to the county council shall be construed as including references to that district council, and
  - (b) to the area of the county (however expressed) shall be construed, in relation to the council of the county in which the district is situated, as references to the area of the county exclusive of that district.
  
- (5) The power to make an order—
  - (a) under subsection (1) above conferring functions on a district council in Wales, or
  - (b) under subsection (2) or subsection (3) above imposing a duty on a district council in Wales,

shall cease to be exercisable on 1st April 1974, but an order made under any of those subsections may be revoked at any time after that date, by a further order made under the same subsection.
  
- (6) A statutory instrument containing an order under subsection (1), subsection (2) or subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
  
- (7) Notwithstanding anything in section 5 of the <sup>M115</sup>Agricultural Produce (Grading and Marking) Act 1928, in respect of any period during which, by virtue of an order under subsection (1) above, functions under sections 4 and 5 of that Act are conferred on the council of a district in Wales, any expenses incurred under that Act by the council of the county in which that district is situated shall be treated as special expenses chargeable only on the remainder of the county.
  
- (8) In any case where, by virtue of an order under subsection (1), subsection (2) or subsection (3) above revoking a previous order under that subsection, functions conferred or a duty imposed by that previous order on a district council in Wales cease to be so conferred or imposed, anything done before the date on which the order takes effect by, to or before the district council shall have effect for the purposes of the enactment or enactments to which the order relates as if done by, to or before the county council by whom those functions become exercisable on that date or, as the case may be, on whom that duty is imposed on that date; and any proceedings under that enactment or those enactments which on that date were pending by or against the district council may be continued accordingly by or against the county council.

**Marginal Citations**

**M112** 1928 c. 19.

**M113** 1970 c. 40.

**M114** 1968 c. 67.

**M115** 1928 c. 19.

**Status:** Point in time view as at 01/04/1991. This version of this Act contains provisions that are not valid for this point in time.

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**Textual Amendments**

**F288** S. 201 repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), ss. 95, 98, [Sch. 10 para. 1\(j\)](#), Sch. 13

**202 Public transport in passenger transport areas.**

**F289**(1) .....

(2) **F290** . . . , Part II of the **M116**Transport Act 1968 shall have effect in its application to England and Wales subject to the amendments specified in Part I of Schedule 24 to this Act, being amendments—

- (a) to assimilate in certain respects the provisions of the said Part II to those of Part II of the **M117**Transport (London) Act 1969;
- (b) to make further provision with respect to the control of a Passenger Transport Executive by the Passenger Transport Authority; and
- (c) to remove, or to transfer to the Passenger Transport Authority, certain functions originally conferred on the Secretary of State.

(3) **F291** .....

**F292**(4) .....

(8) Expressions used in this section have the same meanings as in the **M118**Transport Act 1968.

**Textual Amendments**

**F289** S. 202(1) repealed (6.1.1986) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), Sch. 3 para. 24, [Sch. 8](#); S.I. 1985/1887, art. 3(1), [Sch.](#), Appendix

**F290** Words repealed (1.4.1986) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#); S.I. 1986/414, art. 2, [Sch.](#), Appendix

**F291** S. 202(3) repealed (1.4.1986) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), Sch. 3 para 24, [Sch. 8](#); S.I. 1986/414, art. 2, [Sch.](#), Appendix

**F292** S. 202(4)-(7) repealed (6.1.1986) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), Sch. 3 para 24, [Sch. 8](#); S.I. 1985/1887, art. 3(1), [Sch.](#), Appendix

**Marginal Citations**

**M116** 1968 c. 73.

**M117** 1969 c. 35.

**M118** 1968 c. 73.

**F293**203 .....

**Textual Amendments**

**F293** S. 203 repealed by [Transport Act 1978 \(c. 55, SIF 126\)](#), s. 24(4), [Sch. 4](#)

*Status: Point in time view as at 01/04/1991. This version of this Act contains provisions that are not valid for this point in time.*

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## 204 Licensing: licensed premises, cinemas, theatres and refreshment houses.

- (1) The districts in Wales shall be the areas for which polls under section 66 of the <sup>M119</sup>Licensing Act 1964 (Sunday closing in Wales) may be held, but in relation to each such district, until such a poll is held and the decision on the poll takes effect in the district in accordance with section 67(4) of that Act, the areas in which subsection (1) of the said section 66 does or does not have effect shall be the same on and after 1st April 1974 as before that date.
- (2) Any reference in Part VII of the <sup>M120</sup>Licensing Act 1964 (licensing planning areas) to a local planning authority shall be construed as a reference to a district planning authority only.
- (3) In the case of premises situated outside Greater London, notice of an application for a justices' licence under Schedule 2 to the <sup>M121</sup>Licensing Act 1964 shall be given to the proper officer of the district council instead of to the clerk to the rating authority.
- (4) In consequence of the preceding provisions of this section and of section 217 below, the <sup>M122</sup>Licensing Act 1964 shall have effect subject to the amendments specified in Part I of Schedule 25 to this Act.
- (5) ..... <sup>F294</sup>
- (6) In section 18(1) of the <sup>M123</sup>Theatres Act 1968, in the definition of “licensing authority”, for paragraph (b) there shall be substituted the following paragraph:—
  - “(b) as respect premises in a district in England or Wales, the council of that district;”
 ..... <sup>F295</sup>
- (7) ..... <sup>F296</sup>
- (8) The provisions of Part II of Schedule 25 to this Act shall have effect for the purpose of conferring a right of appeal with respect to licences under the <sup>M124</sup>Home Counties (Music and Dancing) Licensing Act 1926; and any reference in that Part of that Schedule—
  - (a) to the 1926 act is a reference to the said Act of 1926, or
  - (b) to a licence is a reference to a licence under section 3 of the 1926 Act.
- (9) In section 2(2) of the <sup>M125</sup>Late Night Refreshment Houses Act 1969 (licensing authorities under that Act) for the words “county and county borough councils” there shall be substituted the words “district councils”.

### Textual Amendments

**F294** S. 204(5) repealed by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), s. 24(2), [Sch. 3](#)

**F295** Words repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, [Sch. 7 Pt. IV](#)

**F296** S. 204(7) repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, [Sch. 7 Pt. I](#)

### Modifications etc. (not altering text)

**C347** The text of s. 204(9), 208(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.



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#### Marginal Citations

- M119 1964 c. 26.
- M120 1964 c. 26.
- M121 1964 c. 26.
- M122 1964 c. 26.
- M123 1968 c. 54.
- M124 1926 c. 31.
- M125 1969 c. 53.

<sup>F297</sup>205 .....

#### Textual Amendments

- F297** S. 205 repealed by [Rent Act 1977 \(c. 42, SIF 75:3\)](#), s. 155, [Sch. 25](#) (subject to the savings and transitional provisions in [Sch. 24](#))

### 206 Public libraries and museums (England).

The local authorities for the purposes of the <sup>M126</sup>Public Libraries and Museums Act 1964 in England shall be county councils, <sup>F298</sup> . . ., London borough councils, district councils, the Common Council and the Council of the Isles of Scilly and, subject to the provisions of section 5 of that Act, each of the following authorities, that is to say—

- (a) the council of a non-metropolitan county;
- (b) the council of a London borough and the Common Council;
- (c) the council of a metropolitan district;

shall be a library authority for those purposes.

#### Textual Amendments

- F298** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

#### Marginal Citations

- M126 1964 c. 75.

### 207 Public libraries and museums (Wales).

(1) The local authorities for the purposes of the <sup>M127</sup>Public Libraries and Museums Act 1964 in Wales shall be county councils and district councils and, subject to the provisions of section 5 of that Act, each of the following authorities, that is to say—

- (a) the council of a county;
- (b) the council of a district who have been constituted a library authority under the following provisions of this section;

shall be a library authority for those purposes.

(2) The council of a district in Wales may at any time before 1st April 1974 apply to the Secretary of State for an order constituting the council a library authority and the Secretary of State may, if he thinks it expedient to do so having regard to—

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- (a) the capacity of the council to provide an efficient library service for their district; and
  - (b) the effect which the order would have on the library service which is to be provided by the council of the new county comprising that district;
- and after consulting the council of the new county, make an order constituting the district council a library authority as from a date, not earlier than 1st April 1974, specified in the order.
- (3) While the Secretary of State is considering an application by the council of a district for an order under subsection (2) above, he may make an order constituting that council a library authority for a period beginning with 1st April 1974 and ending on a date specified by the Secretary of State on deciding to make or not to make the order applied for.
- (4) A council of a district in Wales which is not a library authority may within the period of six months beginning with any review date apply to the Secretary of State for an order constituting the council a library authority and if, after consulting the authority which is then the library authority for that district and after taking account of any likely changes in the area and population of that district and of any other matters appearing to him to be relevant, the Secretary of State is of the opinion that the order would lead to an improvement in the library facilities in that district and would not prejudicially affect the library facilities in the county or the area of the joint board, as the case may be, he may make an order constituting the council a library authority as from a date specified in the order.
- (5) Where during the said period of six months the Secretary of State is satisfied, after consulting the council of a district which is a library authority and such other library authorities as appear to him to be concerned, that if the council of the district ceased to be a library authority, that would lead to an improvement in the library facilities in that district or in the county or area of the joint board, as the case may be, he may by order provide that as from a date specified in the order the council of that district shall cease to be a library authority.
- (6) An order under this section constituting a district council a library authority may impose on the district council such conditions as the Secretary of State thinks fit for securing the performance by them of their functions under the <sup>M128</sup>Public Libraries and Museums Act 1964.
- (7) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section “review date” means 1st April in 1984 and every tenth year thereafter.

#### Marginal Citations

M127 1964 c. 75.

M128 1964 c. 75.

## 208 Amendments of Public Libraries and Museums Act 1964.

- (1) It shall not be necessary for any local authority within the meaning of the <sup>M129</sup>Public Libraries and Museums Act 1964 to obtain the consent of the Secretary of State to the provision of a museum or art gallery under section 12(1) of that Act or to the transfer

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of a museum or art gallery and its collections under section 12(2) of that Act, or to apply for an order under section 15(2) of that Act for the purpose of amalgamating a fund established under that section with a similar fund maintained under a local Act, and accordingly in the said section 15(2) for the words after “aforesaid” there shall be substituted the words “ it may amalgamate the funds, but without prejudice to the effect of any condition attached to any particular gift received by the authority ”.

(2) The powers conferred by section 14 of the said Act of 1964 (contributions to expenses of museums and art galleries) on certain local authorities shall be exercisable by every local authority within the meaning of that Act, whether or not a library authority or maintaining a museum or art gallery.

<sup>X1</sup>(3) The following additional amendments shall be made in the said Act of 1964—

- (a) in section 4(2)(a), after the word “council” there shall be inserted the words “ in Wales ”;
- (b) in sections 5(3), 6(5) and (6), 10(2), 11(2) and 21, for the words “non-county borough or urban district”, wherever occurring, there shall be substituted the words “ district in Wales ”;
- (c) in the proviso to section 5(3), for the words from “at the request” to “40,000” there shall be substituted the words “ if the Secretary of State thinks fit ”;
- (d) in section 6(6), after the word “above” there shall be inserted the words “ or under section 207 of the Local Government Act 1972 ”;
- (e) in section 6(7), for the words from the beginning to “above he” there shall be substituted the words “ Where the council of a district in Wales are constituted a library authority under section 207 of the Local Government Act 1972, the Secretary of State ”, and for the words “approved council” there shall be substituted the words “ council so constituted ”;
- (f) in section 11(2), the reference to section 60(2) of the <sup>M130</sup> Local Government Act 1958 shall be construed as a reference to section 255 below ;
- (g) in section 15(1), after the word “maintaining” there shall be inserted the words “ or proposing to provide ” and for the words from “for the time being” onwards there shall be substituted the words “ which the authority maintains or proposes to provide under that section ” ;
- (h) in section 16, for the words “local authority” there shall be substituted the words “ library authority ”;
- (i) in section 21, in subsections (1) and (3) after the words “county council” there shall be inserted the words “ in Wales ” and in subsection (1) the words from “and expenses” onwards shall cease to have effect;
- (j) in section 24(1), for the words “this Act” there shall be substituted the words “ the provisions of this Act relating to libraries ” and for the word “county” there shall be substituted the words “ non-metropolitan county ”;
- (k) in Schedule 2, in paragraph 2(1), the words from “but except” onwards shall cease to have effect.

#### Editorial Information

- X1** The text of s. 204(9), 208(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

M129 1964 c. 75.

M130 1958 c. 55.

F299 209 .....

**Textual Amendments**

F299 S. 209 repealed by [Employment and Training Act 1973 \(c. 50\)](#), [Sch. 4](#)

**210 Charities.**

- (1) Where, immediately before 1st April 1974, any property is held, as sole trustee, exclusively for charitable purposes by an existing local authority for an area outside Greater London, other than the parish council, parish meeting or representative body of an existing rural parish in England (but including the corporation of a borough included in a rural district), that property shall vest (on the same trusts) in a new local authority in accordance with subsections (2) to (5) below.
- (2) Subject to subsection (3) below, where the property is held by one of the existing authorities specified below, and is so held for the benefit of, or of the inhabitants of, or of any particular class or body of persons in, a specified area, the property shall vest in the new authority specified below, the area of which comprises the whole or the greater part of that specified area, and where the property is so held but is not held for such a benefit, it shall vest in the new authority specified below, the area of which comprises the whole or the greater part of the area of the existing authority, that is to say—
  - (a) where the existing authority is a county council, the new authority is the council of the new county;
  - (b) where the existing authority is the council of a borough or urban district in England, the new authority is the council of the parish constituted under Part V of Schedule 1 to this Act or, where there is no such parish, the council of the district;
  - (c) where the existing authority is the council of a borough or urban district in Wales, the new authority is the council of the community or, where there is no such council, the council of the district; and
  - (d) where the existing authority is a rural district council, then, if the rural district is coextensive with a parish, the new authority is the parish council, and in any other case the new authority is the council of the district.
- (3) Where the property is held by an existing county council or county borough council for the purposes of a charity registered in the register established under section 4 of the <sup>M131</sup>Charities Act 1960 in any part of that register which is maintained by the Secretary of State by virtue of section 2 of that Act (educational charities) then—
  - (a) if the property is so held for the benefit of, or of the inhabitants of, or of any particular class or body of persons in, a specified area, the property shall vest in the new authority which is the local education authority for the whole or the greater part of that specified area, and

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- (b) in any other case, the property shall vest in the new authority which is the local education authority for the whole or the greater part of the area of the existing county council or county borough council by which the property is held.
- (4) Where the property is held by the corporation of a borough included in a rural district, it shall vest in the parish council for the parish consisting of the area of the existing borough.
- (5) Where the property is held by the parish council, parish meeting or representative body of an existing rural parish in Wales, then—
- (a) in the case of property held by an existing parish council, the property shall vest in the community council for the community or group of communities, the area or areas of which are co-extensive with the area of the parish or parishes for which the existing parish council act;
  - (b) in the case of property held by the parish meeting or representative body of an existing parish the area of which is comprised in a community for which there is a community council, the property shall vest in that community council; and
  - (c) in any other case, the property shall vest in the council of the district which comprises the area of the existing rural parish.
- (6) Where, immediately before 1st April 1974, any power with respect to a charity, not being a charity incorporated under the Companies Acts or by charter, is under the trusts of the charity or by virtue of any enactment vested in, or in the holder of an office connected with, any existing local authority to which subsection (1) above applies, that power shall vest in, or in the holder of the corresponding office connected with, or (if there is no such office) the proper officer of, the corresponding new authority, that is to say, the new authority in which, had the property of the charity been vested in the existing local authority, that property would have been vested under subsections (1) to (5) above.
- (7) References in subsection (6) above to a power with respect to a charity do not include references to a power of any person by virtue of being a charity trustee thereof; but where under the trusts of any charity, not being a charity incorporated under the Companies Acts or by charter, the charity trustees immediately before 1st April 1974 include either an existing local authority to which subsection (1) above applies or the holder of an office connected with such an existing local authority, those trustees shall instead include the corresponding new authority as defined in subsection (6) above or, as the case may require, the holder of the corresponding office connected with, or (if there is no such office) the proper officer of, that authority.
- (8) In section 10(1) of the <sup>M132</sup> War Charities Act 1940 (registration authorities) for paragraph (b) there shall be substituted the following paragraph—
- “(b) as respects any London borough, the council of the borough” and in paragraph (d) for the word “county” there shall be substituted the words “non-metropolitan county or metropolitan district”.
- (9) The <sup>M133</sup> Charities Act 1960 shall have effect subject to the following amendments:—
- (a) in section 10(1) (local authorities’ index of local charities) for the word “borough” there shall be substituted the words “district or London borough”;
  - (b) in section 11 (reviews of local charities by local authority) in subsections (1) and (4) for the word “borough” there shall be substituted the words “district or London borough”, and in subsection (5) for the words “to (7)” there shall be substituted the words “and (5)”;

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- (c) in section 12(1) (co-operation between charities and local authorities) for the words “county borough, of a metropolitan borough” there shall be substituted the words “London borough”;
  - (d) all the words in section 18(12) from “but a parish” to the end shall be omitted;
  - (e) the powers of appointment under subsections (3), (4) and (5) of section 37 (parochial charities) shall, in the case of a community in Wales for which there is no community council, be exercisable by the district council, and, in the case of an existing urban parish in England which after 1st April 1974 is not comprised in a parish, the power of appointment under subsection (5) of that section shall be exercisable by the district council; and
  - (f) in Schedule 3 (enlargement of areas of local charities) in both columns of paragraphs 3 and 4, for the word “borough”, in each place where it occurs, there shall be substituted the word “district”; in paragraph 4(iv) (in column 2) for the words “parish or parishes (Civil or ecclesiastical)” there shall be substituted the word “district”.
- (10) Nothing in the foregoing provisions of this section shall affect any power of Her Majesty, the court or any other person to alter the trusts of any charity and nothing in those provisions shall apply in a case to which section 211 below applies.
- (11) In this section the expression “local authority”, in relation to a parish, includes a parish meeting and the representative body of a parish, and the expressions “charitable purposes”, “charity”, “charity trustees”, “court” and “trusts” have the same meanings as in the <sup>M134</sup>Charities Act 1960.

#### Modifications etc. (not altering text)

**C348** S. 210 excluded by [National Health Service Reorganisation Act 1973 \(c. 32\), s. 25\(4\)](#)

**C349** The text of s. 210(8)(9)(a)–(d)(f) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M131** 1960 c. 58.

**M132** 1940 c. 31.

**M133** 1960 c. 58.

**M134** 1960 c. 58.

## 211 Welsh Church funds.

- (1) Any property which, immediately before 1st April 1974, is vested in the council of an existing county or county borough in Wales and is required to be applied in accordance with a scheme under section 19 of the <sup>M135</sup>Welsh Church Act 1914 (application of Welsh Church funds for charitable or eleemosynary purposes) shall be vested, by virtue of this Act, in the council of the new county which comprises the whole or the greater part of the area of that existing county or county borough.
- (2) Where, by virtue of subsection (1) above, property vested in the council of an existing county becomes vested in the council of a new county which does not comprise the whole of the area of the existing county, the new county council shall transfer an apportioned part of the property to each of the other new county councils whose areas include parts of the area of the existing county.

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- (3) An apportionment for the purposes of subsection (2) above shall be made by agreement between the new county councils concerned, or, in default of such an agreement, shall be determined by arbitration before a single arbitrator appointed by agreement between those councils or, in default of such an agreement, appointed by the Secretary of State.
- (4) The vesting or transfer of any property by virtue of this section shall not affect the application of the property in accordance with the scheme under section 19 of the <sup>M136</sup>Welsh Church Act 1914 which is applicable to it immediately before 1st April 1974 or the amendment or revocation of any such scheme by a further scheme under that section.

**Marginal Citations**

M135 1914 c. 91.

M136 1914 c. 91.

<sup>F300</sup>212 .....

**Textual Amendments**

**F300** S. 212 repealed by Local Land Charges Act 1975 (c. 76, SIF 98:2), s. 19(1), Sch. 2

**213 Local licence duties.**

- (1) The power to levy the duties on the following licences, namely—
  - (a) ..... <sup>F301</sup>
  - (c) ..... <sup>F302</sup>
  - (d) licences for dealing in game or for killing game,shall, in England and Wales outside Greater London, be vested in the councils of districts.
- (2) In accordance with subsection (1) above, section 6 of the <sup>M137</sup> Finance Act 1908 (licences for dealing in game and killing game) shall be amended as follows:—
  - (a) in subsection (1), for the words from “as from” to the end of the subsection there shall be substituted the words “in England and Wales be vested in the councils of districts” ;
  - (b) in subsection (2), the words from “fix” to “transfer, and may” shall be omitted, for the words “county councils” there shall be substituted the words “district councils”, and the words from “The transfer under this section” to “any such adjustment” shall be omitted and at the end of the subsection there shall be added the words “and as if any reference in those provisions to a county council were a reference to a council having power to levy those duties after 1st April 1974”; and
  - (c) for subsection (5) there shall be substituted the following subsection:—

“(5) In relation to Greater London, references in this section to a district council shall be construed as references to the council of a London borough or the Common Council of the City of London”.

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(3) ..... F303

(4) In accordance with subsection (1) above, in subsection (1) of section 7 of the <sup>M138</sup> Dog Licences Act 1959 for the words “counties and county boroughs” there shall be substituted the words “districts and London boroughs and the Common Council of the City of London” and in subsection (2) of that section for the words “counties and county boroughs” there shall be substituted the words “districts and London boroughs and the City of London”.

#### Textual Amendments

**F301** S. 213(1)(a)(b) repealed by Consumer Credit Act 1974 (c. 39), s. 192(3)(4), Sch. 5

**F302** S. 213(c) repealed by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 41, Sch. 7 Pt. IV

**F303** S. 213(3) repealed by Consumer Credit Act 1974 (c. 39, SIF 60), s. 192(3)(b), Sch. 5

#### Modifications etc. (not altering text)

**C350** The text of s. 213(2)(a)–(c)(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M137** 1908 c. 16.

**M138** 1959 c. 55.

## 214 Cemeteries and crematoria.

- (1) The following authorities, that is to say, the councils of districts, London boroughs, parishes and communities, the Common Council and the parish meetings of parishes having no parish council, whether separate or common, shall be burial authorities for the purposes of, and have the functions given to them by, the following provisions of this section and Schedule 26 to this Act; and—
- (a) the powers conferred by the Burial Acts 1852 to 1906 to provide burial grounds shall cease to be exercisable; and
  - (b) any existing burial board, joint burial board or joint committee with the powers of such a board established under the <sup>M139</sup>Burial Act 1852 or section 53(2) of the <sup>M140</sup>Local Government Act 1894 or by any local statutory provision shall cease to exist.
- (2) Burial authorities may provide and maintain cemeteries whether in or outside their area.
- (3) The Secretary of State may by order make provision with respect to the management, regulation and control of the cemeteries of burial authorities and any such order may—
- (a) impose a fine for any contravention of the order; and
  - (b) contain such provision amending or repealing any enactment (including any enactment in Schedule 26 to this Act) or revoking any instrument made under any enactment as appears to the Secretary of State to be necessary or proper in consequence of the order.
- (4) An order under this section may only be made after consultation with associations appearing to the Secretary of State to be representative of local authorities and with



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other bodies appearing to him to be concerned, and any such order shall be of no effect unless approved by a resolution of each House of Parliament.

- (5) A burial authority within the meaning of this section, other than a parish meeting, shall also be a burial authority for the purposes of the <sup>M141</sup>Cremation Acts 1902 <sup>M142</sup> and 1952.
- (6) A burial authority may contribute towards any expenses incurred by any other person in providing or maintaining a cemetery in which the inhabitants of the authority's area may be buried.
- (7) Schedule 26 to this Act shall have effect with respect to the exercise of functions of burial authorities and the management of cemeteries and crematoria and for making amendments and modifications of the enactments relating to cemeteries and crematoria.
- (8) In this section and that Schedule "cemetery" includes a burial ground or any other place for the interment of the dead (including any part of any such place set aside for the interment of a dead person's ashes).

#### Marginal Citations

**M139** 1852 c. 85.

**M140** 1894 c. 73 (56 & 57 Vict.).

**M141** 1902 c. 8.

**M142** 1952 c. 31.

## 215 Maintenance of a closed churchyard.

- (1) Subject to subsection (2) below, where outside the area subject to the <sup>M143</sup>Welsh Church Act 1914 a churchyard has been closed by an Order in Council, the parochial church council shall maintain it by keeping it in decent order and its walls and fences in good repair.
- (2) A parochial church council which is liable under subsection (1) above to maintain a closed churchyard may—
  - (a) if the churchyard is in a parish or community having a separate parish or community council, serve a written request on that council to take over the maintenance of the churchyard;
  - (b) if the churchyard is in a parish not having a separate parish council, serve such a request on the chairman of the parish meeting;
  - (c) if the churchyard is in a community not having a separate community council, serve such a request on the council of the district in which the community is situated; or
  - (d) if the churchyard is in England elsewhere than the City and the Temples and is not in any parish, serve such a request on the council of the district or London borough in which the churchyard is situated;

and, subject to subsection (3) below, the maintenance of the churchyard shall be taken over by the authority on whom the request is served or the parish meeting, as the case may be, three months after service of the request.

- (3) If, pursuant to subsection (2) above, a request is served on a parish or community council or the chairman of a parish meeting and, if that council or meeting so resolve

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and, before the expiration of the said three months, give written notice of the resolution to the council of the district and to the parochial church council maintaining the churchyard, the council of the district, and not the parish or community council or parish meeting, shall take over the maintenance of the churchyard at the expiration of the said three months.

- (4) Where before the passing of this Act a church council established under the constitution of the Church in Wales, in purported exercise of the powers conferred by section 18 of the <sup>M144</sup>Burial Act 1855 (maintenance of closed churchyard payable out of rates), issued a certificate with respect to a closed churchyard to a local authority, and that authority thereupon took over the maintenance of the churchyard, the authority’s action shall be deemed to have been lawful for all purposes, and the authority for the time being responsible for the maintenance of the churchyard shall have the like duty with respect to its maintenance as a parochial church council elsewhere than the area subject to the <sup>M145</sup>Welsh Church Act 1914.
- (5) In subsection (1) above, “the area subject to the <sup>M146</sup>Welsh Church Act 1914” means the area in which the Church of England was disestablished by that Act.

**Marginal Citations**  
**M143** 1914 c. 91.  
**M144** 1855 c. 128.  
**M145** 1914 c. 91.  
**M146** 1914 c. 91.

**PART X**

JUDICIAL AND RELATED MATTERS

**216 Adaptation of law relating to old counties.**

- (1) For the purposes of commissions of the peace and the law relating to justices of the peace, magistrates’ courts, the *custos rotulorum*, lieutenants, sheriffs and matters connected with any of those matters, new counties shall, without prejudice to section 179(1) above, be substituted for counties of any other description.
- (2) For the purposes of this section and sections <sup>F304</sup> . . . , 218 and 219 below the Isles of Scilly shall be deemed to form part of the county of Cornwall.

**Textual Amendments**  
**F304** Section number repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, [Sch. 3](#)

- 217**  
<sup>F305</sup>(1) . . . . .
- <sup>F306</sup>(4) . . . . .
- <sup>F305</sup>(5) . . . . .
- <sup>F306</sup>(6) . . . . .

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F307(7) .....

**Textual Amendments**

- F305** S. 217(1)–(3)(5) repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, [Sch. 3](#)
- F306** S. 217(4)(6) repealed by [Administration of Justice Act 1973 \(c. 15\)](#), s. 20(5), [Sch. 5 Pt. II](#)
- F307** S. 217(7) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)

F308 218 .....

**Textual Amendments**

- F308** S. 218 repealed by [Reserve Forces Act 1980 \(c. 9, SIF 7:2\)](#), s. 157, [Sch. 10 Pt. II](#)

**219 Sheriffs and under-sheriffs.**

- (1) Sheriffs appointed for a county or Greater London shall be known as high sheriffs, and any reference in any enactment or instrument to a sheriff shall be construed accordingly in relation to sheriffs for a county or Greater London.
- (2) No persons shall be nominated in 1973 in pursuance of section 6(1) of the <sup>M147</sup>Sheriffs Act 1887 as persons fit to serve as high sheriff, but the lord-lieutenant of a new county or Greater London shall, as soon as may be after he has been appointed under section 218(1) above or has been specified in an Order in Council under section 218(4) above, nominate three persons as being fit to serve as high sheriff of that county or Greater London, as the case may be, and they shall be treated as having been nominated under the said section 6(1).
- (3) The rights of Her Majesty in right of the Duchy of Lancaster in relation to the appointment of high sheriffs shall apply throughout the whole of the counties of Greater Manchester, Merseyside and Lancashire; and subsection (2) above shall not apply to those counties or to the county of Cornwall.
- (4) The Lord Chancellor may by order prescribe the area for which each under-sheriff is to act.
- (5) Where the area for which an under-sheriff acts is situated in two or more counties, the duty imposed by section 23 of the <sup>M148</sup>Sheriffs Act 1887 of appointing the under-sheriff for that area shall be discharged by the high sheriff of the county containing the greater part of that area, after consulting any other high sheriff concerned, and if any question arises as to which county contains the greater part of an under-sheriff's area, it shall be determined by the Lord Chancellor.

References in this subsection to a county include references both to Greater London and to the City (including the Temples).

- (6) An under-sheriff shall as respects the area for which he acts be treated as the high sheriff's deputy for the purpose of all the high sheriff's functions, except his functions as returning officer at parliamentary elections.

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- (7) No privileges or duties of a sheriff shall be exercisable under section 34 of the <sup>M149</sup>Sheriffs Act 1887 or otherwise by the bailiff of a franchise.
- (8) In this section “Greater London” does not include the City or the Temples.

**Marginal Citations**  
 M147 1887 c. 55.  
 M148 1887 c. 55.  
 M149 1887 c. 55.

<sup>F309</sup>220 .....

**Textual Amendments**  
 F309 S. 220 repealed by Coroners Act 1988 (c. 13, SIF 33), ss. 33, 36(2), Sch. 4

**221 Abolition of borough civil courts.**

- (1) There are hereby abolished the inferior courts of record specified in Schedule 28 to this Act, being courts having a jurisdiction defined, or originally defined, by reference to a city, borough or similar area which, after 1st April 1974, no longer exists in that form as a unit of local government (whether it ceases to do so by virtue of this Act or has ceased to do so at some time before the passing of this Act).
- (2) Her Majesty may by Order in Council make such transitional and consequential provisions as appear to Her expedient in consequence of the abolition of any court by this section.

**PART XI**

GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

*Legal proceedings*

**222 Power of local authorities to prosecute or defend legal proceedings.**

- (1) Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area—
  - (a) they may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name, and
  - (b) they may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment.
- (2) In this section “local authority” includes the Common Council.

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#### Modifications etc. (not altering text)

- C351** S. 222 amended by S.I. 1990/1765, art. 4(3)
- C352** S. 222 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch.2.  
S. 222: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch. 2.
- C353** S. 222 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch. 2.  
S. 222: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, Sch.2.  
S. 222 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), Sch. 8 para. 3(1)(g) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

## 223 Appearance of local authorities in legal proceedings.

- (1) Any member or officer of a local authority who is authorised by that authority to prosecute or defend on their behalf, or to appear on their behalf in, proceedings before a magistrates' court shall be entitled to prosecute or defend or to appear in any such proceedings, and, notwithstanding anything contained in [<sup>F310</sup>the <sup>M150</sup>Solicitors Act 1974], to conduct any such proceedings although he is not a solicitor holding a current practising certificate.
- (2) In this section “local authority” includes the Common Council [<sup>F311</sup>, a joint authority . . . <sup>F312</sup>] and [<sup>F313</sup>the National Rivers Authority].

#### Textual Amendments

- F310** Words substituted by Solicitors Act 1974 (c. 47), s. 90(2), Sch. 3 para. 9
- F311** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 21
- F312** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I
- F313** Words substituted by virtue of Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 43(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

#### Modifications etc. (not altering text)

- C354** S. 223 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 para. 12(f)
- C355** S. 223 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch.2.  
S. 223: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch.2.
- C356** S. 223 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch.2.  
S. 223: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, Sch.2.  
S. 223 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), Sch. 13 para. 19(f) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C357** S. 223(2) amended by S.I. 1985/1884, art. 10, Sch. 3 para. 1(m)
- C358** S. 223(2) modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 3(m)

#### Marginal Citations

- M150** 1974 c. 47.

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*Documents and notices, etc.*

**224 Arrangements by principal councils for custody of documents.**

[<sup>F314</sup>(1)] Without prejudice to the powers of the custos rotulorum to give directions as to the documents of any county, a principal council shall make proper arrangements with respect to any documents which belong to or are in the custody of the council or any of their officers.

[<sup>F315</sup>(2) This section applies to a joint authority . . . <sup>F316</sup> as it applies to a principal council.]

**Textual Amendments**

**F314** S. 224 renumbered as s. 244(1) as provided by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 22**

**F315** S. 224(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 22**

**F316** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**Modifications etc. (not altering text)**

**C359** S. 224 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**

**C360** S. 224 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.

S. 224: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.

**C361** S. 224 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**

S. 224 : certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.

S. 224 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)

S. 224 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**

S. 224 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

S. 224 extended (19.9.1995) by 1995 c. 25, ss. 63, 125(5), **Sch. 7 para. 17(2)(a)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)

**C362** S. 224(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C363** S. 224(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

**225 Deposit of documents with proper officer of authority, etc.**

(1) In any case in which a document of any description is deposited with the proper officer of a local authority, or with the chairman of a parish or community council or with the chairman of a parish meeting, pursuant to the standing orders of either House of Parliament or to any enactment or instrument, the proper officer or chairman, as the case may be, shall receive and retain the document in the manner and for the purposes directed by the standing orders or enactment or instrument, and shall make such notes or endorsements on, and give such acknowledgments and receipts in respect of, the document as may be so directed.

(2) All documents required by any enactment or instrument to be deposited with the proper officer of a parish or community shall, in the case of a parish or community not having a separate parish or community council, be deposited in England with the chairman of the parish meeting or in Wales with the proper officer of the district council.

[<sup>F317</sup>(3) In this section “local authority” includes a joint authority . . . <sup>F318</sup>.]

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### Textual Amendments

**F317** S. 225(3) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 23**

**F318** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

### Modifications etc. (not altering text)

**C364** S. 225 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 121(g)**

**C365** S. 225 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.

S. 225: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.

**C366** S. 225 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.

S. 225: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch. 2**

S. 225 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)

S. 225 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

S. 225 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**

**C367** S. 225(1) extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(a)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)

**C368** S. 225(3) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C369** S. 225(3) modified by S.I. 1987/2110, **art. 2** (2), Sch. 1 para. 3(n)

## 226 Custody of parish and community documents.

- (1) All specified papers of a parish or community shall—
- in the case of a parish which is co-extensive with an existing rural parish, remain in the same custody as before 1st April 1974; and
  - in the case of any other parish or any community, be in the custody of the body to which the documents of that area, other than documents of a specified class, are transferred on that date;
- but the parish or community council or, in the case of a parish or community not having a separate parish or community council, the parish meeting in England or the district council in Wales may direct that any such papers shall be deposited in such custody as may be specified in the direction.
- (2) Nothing in this Act shall affect the custody of registers of baptisms, marriages and burials and of all other documents containing entries wholly or partly relating to the affairs of the church, as defined by the <sup>M151</sup>Local Government Act 1894, or to ecclesiastical charities, as so defined, except documents directed by law to be kept with the papers of a parish or community.
- (3) Any person having the custody of any documents mentioned in subsection (2) above shall have reasonable access to the papers mentioned in subsection (1) above and—
- in a parish or community having a separate parish or community council, that council;
  - in any other parish, the parish meeting;
  - in any other community, the district council; and
  - in any area in England not falling within paragraph (a) or (b) above, the district council, London borough council or Common Council, as the case may be;
- shall have reasonable access to the documents mentioned in subsection (2) above.

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- (4) Any difference about the custody of or access to any documents mentioned in subsection (1) or (2) above shall, if the area is in a [<sup>F319</sup>metropolitan district,] London borough or the City, be determined by the Secretary of State and in any other case by the county council.
- (5) [<sup>F320</sup>The council of every county or metropolitan district] shall from time to time enquire into the manner in which specified papers under the control of a parish or community council or parish meeting [<sup>F321</sup>in their area] are kept with a view to their proper preservation, and shall make such orders as they think necessary for their preservation, and those orders shall be complied with by the parish or community council or parish meeting.

#### Textual Amendments

**F319** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, Sch. 8 para. 22(2)(a)

**F320** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, Sch. 8 para. 22(2)(b)

**F321** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1) s. 16, Sch. 8 para. 22(2)(b)

#### Modifications etc. (not altering text)

**C370** S. 126 modified (07.08.1991) by S.I.1991/1773, art. 8(2), Sch.2.

S. 126: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, Sch.2

#### Marginal Citations

**M151** 1894 c. 73 (56 & 57 Vict.).

### 227 Provision of depositories for parish and community documents.

- (1) In the case of a parish or community having a separate parish or community council that council or, if they so request, the council of the district in which the parish or community is situated, shall provide proper depositories for all the specified papers belonging to the parish or community for which no provision is otherwise made.
- (2) In the case of a parish or community not having a separate parish or community council, the council of the district in which the parish or community is situated shall provide proper depositories for all the specified papers under the control of the parish meeting or belonging to the community but in England only with the consent of the parish meeting of the parish.

#### Modifications etc. (not altering text)

**C371** S. 227 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2

S. 227: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, Sch. 2

### 228 Inspection of documents.

- (1) The minutes of proceedings of a [<sup>F322</sup>parish or community council] shall be open to the inspection of any local government elector for the area of the [<sup>F322</sup>the council] and any such local government elector may make a copy of or extract from the minutes.
- (2) A local government elector for the area of a local authority may inspect and make a copy of or extract from an order for the payment of money made by the local authority.



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- (3) The accounts of a local authority and of any proper officer of a local authority shall be open to the inspection of any member of the authority, and any such member may make a copy of or extract from the accounts.
- <sup>F323</sup>(4) . . . . .
- (5) Subject to any provisions to the contrary in any other enactment or instrument, a person interested in any document deposited as mentioned in section 225 above may, at all reasonable hours, inspect and make copies thereof or extracts therefrom on payment to the person having custody thereof of the sum of 10p for every such inspection, and of the further sum of 10p for every hour during which such inspection continues after the first hour.
- (6) A document directed by this section to be open to inspection shall be so open at all reasonable hours and, except where otherwise expressly provided, without payment.
- (7) If a person having the custody of any such document—
- (a) obstructs any person entitled to inspect the document or to make a copy thereof or extract therefrom in inspecting the document or making a copy or extract,
  - (b) refuses to give copies or extracts to any person entitled to obtain copies or extracts,
- he shall be liable on summary conviction to a fine not exceeding [<sup>F324</sup>level 1 on the standard scale].
- [<sup>F325</sup>(7A) This section shall apply to the minutes of proceedings and the accounts of a joint authority <sup>F326</sup>. . . as if that authority were a local authority and as if, <sup>F326</sup>. . . , references to a local government elector for the area of the authority were a reference to a local government elector for any local government area in the area for which the authority is established.]
- (8) This section shall apply to the minutes of proceedings and to the accounts of a parish meeting as if that meeting were a [<sup>F327</sup>parish council].
- [<sup>F328</sup>(9) In relation to the Broads Authority, the references in this section to a local government elector for the area of the authority shall be construed as references to a local government elector for the area of any of the local authorities mentioned in section 1(3) (a) of the Norfolk and Suffolk Broads Act 1988.]

**Textual Amendments**

- F322** Words substituted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 6(2)(a)**
- F323** S. 228(4) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**
- F324** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46**
- F325** S. 228(7A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 24**
- F326** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F327** Words substituted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 6(2)(b)**
- F328** S. 228(9) added by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(8)**

**Modifications etc. (not altering text)**

- C372** S. 228 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2

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- S. 228: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch.2**  
**C373** S. 228(2)(3) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 5(c)**  
**C374** S. 228(7A) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**  
**C375** S. 228(7A) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

## 229 Photographic copies of documents.

- (1) Subject to subsections (3) and (7) below, any requirement imposed by any enactment that a local authority or parish meeting shall keep a document of any description shall be satisfied by their keeping a photographic copy of the document.
- (2) Subject to subsection (7) below, any requirement imposed by any enactment that a document of any description in the custody or under the control of a local authority or parish meeting shall be made available for inspection shall be satisfied by their making available for inspection a photographic copy of the document.
- (3) Subsection (1) above shall not apply to any document deposited with a local authority under the <sup>M152</sup>Public Records Act 1958.
- (4) In legal proceedings a photographic copy of a document in the custody of a local authority or parish meeting, or of a document which has been destroyed while in the custody of a local authority or parish meeting, or of any part of any such document, shall, subject to subsection (6) below, be admissible in evidence to the like extent as the original.
- (5) A certificate purporting to be signed by the proper officer of the local authority, or the chairman of the parish meeting, concerned that a document is such a photographic copy as is mentioned in subsection (4) above, shall, subject to subsection (7) below, be evidence to that effect.
- (6) The court before which a photographic copy is tendered in evidence in pursuance of subsection (4) above may, if the original is in existence, require its production and thereupon that subsection shall not apply to the copy.
- (7) A photographic copy of a document in colour where the colours are relevant to the interpretation of the document shall not suffice for the purposes of this section unless it so distinguishes between the colours as to enable the document to be interpreted.
- (8) In this section “court” and “legal proceedings” have the same meanings as in the <sup>M153</sup>Civil Evidence Act 1968 [<sup>F329</sup> and “local authority” includes a joint authority . . . <sup>F330</sup>]

### Textual Amendments

- F329** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 25**  
**F330** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

### Modifications etc. (not altering text)

- C376** S. 229 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), **Sch. 13 para. 12(g)**  
**C377** S. 229 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch.2.  
S. 229: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch.2**.  
S. 229 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

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**C378** S. 229(8) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C379** S. 229(8) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

#### Marginal Citations

**M152** 1958 c. 51.

**M153** 1968 c. 64.

### 230 Reports and returns.

[<sup>F331</sup>(1)] Every local authority, every joint board and every joint committee of local authorities shall send the Secretary of State such reports and returns, and give him such information with respect to their functions, as he may require or as may be required by either House of Parliament.

[<sup>F332</sup>(2) In this section “local authority” includes a joint authority <sup>F333</sup>. . . ]

#### Textual Amendments

**F331** S. 230 renumbered as S. 230(1) as provided by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 26**

**F332** S. 230(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 26**

**F333** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

#### Modifications etc. (not altering text)

**C380** S. 230 modified by Housing and Building Control Act 1984 (c. 29, SIF 61), s. 50

**C381** S. 230 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**  
S. 230 amended (28.4.1994) by S.I. 1994/2825, **reg. 18**

**C382** S. 230 modified (07.08.1991) by S.I. 1991/1773 art.8(2), Sch. 2

S. 230: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**

S. 230 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

S. 230 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**

S. 230 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(c)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

S. 230 extended (8.5.2000) by 1999 c. 29, s. 75 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**

**C383** S. 230 applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 21(2)(d)**

S. 230 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 21(2)(d)**

**C384** S. 230(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C385** S. 230(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

### 231 Service of notices on local authorities, etc.

(1) Subject to subsection (3) below, any notice, order or other document required or authorised by any enactment or any instrument made under an enactment to be given to or served on a local authority or the chairman or an officer of a local authority shall be given or served by addressing it to the local authority and leaving it at, or sending it by post to, the principal office of the authority or any other office of the authority

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specified by them as one at which they will accept documents of the same description as that document.

- (2) Any notice, order or other document so required or authorised to be given to or served on a parish meeting, or the chairman of the parish meeting, shall be given or served by addressing it to the chairman of the parish meeting and by delivering it to him, or by leaving it at his last known address, or by sending it by post to him at that address.
- (3) The foregoing provisions of this section do not apply to a document which is to be given or served in any proceedings in court, but except as aforesaid the methods of giving or serving documents provided for by those provisions are in substitution for the methods provided for by any other enactment or any instrument made under an enactment so far as it relates to the giving or service of documents to or on a local authority, the chairman or an officer of a local authority or a parish meeting or the chairman of a parish meeting.

[<sup>F334</sup>(4) In this section “local authority” includes a joint authority . . . <sup>F335</sup>.]

#### Textual Amendments

**F334** S. 231(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 27**

**F335** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

#### Modifications etc. (not altering text)

**C386** S. 231 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**

**C387** S. 231 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch.2

S. 231: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**

S. 231 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

**C388** S. 231(1) extended by Local Land Charges Act 1975 (c. 76, SIF 98:2), s. 9(2) and by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 106, **Sch. 21 para. 10**

**C389** S. 231(4) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C390** S. 231(4) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

## 232 Public notices.

- (1) Save as otherwise expressly provided, a public notice required to be given by a local authority shall be given—
- (a) by posting the notice in some conspicuous place or places within the area of the local authority; and
  - (b) in such other manner, if any, as appears to the local authority to be desirable for giving publicity to the notice.

[<sup>F336</sup>(1A) In subsection (1) above “local authority” includes a joint authority . . . <sup>F337</sup>.]

- (2) This section shall apply to a public notice required to be given by the chairman of a parish meeting as it applies to public notices required to be given by a parish council.

#### Textual Amendments

**F336** S. 232(1A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 28**

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**F337** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**

**Modifications etc. (not altering text)**

**C391** S. 232 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**

**C392** S. 232 modified (07.08.1991) by S.I.1991/1773 art.8(2),2

S. 232: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch.2**

S. 232 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

**C393** S. 232(1A) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C394** S. 232(1A) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

**233 Service of notices by local authorities.**

(1) Subject to subsection (8) below, subsections (2) to (5) below shall have effect in relation to any notice, order or other document required or authorised by or under any enactment to be given to or served on any person by or on behalf of a local authority or by an officer of a local authority.

(2) Any such document may be given to or served on the person in question either by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.

(3) Any such document may—

(a) in the case of a body corporate, be given to or served on the secretary or clerk of that body;

(b) in the case of a partnership, be given to or served on a partner or a person having the control or management of the partnership business.

(4) For the purposes of this section and of section 26 of the <sup>M154</sup>Interpretation Act 1889 (service of documents by post) in its application to this section, the proper address of any person to or on whom a document is to be given or served shall be his last known address, except that—

(a) in the case of a body corporate or their secretary or clerk, it shall be the address of the registered or principal office of that body;

(b) in the case of a partnership or a person having the control or management of the partnership business, it shall be that of the principal office of the partnership;

and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be their principal office within the United Kingdom.

(5) If the person to be given or served with any document mentioned in subsection (1) above has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) above as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section and section 26 of the <sup>M155</sup>Interpretation Act 1889 as his proper address.

(6) . . . . . <sup>F338</sup>

(7) If the name or address of any owner, lessee or occupier of land to or on whom any document mentioned in subsection (1) above is to be given or served cannot after

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reasonable inquiry be ascertained, the document may be given or served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.

- (8) This section shall apply to a document required or authorised by or under any enactment to be given to or served on any person by or on behalf of the chairman of a parish meeting as it applies to a document so required or authorised to be given to or served on any person by or on behalf of a local authority.
- (9) The foregoing provisions of this section do not apply to a document which is to be given or served in any proceedings in court.
- (10) Except as aforesaid and subject to any provision of any enactment or instrument excluding the foregoing provisions of this section, the methods of giving or serving documents which are available under those provisions are in addition to the methods which are available under any other enactment or any instrument made under any enactment.

[<sup>F339</sup>(11) In this section “local authority” includes a joint authority . . . <sup>F340</sup>.]

#### Textual Amendments

- F338** S. 233(6) repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **Sch. 2**
- F339** S. 233(11) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 29**
- F340** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

#### Modifications etc. (not altering text)

- C395** S. 233 extended by Housing Act 1974 (c. 44), s. 126(6); saved (prosp.) by Reservoirs Act 1975 (c. 23), ss. 15(4), 29(1)
- C396** S. 233 applied by S.I. 1978/932, art. 16 and by S.I. 1990/582, reg. 47(2)
- C397** S. 233 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**
- C398** S. 233 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch.2  
S. 233: certain functions transferred (07.08.1991) by S.I.1991/1773, art.8, **Sch.2**  
S. 233 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C399** S. 233(11) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**
- C400** S. 233(11) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

#### Marginal Citations

- M154** 1889 c. 63.  
**M155** 1889 c. 63.

## 234 Authentication of documents.

- (1) Any notice, order or other document which a local authority are authorised or required by or under any enactment (including any enactment in this Act) to give, make or issue may be signed on behalf of the authority by the proper officer of the authority.
- (2) Any document purporting to bear the signature of the proper officer of the authority shall be deemed, until the contrary is proved, to have been duly given, made or issued by the authority of the local authority.

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In this subsection the word “signature” includes a facsimile of a signature by whatever process reproduced.

- (3) Where any enactment or instrument made under an enactment makes, in relation to any document or class of documents, provision with respect to the matters dealt with by one of the two foregoing subsections, that subsection shall not apply in relation to that document or class of documents.

[<sup>F341</sup>(4) In this section “local authority” includes a joint authority . . . <sup>F342</sup>.]

#### Textual Amendments

**F341** S. 234(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 30**

**F342** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

#### Modifications etc. (not altering text)

**C401** S. 234 amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 5(d)**

**C402** S. 234 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch.2

S. 234: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**

**C403** S. 234(4) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C404** S. 234(4) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

### Byelaws

#### 235 Power of councils to make byelaws for good rule and government and suppression of nuisances.

- (1) The council of a district and the council of a London borough may make byelaws for the good rule and government of the whole or any part of the district or borough, as the case may be, and for the prevention and suppression of nuisances therein.
- (2) The confirming authority in relation to byelaws made under this section shall be the Secretary of State.
- (3) Byelaws shall not be made under this section for any purpose as respects any area if provision for that purpose as respects that area is made by, or is or may be made under, any other enactment.

#### Modifications etc. (not altering text)

**C405** S. 235 amended by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 43 (which s. 43 is repealed (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162(1)(2), 164(3), Sch. 15 para. 21, **Sch. 16 Pt. IX**)

#### 236 Procedure etc., for byelaws.

- (1) Subject to subsection (2) below, the following provisions of this section shall apply to byelaws to be made by a local authority under this Act [<sup>F343</sup>and to byelaws made by a local authority, [<sup>F344</sup>or a metropolitan county passenger transport authority] under

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any other enactment and conferring on the authority] a power to make byelaws and for which specific provision is not otherwise made.

- (2) This section shall not apply to byelaws made . . . <sup>F345</sup> by the Civil Aviation Authority under [<sup>F346</sup>section 29 of the Civil Aviation Act 1982].
- (3) The byelaws shall be made under the common seal of the authority, or, in the case of byelaws made by a parish or community council not having a seal, under the hands and seals of two members of the council, and shall not have effect until they are confirmed by the confirming authority.
- (4) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the area to which the byelaws are to apply.
- (5) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment.
- (6) The authority by whom the byelaws are made shall, on application, furnish to any person a copy of the byelaws, or of any part thereof, on payment of such sum, not exceeding 10p for every hundred words contained in the copy, as the authority may determine.
- (7) The confirming authority may confirm, or refuse to confirm, any byelaw submitted under this section for confirmation, and may fix the date on which the byelaw is to come into operation and if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.
- (8) A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum, not exceeding 20p for every copy, as the authority may determine.
- (9) The proper officer of a district council shall send a copy of every byelaw made by the council, and confirmed, to the proper officer of the council, whether separate or common, of every parish or community to which they apply or, in the case of a parish not having a council, to the chairman of the parish meeting, and the proper officer of the parish or community council or chairman of the parish meeting, as the case may be, shall cause a copy to be deposited with the public documents of the parish or community.  
  
A copy so deposited shall at all reasonable hours be open to public inspection without payment.
- (10) The proper officer of a county council shall send a copy of every byelaw made by the council, and confirmed, to the council of every district in the county, and the proper officer of the council of a district shall send a copy of every byelaw made by the council, and confirmed, to the council of the county.
- (11) In this section the expression “the confirming authority” means the authority or person, if any, specified in the enactment (including any enactment in this Act) under which the byelaws are made, or in any enactment incorporated therein or applied thereby, as the authority or person by whom the byelaws are to be confirmed, or if no authority or person is so specified means the Secretary of State.



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### Textual Amendments

- F343** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 31(1)**
- F344** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 Pt. II para. 45**
- F345** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), **Sch. 27 Pt. I**
- F346** Words substituted by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), **Sch. 15 para. 11**

### Modifications etc. (not altering text)

- C406** S. 236 applied by [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), s. 98(2)
- C407** S. 236 modified by [S.I. 1986/143](#), **regs. 2(1), 3(1)**
- C408** S. 236(3)–(8) modified (07.08.1991) by [S.I. 1991/1773](#), art. 8(2), **Sch.2**  
S. 236(3)–(8): certain functions transferred (07.08.1991) by [S.I. 1991/1773](#), art. 8, **Sch.2**
- C409** S. 236 (3)–(8) applied with modifications by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#); ss.6(5), 10, 23(2), 27(2), [Sch. 5 para. 7\(1\)](#)
- C410** s. 236(8) extended with modifications by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:8\)](#), s. 65(7)
- C411** s. 236(9) excluded by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), s. 32(4) and by [Airports Act 1986 \(c. 31, SIF 9\)](#), **Pt. VI**, s. 63 (8)
- C412** S. 236(11) applied with modifications by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss 6(5), 10, 23(2) , 27(2), **Sch. 5 para. 7(1)**

VALID FROM 27/01/2010

### <sup>F347</sup> **236A Alternative procedure for certain byelaws**

- (1) The Secretary of State may, in relation to England, by regulations—
  - (a) prescribe classes of byelaws to which section 236 does not apply, and
  - (b) make provision about the procedure for the making and coming into force of such byelaws.
- (2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—
  - (a) the enactment under which byelaws are made,
  - (b) the subject-matter of byelaws,
  - (c) the authority by whom byelaws are made,
  - (d) the authority or person by whom byelaws are confirmed.
- (3) The regulations may, in particular, include provision about—
  - (a) consultation to be undertaken before a byelaw is made,
  - (b) publicising a byelaw after it is made.
- (4) The regulations may make—
  - (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers appropriate, and
  - (b) different provision for different areas, including different provision for different localities and for different authorities.

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- (5) Regulations may not be made under subsection (1) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]

#### Textual Amendments

**F347** S. 236A inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 129(3), 245(5)**; S.I. 2010/112, **art. 2(a)**

#### Modifications etc. (not altering text)

**C413** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), **regs. 1(2), 31(2)** (with **reg. 125**)

### [<sup>F348</sup> **236B** Revocation of byelaws

- (1) This section applies to—
  - (a) a local authority;
  - (b) the Greater London Authority;
  - (c) Transport for London;
  - (d) a metropolitan county passenger transport authority.
- (2) Such an authority may make a byelaw under this section to revoke a byelaw made by the authority.
- (3) The power under subsection (2) may be exercised only where the authority has no other power to revoke the byelaw.
- (4) The confirming authority in relation to a byelaw made under this section shall be—
  - (a) in relation to a byelaw made by a local authority in Wales, the Welsh Ministers;
  - (b) in relation to any other byelaw, the Secretary of State.
- (5) The Secretary of State may, in relation to England, by order revoke any byelaw which appears to him to have become spent, obsolete or unnecessary.
- (6) The Welsh Ministers may, in relation to Wales, by order revoke any byelaw which appears to them to have become spent, obsolete or unnecessary.
- (7) An order under this section may make—
  - (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the person making the order considers appropriate, and
  - (b) different provision for different areas, including different provision for different localities and for different authorities.
- (8) A statutory instrument containing an order under this section which amends or repeals any provision of an Act may not be made by the Secretary of State unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (9) Otherwise, a statutory instrument containing an order made by the Secretary of State under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (10) A statutory instrument containing an order under this section which amends or repeals any provision of an Act may not be made by the Welsh Ministers unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) Otherwise, a statutory instrument containing an order made by the Welsh Ministers under this section shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

#### Textual Amendments

**F348** S. 236B inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 134, 245(5); S.I. 2010/112, art. 2(f)

### 237 Offences against byelaws.

Byelaws to which section 236 above applies may provide that persons contravening the byelaws shall be liable on summary conviction to a fine not exceeding such sum as may be fixed by the enactment conferring the power to make the byelaws, or, if no sum is so fixed, the sum of £20, and in the case of a continuing offence a further fine not exceeding such sum as may be fixed as aforesaid, or, if no sum is so fixed, the sum of £5 for each day during which the offence continues after conviction thereof.

#### Modifications etc. (not altering text)

- C414** S. 237 excluded by Civil Aviation Act 1982 (c. 16, SIF 9), s. 32(4) and by Airports Act 1986 (c. 31, SIF 9), Pt. VI, s. 63(8)
- C415** S. 237 amended by Criminal Law Act 1977 (c. 45, SIF 39:1), s. 31 and Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 40, 46
- C416** S. 237 modified by S.I. 1986/143, regs. 2(1), 3(1)
- C417** S.237:ss.236-238 applied (12.3.1991) by S.I.1991/993, art.3(3)  
Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, art. 3(4) (with arts. 22, 23).
- C418** S. 237 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2.  
S. 237: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, Sch.2.
- C419** S. 237 modified (10.01.1992) by S.I.1991/2913, art.8(2), Sch.2.  
S. 237: certain functions transferred (10.01.1992) by S.I.1991/2913, art.8, Sch.2.  
S. 237 applied (30.10.1994) by S.I. 1994/2716, reg. 94(1)  
S. 237 applied (with modifications) (1.11.1994) by S.I. 1994/2733, art. 3(4)  
S. 237 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), Sch. 7 para. 17(2)(e) (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
S. 237 applied (with modifications) (19.8.1996) by S.I. 1996/2103, art. 3(9)  
S. 237 applied (with modifications) (1.8.2000) by S.I. 2000/2103, art. 3(4)  
S. 237 applied (with modifications) (4.9.2000) by S.I. 2000/2251, art. 3(4)  
S. 237 applied (30.1.2001) by 2000 c. 37, ss. 17(5), 103(2) (with s. 43)
- C420** S. 237 applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), art. 21(2)(f)  
S. 237 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), art. 21(2)(f)
- C421** Ss. 236-238 applied (prosp.) by Commons Act 1899 (c. 30), s. 10 (as substituted (prosp.) by Commons Act 2006 (c. 26), ss. 50(7), 56 (with s. 60))

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VALID FROM 27/01/2010

<sup>F349</sup>**237 Fixed penalty notices**

- (1) The Secretary of State may, in relation to England, by regulations prescribe classes of byelaws to which this section applies.
- (2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—
  - (a) the enactment under which byelaws are made,
  - (b) the subject-matter of byelaws,
  - (c) the authority by whom byelaws are made,
  - (d) the authority or person by whom byelaws are confirmed.
- (3) Where—
  - (a) an authorised officer of an authority which has made a byelaw to which this section applies has reason to believe that a person has committed an offence against the byelaw, or
  - (b) an authorised officer of a parish council has reason to believe that a person has in its area committed an offence against a byelaw to which this section applies made by an authority other than the parish council,
 the officer may give that person a notice offering him the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.
- (4) A fixed penalty notice under this section is payable to the authority whose officer gave the notice.
- (5) Where a person is given a notice under this section in respect of an offence—
  - (a) no proceedings may be instituted for the offence before the end of the period of fourteen days following the date of the notice, and
  - (b) he may not be convicted of the offence if he pays the fixed penalty before the end of that period.
- (6) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence.
- (7) A notice under this section must also state—
  - (a) the period during which, by virtue of subsection (5), proceedings will not be taken for the offence,
  - (b) the amount of the fixed penalty, and
  - (c) the person to whom and the address at which the fixed penalty may be paid.
- (8) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (7)(c) at the address so mentioned.
- (9) Where a letter is sent in accordance with subsection (8) payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

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- (10) The form of a notice under this section may be specified in regulations under subsection (1).
- (11) In any proceedings a certificate which—
- (a) purports to be signed on behalf of the chief finance officer of an authority, and
  - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
- is evidence of the facts stated.
- (12) In this section—
- “authorised officer”, in relation to an authority, means—
    - (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under this section,
    - (b) any person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform the function, and
    - (c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices,
  - “chief finance officer”, in relation to an authority, means the person having responsibility for the financial affairs of the authority.
- (13) Regulations under subsection (1) may prescribe conditions to be satisfied by a person before a parish council may authorise him in writing for the purpose of giving notices under this section.

#### Textual Amendments

**F349** Ss. 237A-237C inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 130(1), 245(5); S.I. 2010/112, art. 2(b)

#### Modifications etc. (not altering text)

**C422** Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), 31(2) (with reg. 125)

VALID FROM 27/01/2010

#### 237B Amount of fixed penalty

- (1) The amount of a fixed penalty payable in pursuance of a notice under section 237A is—
- (a) the amount specified by the authority which made the byelaw, or
  - (b) if no amount is so specified, £75.
- (2) An authority may specify different amounts in relation to different byelaws.
- (3) The Secretary of State may by regulations make provision in connection with the powers under subsections (1)(a) and (2).
- (4) Regulations under subsection (3) may, in particular—

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- (a) require an amount specified under subsection (1)(a) to fall within a range prescribed in the regulations,
  - (b) restrict the extent to which, and the circumstances in which, an authority can make provision under subsection (2).
- (5) The Secretary of State may by order substitute a different amount for the amount for the time being specified in subsection (1)(b).

#### Textual Amendments

**F349** Ss. 237A-237C inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 130(1)**, 245(5); S.I. 2010/112, **art. 2(b)**

#### Modifications etc. (not altering text)

**C423** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)

VALID FROM 27/01/2010

### 237C Power to require name and address in connection with fixed penalty

- (1) If an authorised officer proposes to give a person a notice under section 237A, the officer may require the person to give him his name and address.
- (2) A person commits an offence if—
  - (a) he fails to give his name and address when required to do so under subsection (1), or
  - (b) he gives a false or inaccurate name or address in response to a requirement under that subsection.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In this section, “authorised officer” has the same meaning as in section 237A.]

#### Textual Amendments

**F349** Ss. 237A-237C inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 130(1)**, 245(5); S.I. 2010/112, **art. 2(b)**

#### Modifications etc. (not altering text)

**C424** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)

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VALID FROM 27/01/2010

**[<sup>F350</sup>237D] Use of fixed penalty receipts**

- (1) “Fixed penalty receipts” means amounts paid to an authority in pursuance of notices under section 237A.
- (2) The authority shall have regard to the desirability of using its fixed penalty receipts for the purpose of combating any relevant nuisance.
- (3) A “relevant nuisance” is a nuisance in the authority's area for the prevention of which any byelaw to which section 237A applies was made.]

**Textual Amendments**

**F350** S. 237D inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 131, 245(5)**; S.I. 2010/112, **art. 2(c)**

**Modifications etc. (not altering text)**

**C425** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)

VALID FROM 27/01/2010

**[<sup>F351</sup>237E] Guidance relating to sections 236A and 237A to 237D**

An authority which makes byelaws of a class prescribed by regulations under section 236A or 237A must have regard to any guidance issued by the Secretary of State about—

- (a) procedure for which provision is made by regulations under section 236A(1);
- (b) fixed penalties;
- (c) anything related to the matters mentioned in paragraph (a) or (b).]

**Textual Amendments**

**F351** S. 237E inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 132, 245(5)**; S.I. 2010/112, **art. 2(d)**

**Modifications etc. (not altering text)**

**C426** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)

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VALID FROM 27/01/2010

**[<sup>F352</sup>237F Further provision about regulations and orders under section 237A or 237B**

- (1) Regulations under section 237A or 237B, and an order under section 237B, may make—
- (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers appropriate, and
  - (b) different provision for different areas, including different provision for different localities and for different authorities.
- (2) A statutory instrument containing—
- (a) regulations under section 237A or 237B which amend or repeal any provision of an Act, or
  - (b) an order under section 237B which amends or repeals any provision of an Act,
- may not be made unless a draft of the instrument containing the regulations or order has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Otherwise, a statutory instrument containing regulations under section 237A or 237B, or an order under section 237B, shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F352** S. 237F inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), ss. 130(2), 245(5); S.I. 2010/112, art. 2(b)

**Modifications etc. (not altering text)**

**C427** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), regs. 1(2), 31(2) (with reg. 125)

**238 Evidence of byelaws.**

The production of a printed copy of a byelaw purporting to be made by a local authority [<sup>F353</sup>, [<sup>F354</sup>or a metropolitan county passenger transport authority]] upon which is endorsed a certificate purporting to be signed by the proper officer of the authority stating—

- (a) that the byelaw was made by the authority;
- (b) that the copy is a true copy of the byelaw;
- (c) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may require, was sent to the Secretary of State and has not been disallowed;
- (d) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw;

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.



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### Textual Amendments

- F353** Comma and words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 31(2)** (the inserted words being subsequently substituted as mentioned in note below)
- F354** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 Pt. II para. 46**

### Modifications etc. (not altering text)

- C428** S. 238 extended with modifications by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\)](#), s. **65(7)**
- C429** S. 238 modified by [S.I. 1986/143](#), **regs. 2(1)**, 3(1)
- C430** S. 238 applied with modifications by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 6(5), 10, 23(2), 27(2), **Sch. 5 para. 7(1)**
- S. 238 applied (with modifications) (17.3.1993) by [S.I. 1993/1313](#), **art. 30(1)(a)** (with art. 39).
- S. 238 applied (with modifications) (5.11.1993) by [1993 c. 42](#), s. **16(8)** (with s. 30(1), Sch. 2 para. 9).
- S. 238 applied (with modifications) (3.12.1993) by [S.I. 1993/2974](#), **art. 5(2)** (with arts. 7, 9).
- S. 238 modified (28.5.1994) by [S.I. 1994/1440](#), **art. 11(1)**
- S. 238 applied (1.7.1994) by [S.I. 1994/1647](#), **art. 6(4)**
- S. 238 applied (21.7.1994) by [1994 c. xiii](#), s. **10(1)**
- S. 238 applied (30.8.1994) by [S.I. 1994/2298](#), **art. 30**
- S. 238 applied (30.10.1994) by [S.I. 1994/2716](#), **reg. 94(1)**
- S. 238 applied (with modifications) (1.11.1994) by [S.I. 1994/2733](#), **art. 3(4)**
- S. 238 applied (with modifications) (23.12.1994) by [S.I. 1994/3162](#), **art. 16(4)**
- S. 238 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), **Sch. 7 para. 17(2)(e)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- S. 238 applied (8.7.1996) by [S.I. 1996/1627](#), **art. 23(4)**
- S. 238 applied (with modifications) (19.8.1996) by [S.I. 1996/2103](#), **art. 3(9)**
- S. 238 applied (20.5.1998) by [S.I. 1998/1209](#), **art. 12(1)**
- C431** S.238:ss.236-238 applied (12.3.1991), by [S.I.1991/993](#), **art. 3(3)**
- Ss. 236-238 applied (with modifications) (5.11.1993) by [S.I. 1993/2733](#), **art. 3(4)** (with arts. 22, 23)
- C432** S. 238 modified (07.08.1991) by [S.I.1991/1773](#) art.8(2), Sch. 2.
- S. 238: certain functions transferred (07.08.1991) by [S.I.1991/1773](#), art. 8, **Sch. 2**.
- C433** S. 238 modified (10.01.1992) by [S.I.1991/2913](#), art.8(2), **Sch.2**.
- S. 238: certain functions transferred (10.01.1992) by [S.I.1991/2913](#), art.8, **Sch.2**.
- S. 238 amended (1.7.1999) by [S.I. 1999/672](#), art. 2, **Sch. 1**
- S. 238 applied (18.7.2000) by [S.I. 2000/1884](#), **art. 28(1)**
- S. 238 applied (with modifications) (1.8.2000) by [S.I. 2000/2103](#), **art. 3(4)**
- S. 238 applied (25.8.2000) by [S.I. 2000/2152](#), **art. 27(4)**
- S. 238 applied (with modifications) (4.9.2000) by [S.I. 2000/2251](#), **art. 3(4)**
- S. 238 applied (30.1.2001) by [2000 c. 37](#), ss. **17(5)**, 103(2) (with s. 43)

### Miscellaneous provisions

#### 239 Power to promote or oppose local or personal Bills.

- (1) Subject to the provisions of this Act, where a local authority, other than a parish or community council, are satisfied that it is expedient to promote, or any local authority are satisfied that it is expedient to oppose, any local or personal Bill in Parliament, the local authority may, but only in accordance with the procedure hereinafter provided by this section, promote or oppose the Bill accordingly, and may defray the expenses incurred in relation thereto.

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- (2) A resolution of a local authority to promote or oppose a Bill under subsection (1) above shall be—
- (a) passed by a majority of the whole number of the members of the authority at a meeting of the authority held after the requisite notice of the meeting and of its purpose has been given by advertisement in one or more local newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority; and
  - (b) in the case of the promotion of a Bill, confirmed by a like majority at a further such meeting convened in accordance with paragraph (a) above and held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament and, if the resolution is not confirmed, the local authority shall take all necessary steps to withdraw the Bill.
- (3) For the purposes of subsection (2) above the requisite notice is thirty clear days' notice in the case of promotion of a Bill and ten clear days' notice in the case of opposition to a Bill.
- (4) The power conferred on a local authority by subsection (1) above shall be in substitution for any power conferred on that authority by a local Act.
- [<sup>F355</sup>(4A) The powers conferred on a local authority by sub-section (1) above shall also be exercisable by a joint authority, <sup>F356</sup> . . . ]
- (5) No payment shall be made by a [<sup>F357</sup>an authority] to a member of the authority for acting as counsel or agent in promoting or opposing a Bill under this section.

#### Textual Amendments

**F355** S. 239(4A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 32(1)**

**F356** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**F357** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 32(2)**

#### Modifications etc. (not altering text)

**C434** S. 239 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(h)**

S. 239 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(h)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

S. 239 extended (with modifications)(19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 7(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

S. 239: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

**C435** S. 239 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 32**

S. 239 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 32**

**C436** S. 239(4A) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(o)**

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## **240 Provisional orders and orders subject to special parliamentary procedure.**

- (1) Where the Secretary of State is authorised to make a provisional order under this Act or any enactment passed on or after 1st June 1934 (being the date of commencement of the 1933 Act), the following provisions shall have effect—
  - (a) before a provisional order is made, notice of the purport of the application for the order shall be given by the applicants by advertisement in the London Gazette and in one or more local newspapers circulating in the area to which the order will relate;
  - (b) the Secretary of State shall consider any objections to the application which may be made by any persons affected thereby and shall, unless he considers that for special reasons an inquiry is unnecessary, cause a local inquiry to be held, of which notice shall be given in such manner as the Secretary of State may direct and at which all persons interested shall be permitted to attend and make objections;
  - (c) the Secretary of State may submit the provisional order to Parliament for confirmation, and the order shall have no effect until it is confirmed by Parliament;
  - (d) if while the Bill for the confirmation of the order is pending in either House of Parliament a petition is presented against the order, the petitioner shall be allowed to appear before the Select Committee to which the Bill is referred, and oppose the order, as in the case of a private Bill.
- (2) The reasonable costs incurred by a local authority in promoting or opposing a provisional order, and of the preliminary inquiry, or in supporting or opposing a Bill to confirm a provisional order, as sanctioned by the Secretary of State, shall be deemed to be expenses properly incurred by the local authority interested or affected by the order and shall be paid accordingly, and a local authority may borrow for the purpose of defraying any such costs.
- (3) Where the Secretary of State is authorised to make an order under this Act which is subject to special parliamentary procedure or an order under any enactment passed on or after 1st June 1934 which is so subject by virtue of section 8(3) of the <sup>M156</sup>Statutory Orders (Special Procedure) Act 1945, the following provisions shall have effect—
  - (a) before the order is made, notice of the purport of the application for the order shall be given by the applicants by advertisement in the London Gazette and in one or more local newspapers circulating in the area to which the order will relate;
  - (b) the Secretary of State shall consider any objections to the application which may be made by any persons affected thereby and shall, unless he considers that for special reasons an inquiry is unnecessary, cause a local inquiry to be held, of which notice shall be given in such manner as he may direct and at which all persons interested shall be permitted to attend and make objections.
- (4) Any order mentioned in subsection (1) or (3) above may repeal, revoke, modify or amend any Act confirming a provisional order or any order which has been subject to parliamentary procedure.
- (5) At any time before submitting any order mentioned in subsection (1) or (3) above to Parliament, the Secretary of State may revoke the order, either wholly or in part.
- (6) The making of any order mentioned in subsection (1) or (3) above shall be prima facie evidence that all the requirements of this section and any other enactment with respect to the steps to be taken before the making of the order have been complied with.

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- (7) Subsections (3) to (6) above shall be included among the enactments which may be adapted or modified by an Order in Council under section 8(3) of the <sup>M157</sup>Statutory Orders (Special Procedure) Act 1945.

#### Modifications etc. (not altering text)

**C437** S. 240 modified by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), **ss. 4(4)(a)**, 79

**C438** S. 240 amended (1.7.1999) by [S.I. 1999/672](#), **art. 2, Sch. 1**

**C439** S. 240(2) modified (07.08.1991) by [S.I.1991/1773](#) **art.8(2)**, **Sch.2**.

S. 240(2): certain functions transferred (07.08.1991) by [S.I.1991/1773](#), **art. 8, Sch. 2**.

**C440** S. 240(2) modified (10.01.1992) by [S.I.1991/2913](#), **art.8(2)**, **Sch.2**.

S. 240(2): certain functions transferred (10.01.1992) by [S.I.1991/2913](#), **art.8, Sch.2**.

#### Marginal Citations

**M156** 1945 c. 18 (9 & 10 Geo. 6).

**M157** 1945 c. 18 (9 & 10 Geo. 6).

### 241 Power to apply provisions of Act to joint boards, etc.

Where any enactment, whether passed before or after 1st April 1974, authorises the formation by a provisional or other order of a joint board or joint committee, the constituent members of which are local authorities, for the discharge of any of the functions of those authorities, the provisional order or order may apply to the joint board or joint committee, subject to any necessary modifications, any of the provisions of this Act.

#### Modifications etc. (not altering text)

**C441** S. 241 extended by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), **ss. 3(3)**, 79

S. 241 modified (28.7.1995) by [1990 c. 8, s. 2\(6A\)](#) (as inserted (28.7.1995) by [1995 c. 25, s. 120\(1\)](#), **Sch. 22 para. 42** (with **ss. 7(6), 115, 117**); [S.I. 1995/1983](#), **art. 2**)

### 242 Effect of inaccurate description.

No misnomer or inaccurate description of any person or place named in any voting paper or notice relating to an election under Part I or II of this Act shall affect its full operation with respect to that person or place, in any case where the description of the person or place is such as to be commonly understood.

### 243 Computation of time and timing of elections, etc.

- (1) Where the day or the last day on which anything is required or permitted to be done by or by virtue of any provision to which this subsection applies is a Sunday, day of the Christmas break, of the Easter break or of a bank holiday break or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days specified above.
- (2) Subsection (1) above applies to any provision of this Act or of an instrument under this Act, except a provision in Part IX or X or a provision of rules under . . . <sup>F358</sup> paragraph

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18 or 34 of Schedule 12 to this Act [<sup>F359</sup> and applies also to sections . . . <sup>F360</sup>, 31 and 32 of the Local Government Act 1985].

- (3) [<sup>F361</sup>Where under subsection (4) below] the day of a poll consequent on a parish or community meeting is postponed, the day to which it is postponed shall be treated for the purposes of this Act as the day . . . <sup>F362</sup> of the poll, . . . <sup>F362</sup>.
- (4) In computing any period of time for the purpose of any rules mentioned in subsection (2) above or for the purposes of . . . <sup>F363</sup> 89(1) above any day specified in subsection (1) above shall be disregarded, but where between the giving of a notice of election or of the poll and the completion of the poll a day is declared to be a bank holiday or day of public thanksgiving or mourning, the foregoing provision, so far as it relates to any such rules, shall not operate to invalidate any act which would have been valid apart from that provision.
- (5) Subsection (4) above, so far as it relates to any such rules shall have effect subject to the provisions of those rules.

#### Textual Amendments

**F358** Words repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 9 Pt. II**

**F359** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 33**

**F360** In s. 243(2) the reference to section 19 repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**F361** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(a)**, 29

**F362** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(a)**, 28, 29, Sch. 5

**F363** Words repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 9 Pt. II**

#### Modifications etc. (not altering text)

**C442** [S. 243\(1\)](#) modified by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(b)**, 29

**C443** [S. 243\(4\)](#) modified by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(b)**, 29

## 244 Saving of transfer of certain powers under local Acts from Treasury to Secretary of State.

- (1) The Secretary of State shall, as regards every local authority, exercise any power conferred on the Treasury by any local or private Act passed before 4th August 1906 with respect to dealings with property, loans and matters connected therewith and all such enactments, and all enactments referring to the power so conferred, shall be construed accordingly.
- (2) If any question arises whether subsection (1) above applies to any power conferred by, or referred to in, any enactment, the decision of the Treasury shall be final.

VALID FROM 03/07/2000

### [<sup>F364</sup>244A] Application of this Part to London Fire and Emergency Planning Authority.

This Part shall have effect as if any reference to a joint authority included a reference to the London Fire and Emergency Planning Authority.]

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### Textual Amendments

**F364** S. 244A inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 21** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**

## PART XII

### MISCELLANEOUS AND GENERAL

*Status, etc.*

#### 245 Status of certain districts, parishes and communities.

- (1) If, on a petition presented to Her Majesty by the council of a district praying for the grant of a charter under this subsection, Her Majesty by the advice of Her Privy Council thinks fit so to do, She may by the charter confer on that district the status of a borough, and thereupon—
  - (a) the council of the district shall bear the name of the council of the borough;
  - (b) the chairman and vice-chairman of the council shall respectively be entitled to the style of mayor and deputy mayor of the borough.
- (2) A petition for a charter under subsection (1) above shall not be presented except on a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object.
- (3) No charter under subsection (1) above shall take effect before 1st April 1974.
- (4) Where a petition is presented to Her Majesty before 1st April 1974 by the council of a district praying for the grant of a charter under subsection (1) above and it is signified on behalf of Her Majesty before that date that She proposes to accede to the petition and that She approves—
  - (a) the use for the district of any style previously belonging to an existing borough which on that date will become wholly or partly comprised in the district; and
  - (b) the use for the chairman and vice-chairman of the council of the district of any style previously belonging to the mayor or deputy mayor of that borough;
 those styles may be so used as from 1st April 1974.
- (5) A district which has the status of a borough, or for which the style of borough may be used, by virtue of the foregoing provisions of this section and the council of any such district shall not be treated as a borough or the council of a borough for the purposes of any Act passed before 1st April 1974.
- (6) The council of a parish or community which is not grouped with any other parish or community may resolve that the parish or community shall have the status of a town and thereupon—
  - (a) the council of the parish or community shall bear the name of the council of the town;
  - (b) the chairman and vice-chairman of the council shall be respectively entitled to the style of town mayor and deputy town mayor;

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- (c) the parish meeting or a community meeting shall have the style of town meeting.
- (7) A resolution under subsection (6) above shall cease to have effect if the parish or community to which it relates ceases to exist.
- (8) If a parish or community council which has passed a resolution under subsection (6) above is dissolved without the parish or community ceasing to exist, the dissolution shall not affect the status of the parish or community or the application to it of paragraph (c) of that subsection and in England the parish trustees shall have the style of town trustees.
- (9) A parish or community council by whom a resolution under subsection (6) above has been passed or, if the council has been dissolved, the parish meeting in England or a community meeting in Wales may resolve that the parish or community shall cease to have the status of a town and thereupon subsection (6)(a) to (c) above and subsection (8) above shall cease to apply to the parish or community.
- (10) The foregoing provisions of this section shall have effect subject to any provision made by a grant under Her Majesty's prerogative and, in particular, to any such provision granting the status of a city or royal borough or conferring the style of lord mayor, deputy lord mayor or right honourable.

**[<sup>F365</sup>245A] Power for borough and town councils in Wales to adopt Welsh language form of their descriptions, etc.**

- (1) If and so long as this subsection is in force in relation to a district in Wales which, by virtue of section 245(1) above, has the status of a borough or for which, by virtue of section 245(4) above, the style of borough may be used—
  - (a) the council shall bear the name “Cyngor Bwrdeistref” instead of “Council of the Borough” or “Borough Council”;
  - (b) the chairman of the council shall be entitled to the style “maer” instead of “mayor”; and
  - (c) the vice-chairman of the council shall be entitled to the style “dirprwy faer” instead of “deputy mayor”.
- (2) Subject to subsection (3) below, subsection (1) above shall come into force in relation to a district which has the status of a borough, or for which the style of borough may be used, three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council's description shall be used.
- (3) A resolution under subsection (2) above may be passed by the council of a district in Wales notwithstanding that, at the time it is passed, the council does not have the status of a borough; but, if a resolution is passed at such a time, subsection (1) above shall not come into force unless, nor earlier than, the status of a borough is conferred on the district by virtue of section 245(1) above.
- (4) Subsection (1) above shall cease to be in force in relation to a district which has the status of a borough, or for which the style of borough may be used, three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council's description shall cease to be used.

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- (5) If and so long as this subsection is in force in relation to a community which, by virtue of section 245(6) above, has the status of a town—
- (a) the council shall bear the name “Cyngor Tref” instead of “council of the town” or “town council”;
  - (b) the chairman of the council shall be entitled to the style “maer y dref” instead of “town mayor”, and
  - (c) the vice-chairman of the council shall be entitled to the style “dirprwy faer y dref” instead of “deputy town mayor”.
- (6) Subsection (5) above shall come into force in relation to a community which has the status of a town three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council’s description shall be used.
- (7) Subsection (5) above shall cease to be in force in relation to a community which has the status of a town three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council’s description shall cease to be used.
- (8) Subsection (10) of section 245 above has effect in relation to this section as it has effect in relation to the foregoing provisions of that section.]

#### Textual Amendments

**F365** S. 245A inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 6](#)

VALID FROM 01/04/1996

#### [<sup>F366</sup>245B] Community having the status of a town.

- (1) The council of a community which is not grouped with any other community may, subject to subsection (3) below, resolve that the community shall have the status of a town.
- (2) Where a community has the status of a town—
  - (a) the town council shall have the name of the community with the addition—
    - (i) in English, of the words “Town Council”; and
    - (ii) in Welsh, of the words “Cyngor Tref”;
  - (b) the chairman of the town council shall be entitled to the style of “town mayor” or “maer y dref”; and
  - (c) the vice-chairman of the town council shall be entitled to the style of “deputy town mayor” or “dirprwy faer y dref”.
- (3) Where the provisions of section 27(4) above apply in relation to a community, the council of that community shall not pass a resolution under subsection (1) above unless it is satisfied that those provisions have been complied with in relation to the community.
- (4) Any such resolution shall cease to have effect if the community to which it relates ceases to exist.



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- (5) If a community council which has passed such a resolution is dissolved without the community ceasing to exist, the dissolution shall not affect the status of the community.
- (6) A community council by whom a resolution has been passed under subsection (1) above or, if the council has been dissolved, a community meeting of the community may resolve that the resolution shall cease to have effect.
- (7) On the passing of a resolution under subsection (6) above, the community shall cease to have the status of a town.
- (8) This section shall have effect subject to any provision made by a grant under Her Majesty's prerogative and, in particular, to any provision conferring any style on any person.]

#### Textual Amendments

**F366** S. 245B inserted (1.4.1996) by 1994 c. 19, s. 16 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1

#### Modifications etc. (not altering text)

**C444** S. 245B: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

### 246 Preservation of powers, privileges and rights of existing cities or boroughs.

- (1) Any privileges or rights belonging immediately before 1st April 1974 to the citizens or burgesses of an existing city or borough shall belong on and after that date to the inhabitants of the area of the existing city or borough.
- (2) A charter granted by Her Majesty under section 245 above with respect to a district may—
  - (a) provide that any powers to appoint local officers of dignity exercisable immediately before 1st April 1974 by the corporation of an existing city or borough, the area of which becomes wholly or partly comprised by virtue of Part I or II of this Act in the district [<sup>F367</sup>being powers which are not exercised pursuant to subsection (4) or (5) below by charter trustees], shall be exercisable on the coming into force of the charter by the council of the district in relation to the whole or any part of the district;
  - (b) provide that any privileges or rights belonging immediately before 1st April 1974 to the citizens or burgesses of any such city or borough [<sup>F368</sup>for which charter trustees are not constituted pursuant to subsection (4) or (5) below] shall belong on the coming into force of the charter to the inhabitants of the whole or any part of the district;
  - (c) contain such incidental, consequential or supplementary provision as may appear to Her Majesty to be necessary or proper in connection with the aforesaid matters.
- (3) Where by virtue of Part I or II of this Act, the area of an existing city or borough on 1st April 1974 becomes a parish in England or becomes a community in Wales having a separate community council, any powers to appoint local officers of dignity

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exercisable immediately before that date by the corporation of the city or borough shall be exercisable on and after that date by the parish or community council.

(4) Where by virtue of Part I or II of this Act the area of an existing city or borough on 1st April 1974 becomes wholly comprised in a district not having the status, or entitled to the style, of a borough by virtue of subsection (1) or (4) of section 245 above and that city or borough does not on that date become a parish in England or a community in Wales having a separate community council—

- (a) there shall as from that date be a body corporate by the name of “the Charter Trustees of the City” or “the Charter Trustees of the Town”, as the case may be, with the addition of the name of the existing city or borough, consisting of the district councillors for the wards wholly or partly comprising the area of the city or borough or, if the number of those councillors is less than three, consisting of those councillors and such number of local government electors for that area appointed by the district council as will make the number of charter trustees up to three;
- (b) the charter trustees may in every year elect one of their number to be city or town mayor and another to be deputy city or town mayor; and
- (c) any powers to appoint local officers of dignity exercisable immediately before that date by the corporation of the city or borough shall be exercisable on and after that date by the charter trustees.

(5) Where by virtue of Part I of this Act part of the area of an existing city or borough in England on 1st April 1974—

- (a) becomes a parish; or
- (b) becomes comprised in a district not having the status, or entitled to the style, of a borough by virtue of subsection (1) or (4) of section 245 above and does not become a parish;

the Secretary of State may by order provide that subsection (3) or (4) above, as the case may be, shall apply to that part of that area, but if the order so provides with the substitution for the name of the existing city or borough in question of a name specified in the order.

(6) Subsections (1), [<sup>F369</sup>and (3) above and any order applying subsection (3) made pursuant to] subsection (5) above shall have effect subject to any provision made by a grant under Her Majesty’s prerogative or any provision of a charter granted by Her Majesty under section 245 above and any other provision of this Act or an instrument thereunder, and a charter under subsection (2) above shall have effect subject to any provision made by any such grant or any other provision of this Act or an instrument thereunder.

(7) ..... <sup>F370</sup>

(8) If an area or part of an area for which charter trustees have been constituted under subsection (4) above becomes, or becomes comprised in, a parish or a separate community council is established for a community consisting of such an area, that subsection shall cease to apply to the area or part and accordingly the charter trustees shall cease to act therefor.

(9) Where charter trustees have been constituted for an area which is altered by an order under Part IV of this Act and [<sup>F371</sup>subsection (8) does not apply] in relation to the alteration, the order may make such provision with respect to the charter trustees as may appear to the Secretary of State to be appropriate.

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- (10) The sums required to meet the expenses of charter trustees shall be chargeable on, but only on, the area for which the charter trustees act, and for the purpose of obtaining those sums the charter trustees shall issue precepts to the council of the district in which that area is situated.
- (11) Where the amount of the income received by charter trustees in any year from their property exceeds any expenditure incurred in connection with that property, they shall pay the excess to the rating authority for the rating area in which the area for which the charter trustees act is situated to be credited to the last-mentioned area.
- (12) Every cheque or other order for the payment of money by charter trustees shall be signed by two of them.
- (13) Charter trustees shall keep such accounts as may be prescribed of their receipts and payments.
- (14) Sections 15(5) and 34(5) above shall apply in relation to a city or town mayor holding office by virtue of this section as they apply to the chairman of a parish or community council.
- (15) [<sup>F372</sup>Section 168 above], except subsection (5), shall apply in relation to charter trustees as if the charter trustees were the council of a parish or community consisting of the area for which they act.
- (16) Sections 173 to 178 above shall apply in relation to charter trustees as if the charter trustees were the members of the council of a parish or community consisting of the area for which they act.

#### Textual Amendments

- F367** Words inserted by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#) ss. 1(2)(a)(3), 2
- F368** Words inserted by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#), **ss. 1(2)(b)(3)**, 2
- F369** Words substituted by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#), **ss. 1(2)(c)(3)**, 2
- F370** [S. 246\(7\)](#) repealed by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#), **ss. 1(2)(d)(3)**, 2
- F371** Words substituted by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#), **ss. 1(2)(e)(3)**, 2
- F372** Words substituted by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 34, **Sch. 5 para. 5(5)**

#### 247 Transfer of armorial bearings from old to new authorities.

- (1) Subject to subsection (2) below, Her Majesty may by Order in Council authorise any new local authority specified in the Order to bear and use any armorial bearings which may be so specified and which, immediately before 1st April 1974, were lawfully borne and used by an existing local authority which ceases to exist by virtue of section 1 of section 20 above.
- (2) An Order in Council under this section shall provide that before any armorial bearings of an existing local authority may be borne and used by a new local authority in accordance with the Order, they shall be exemplified according to the laws of arms and recorded in the College of Arms.

#### Modifications etc. (not altering text)

- C445** [S. 247](#) applied (with modifications)(11.3.1996) by [S.I. 1996/330](#), **arts. 1(2)**, 7

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## **248 Freemen and inhabitants of existing boroughs.**

- (1) Subject to the following provisions of this section, nothing in this Act shall affect any person's status, or the right of any person to be admitted, as a freeman of a place which is an existing borough; and in this section any such place is referred to as a city or town.
- (2) On and after 1st April 1974 the roll of freemen of a city or town shall be kept by the proper officer of the relevant district council, that is to say, the council of the district which comprises the whole or the greater part of the city or town.
- (3) If at any time on or after 1st April 1974 any person claims to be admitted as a freeman of a city or town, his claim for admission shall be examined by the chairman of the relevant district council, as defined in subsection (2) above, and, if the person's claim is established, his name shall be entered on the roll of freemen of that city or town.
- (4) After 31st March 1974—
  - (a) a freeman of a city or town,
  - (b) any person who by marriage, descent, employment or otherwise is or has been related to or associated with a freeman of a city or town, and
  - (c) any person who is or has been related by marriage to the widow or a child of a freeman of a city or town,
 shall have and enjoy the same rights, whether in respect of property or otherwise, as were held and enjoyed on that date by a freeman of that city or town, by a person correspondingly related to or associated with such a freeman or, as the case may be, by a person correspondingly related by marriage to the widow or a child of such a freeman.
- (5) A person who is on 1st April 1974, or becomes thereafter, an inhabitant of a city or town shall, as such, have and enjoy the same rights, whether in respect of property or otherwise, as were held and enjoyed immediately before that date by an inhabitant of that city or town.

## **249 Honorary aldermen and freemen.**

- (1) A principal council may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, confer the title of honorary aldermen on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are not then councillors of the council.
- (2) No honorary alderman shall, while serving as a councillor of the council, be entitled to be addressed as alderman or to attend or take part in any civic ceremonies of the council as an alderman.
- (3) Services rendered to the council of an existing county, county borough, borough or urban or rural district the area of which becomes wholly or partly included in a new county or district shall be treated for the purposes of subsection (1) above as services rendered to the council of the new county or district, as the case may be.
- (4) An honorary alderman of a principal council may attend and take part in such civic ceremonies as the council may from time to time decide, but shall not, as such, have the right—
  - (a) to attend meetings of the council or a committee of the council (including a joint committee upon which they are represented); or

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- (b) to receive any such allowances or other payments as are payable under sections 173 to 176 above.
- (5) The council of a London borough or a district having the status of a city, borough or royal borough [<sup>F373</sup>or any parish or community having by grant under the royal prerogative the status of city and any parish or community entitled by such grant to be called and styled a royal town] may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, admit to be honorary freemen of the city, borough or royal borough [<sup>F373</sup>or parish or community as aforesaid,] persons of distinction and persons who have, in the opinion of the council, rendered eminent services to the city, borough or royal borough [<sup>F373</sup>or parish or community as aforesaid,], but the admission of a person to be an honorary freeman shall not confer on him any such rights as are referred to in section 248(4) above.
- (6) The council of a London borough or a district which has the status of a city, borough or royal borough [<sup>F374</sup>or parish or community as aforesaid] may spend such reasonable sum as they think fit for the purpose of presenting an address or a casket containing an address to a person upon whom they have conferred the title of honorary alderman or admitted to be an honorary freeman of the city, borough or royal borough [<sup>F374</sup>or parish or community as aforesaid].

#### Textual Amendments

**F373** Words inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\), s. 180](#)

**F374** Words inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\), s. 180](#)

### *Inquiries*

#### **250 Power to direct inquiries.**

- (1) Where any Minister is authorised by this Act to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, confirmation, sanction or approval to any matter, or otherwise to act under this Act, and where the Secretary of State is authorised to hold an inquiry, either under this Act or under any other enactment relating to the functions of a local authority, he may cause a local inquiry to be held.
- (2) For the purpose of any such local inquiry, the person appointed to hold the inquiry may by summons require any person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, . . . <sup>F375</sup>:

Provided that—

- (a) no person shall be required, in obedience to such summons, to attend to give evidence or to produce any such documents, unless the necessary expenses of his attendance are paid or tendered to him; and
- (b) nothing in this section shall empower the person holding the inquiry to require the production of the title, or of any instrument relating to the title, of any land not being the property of a local authority.

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- (3) Every person who refuses or deliberately fails to attend in obedience to a summons issued under this section, or to give evidence, or who deliberately alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he is required or is liable to be required to produce for the purposes of this section, shall be liable on summary conviction to a fine not exceeding [<sup>F376</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding six months, or to both.
- (4) Where a Minister causes an inquiry to be held under this section, the costs incurred by him in relation to the inquiry . . . <sup>F377</sup> shall be paid by such local authority or party to the inquiry as he may direct, and the Minister may cause the amount of the costs so incurred to be certified, and any amount so certified and directed to be paid by any authority or person shall be recoverable from that authority or person by the Minister summarily as a civil debt.
- (5) The Minister causing an inquiry to be held under this section may make orders as to the costs of the parties at the inquiry and as to the parties by whom the costs are to be paid, and every such order may be made a rule of the High Court on the application of any party named in the order.
- (6) This section shall extend to local inquiries held by the Secretary of State under the provisions of the <sup>M158</sup>Local Government Act 1929 or the <sup>M159</sup>Ferries (Acquisition by Local Authorities) Act 1919.

#### Textual Amendments

- F375** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. IV](#)
- F376** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)
- F377** Words repealed by [Housing and Planning Act 1986 \(c. 63, SIF 81:1\), ss. 24\(3\), 39\(4\), 49\(2\), 53\(2\), Sch. 12 Pt. III](#)

#### Modifications etc. (not altering text)

- C446** S. 250 modified by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\), s. 14\(7\)](#)
- C447** S. 250(1) saved by [Health and Safety at Work etc. Act 1974 \(c. 37\), s. 45\(2\)](#) and by [Control of Pollution Act 1974 \(c. 40\), s. 96\(2\)](#)
- C448** S. 250(2)–(5) applied with modifications by [Water Act 1973 \(c. 37\), ss. 2\(8\), 12\(11\), 36\(3\), Sch. 2 para. 15\(2\), Sch. 4 Pt. II para. 10, Sch. 7 para. 23](#) and by [Control of Pollution Act 1974 \(c. 40\), s. 96\(2\)](#); applied by [Hallmarking Act 1973 \(c. 43\), s. 20\(1\)\(a\)](#), [Slaughterhouses Act 1974 \(c. 3\), ss. 18\(5\), 31\(2\)](#) and [Health and Safety at Work etc. Act 1974 \(c. 37\), s. 45\(2\)](#)
- C449** S. 250(2)–(5) applied by [S.I. 1987/2095, art. 22](#) and by [Electricity Act 1989 \(c. 29, SIF 44:1\), ss. 62\(2\)](#)
- C450** S. 250(2)–(5) applied by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\), ss. 10, 23\(2\), 24\(4\), 27\(2\), Sch. 5 para. 13\(12\)](#), by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), ss. 252\(6\), 320\(2\)](#) and by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 42\(2\)\(5\), 54](#)
- C451** S. 250(2)–(5) applied with modifications by [Water Act 1989 \(c. 15, SIF 130\), ss. 51, 58\(7\), 69, 101\(1\), 111, 141\(6\), 160\(1\)\(2\)\(4\), 163, 181, 189\(4\)–\(10\), 190, 193\(1\), Sch. 8 para. 2\(10\), Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\), 58](#)
- C452** S. 250(2)–(5) applied (1.4.1991) by [Local Authority Social Services Act 1970 \(c. 42, SIF 81:3\), s. 7C\(2\)](#) (as inserted (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 50](#))
- C453** S. 250(2)–(5) applied with modifications by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), ss. 79, 101\(4\), 175, 195, 208, Sch. 6 para. 6\(4\), Sch. 8 para. 5\(4\)](#) and by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 6\(8\), Sch. 1 para. 3\(4\)](#)
- C454** S. 250(2) extended by [Cycle Tracks Act 1984 \(c. 38, SIF 59\), s. 3\(5\)](#)

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- C455** S. 250(2) applied with modifications by Mental Health Act 1983 (c. 20, SIF 85), **s. 125(2)** and by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 43, Sch 4 para. 4(1), **16(2)**
- C456** S. 250(2) applied by Police Act 1964 (c. 48, SIF 95), **Sch. 5 para 3(7)** as inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), **s. 103(2)** and by Parliamentary Constituencies Act 1986 (c. 56, SIF 89), **ss. 6(5)(6), 9(2)**
- C457** S. 250(2) applied by S.I. 1987/2095, **art. 22** and by Town and Country Planning Act 1990 (c. 8, SIF 123:1), ss. 16(2), 24, 28, 42, 49, 54, 83, Sch. 2 Pt. II para. 9(1)(a), **Sch. 7 para. 8(5)**
- C458** S. 250(2)-(5) applied (*prosp*) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), ss. 101(4), 102(6), 170(1), **Sch. 5**, para. 4(1) (with s. 167(4)(5)(6)).
- C459** S. 250(3) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), **s. 3(5)**
- C460** S. 250(3) applied with modifications by Mental Health Act 1983 (c. 20, SIF 85), **s. 125(2)** and by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 43, Sch. 4 para. 4(1), **16(2)**
- C461** S. 250(3) applied by Police Act 1964 (c. 48, SIF 95), **Sch. 5 para. 3(7)** as inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), **s. 103(2)** and by Parliamentary Constituencies Act 1986 (c. 56, SIF 89), **ss. 6(5)(6), 9(2)**
- C462** S. 250(3) applied by S.I. 1987/2095, **art. 22** and by Town and Country Planning Act 1990 (c. 8, SIF 123:1), ss. 16(2), 24, 28, 42, 49, 54, 83, Sch. 2 Pt. II para. 9(1)(a), **Sch. 7 para. 8(5)**
- C463** S. 250(2)-(5) applied (*14. 10 1991*) by Children Act 1989 (c. 41, SIF 20), **s. 81(4)**;S.I.1991/828, art. 3(2) .
- C464** S. 250(2)-(5) applied with modifications by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), ss. 22(4), 40(3), **Sch. 3**, para. 6(4) and (*prosp.*) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), **ss. 21(8), 41(1), 16(2)**.
- C465** S. 250(2)-(5) applied (*prosp.*) by Radioactive Substances Act 1960 (c. 34, SIF 8), **s. 12B(3)**,(as inserted (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 6(8), **Sch. 1**, para. 3(4).
- C466** S. 250(4) applied with modifications by Mental Health Act 1983 (c. 20, SIF 85) s. 125(2), by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 43, Sch. 4 paras. 4(1), **16(2)** and S.I. 1986/1858, **reg. 2**
- C467** S. 250(4) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), **s. 3(5)**
- C468** S.250(2)-(5) applied (12.3.1991) by S.I.1991/993, **art.28**
- C469** S. 250(5) applied with modifications by Mental Health Act 1983 (c. 20, SIF 85), **s. 125(2)**, by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 43, Sch. 4 paras. 4(1), **16(2)** and S.I. 1986/1858, **reg. 2**
- C470** s. 250(5) applied (*prosp*) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), ss. 21(8), 41(2)(3), **Sch. para. 6(8)**.
- C471** S. 250(5) extended by Cycle Tracks Act 1984 (c. 38, SIF 59)s. 3(5) and extended (*prosp*) by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **s. 322(2)** and Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), ss. 22(4), 40(3), **Sch. 3**, para. 6(8).

#### Marginal Citations

**M158** 1929 c. 17.

**M159** 1919 c. 75.

### General

#### 251 Consequential and minor modifications and amendments.

- (1) Part I of Schedule 29 to this Act shall have effect for the purpose of making general adaptations of enactments, being adaptations which are consequential on the foregoing provisions of this Act.
- (2) The enactments specified in Part II of that Schedule shall have effect subject to the modifications and amendments set out in that Part, being modifications and

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amendments which are consequential on the foregoing provisions of this Act and minor amendments.

## 252 General power to adapt Acts and instruments.

- (1) Her Majesty may at any time, in any case where it appears to Her appropriate in consequence of the provisions of this Act, by Order in Council coming into force not earlier than 1st April 1974 make modifications of any enactments contained in any other public general Act passed before that date or any instrument made before that date under any such Act, being an instrument of a legislative character and not being an instrument in the nature of a local enactment, as may appear to Her to be necessary to make that enactment or instrument apply in relation to any particular class of new authority as it applies in relation to any particular class of local authority existing immediately before that date.
- (2) The modifications which may be made by an Order in Council under this section shall be in addition to those made by any other provision of this Act, but shall have effect subject to any such other modification, except those made by section 179 above.
- (3) No Order in Council shall be made under this section unless a draft of the Order has been laid before, and approved by a resolution of, each House of Parliament.

### Modifications etc. (not altering text)

**C472** S. 252 extended by [Value Added Tax Act 1983 \(c. 55, SIF 40:2\)](#), ss. 50, 51, [Sch. 10 para. 7](#) and by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 77, [Sch. 1 para 6](#) and [Building Act 1984 \(c. 55, SIF 15\)](#), s. 132, [Sch. 5 para. 3\(d\)](#)

## 253 Transfer of powers of certain public bodies.

- (1) Any functions of any such public body as is specified in subsection (2) below may with their approval be transferred by an order made by the Secretary of State to any local authority whose area comprises the district of that body, or jointly to two or more local authorities whose areas together comprise that district.
- (2) This section applies to the following public bodies, that is to say, any trustees, commissioners or other persons who, for public purposes and not for their own profit, act under any enactment or instrument for the improvement of any place, or for providing or maintaining a cemetery or market in any place.
- (3) Any order under this section may contain such incidental, consequential, transitional and supplementary provision as may appear to the Secretary of State to be necessary or proper; and a statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In this section “local authority” includes the Common Council.

## 254 Consequential and supplementary provision.

- (1) The Secretary of State or any appropriate Minister may at any time by order make such incidental, consequential, transitional or supplementary provision as may appear to him—



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- (a) to be necessary or proper for the general or any particular purposes of this Act or in consequence of any of the provisions thereof or for giving full effect thereto; or
- (b) to be necessary or proper in consequence of such of the provisions of any other Act passed in the same session as this Act as apply to any area or authority affected by this Act;

and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.

(2) An order under this section may in particular include provision—

- (a) with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities;
- (b) with respect to the membership of any body so far as that membership consists of persons elected by, or appointed by or on the nomination of, any authority affected by this Act or any two or more bodies who include such an authority;
- (c) for applying with or without modifications, or amending, repealing, or revoking, with or without savings, any provision of an Act passed or an instrument under an Act made before 1st April 1974 and for making savings or additional savings from the effect of any repeal made by this Act;
- (d) for any of the matters specified in section 67 above;
- (e) without prejudice to paragraph (d) above, for dissolving any body corporate established by any Act passed or by any instrument under an Act made before 1st April 1974;
- (f) for requiring the council of a new county, with a view to securing that the introduction of a general rate of uniform amount per pound of rateable value throughout any new district in the county is gradual, to issue as respects a limited period beginning on 1st April 1974 precepts specifying different amounts in the pound which are to be levied as rates for general county purposes on different parts of the new county (whether the whole or part of an existing county included therein or a county borough so included) and which are to be determined by reference to the circumstances of those parts before that date;
- (g) for requiring, with that view and taking account of any requirements imposed by virtue of paragraph (f) above, the council of a new district to make and levy during a limited period beginning on 1st April 1974 differential rates determined by reference to the circumstances of existing rating areas wholly or partly included in the district;
- (h) for treating anything duly done before 1st April 1974 by any authority in the exercise of functions which on and after that date become functions of some other authority as having, from that date, been duly done by that other authority and for treating any instrument made before that date, if or so far as it was made in the exercise of those functions, as continuing in force on and after that date until varied or revoked in the exercise of those functions by that other authority;
- (i) for securing the continued discharge of functions in relation to the Confederation of the Cinque Ports and its courts (including so far as is necessary for that purpose, provision for the constitution of a body to replace any existing corporation), for appropriating property or providing funds for the discharge of functions as aforesaid, and otherwise for securing that anything required or authorised to be done by, to or in relation to the Confederation or any of its courts may continue to be done.

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- (3) Subject to subsection (5) below any of the following things done or treated by virtue of any enactment as having been done by or to or in relation to an existing local authority outside Greater London in connection with the discharge of any of their functions, that is to say—
- any written agreement or other instrument in writing or any determination or declaration made or treated as made by such an authority,
  - any notice or direction given or treated as given by or to such an authority,
  - any licence, permission, consent, approval, exemption, dispensation or relaxation granted or treated as granted by or to such an authority,
  - any application, proposal or objection made or treated as made by or to such an authority,
  - any condition or requirement imposed or treated as imposed by or on such an authority, or
  - any appeal allowed by or in favour of or against such an authority,
- shall, as from 1st April 1974, be treated as having been done by, to or in relation to the new local authority by whom those functions become exercisable on and after that date by or by virtue of this Act, and any such thing shall as from that date have effect as if any reference therein to a specified existing local authority outside Greater London by whom those functions were exercisable before that date were a reference to the new local authority by whom those functions become exercisable.
- (4) If there is any doubt as to the identity of a local authority to whom any particular functions are so transferred, that authority shall be taken to be such authority as may be specified in a direction given by a Minister of the Crown concerned with the discharge of those functions.
- (5) Subsection (3) above is without prejudice to any express provision made by, or by any instrument made under, this Act, but has effect subject to any provision to the contrary so made and in particular may be excluded from applying, either wholly or to any specified extent, in any particular case by an order made by the Secretary of State by statutory instrument.
- (6) Section 68 above shall apply for the purposes of Parts I and II, section 214(1)(b) and this Part of this Act as if any reference to an order under Part IV of this Act included a reference to any provision of Part I or II of this Act or to section 214(1)(b) of this Act or to any provision of any instrument made under Part I or II or this Part of this Act.
- (7) A local authority to whom any charters or insignia of a borough abolished by Part I or II of this Act have been transferred by virtue of subsection (2)(a) above shall if practicable preserve them in the area of the borough as it existed immediately before 1st April 1974.
- (8) An order under this section which extends the area for which any local statutory provision is in force shall be provisional only.
- (9) Any statutory instrument containing any other order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Modifications etc. (not altering text)**

C473 S. 254 amended by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 7 para. 7](#)

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- C474** S. 254 extended by Value Added Tax Act 1983 (c. 55, SIF 40:2), ss. 50, 51, **Sch. 10 para. 7**, by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 77, **Sch. 1 para. 6** and Building Act 1984 (c. 55, SIF 15), 132, Sch. 5 para. 3(d)
- C475** S. 254 saved by Water Act 1973 (c. 37), **s. 35(2)**; extended by Independent Broadcasting Authority Act 1973 (c. 19), **s. 11(8)**; applied with modifications by Water Act 1973 (c. 37), **s. 34(1)**
- C476** S. 254(2)(c) extended by Salmon and Freshwater Fisheries Act 1975 (c. 51, SIF 52:2), **s. 42(6)**, by Lotteries and Amusements Act 1976 (c. 32, SIF 12:1), **s. 25(8)** and by Refuse Disposal (Amenity) Act 1978 (c. 3, SIF 100:3), **s. 12(6)**

## 255 Transfer of officers.

- (1) Any of the following instruments under any of the provisions of this Act, that is to say an order under section 9, 10, 11, 27, 28 or 29, regulations or an order under section 67 or an order under section 198, 200, 201 or 254 may contain provisions as to the transfer of any person who is, on such date as may be specified in relation to him in the order or by or under the regulations, the holder of any office or employment and who is affected by any provision of, or of any instrument made under, this Act and shall contain provision for the protection of the interests of such persons.
- (2) In the case of any person who on 31st March 1974 is in the employment of one or more local authorities who are or include a council or municipal corporation which ceases to exist by virtue of section 1 or 20 above, the Secretary of State shall by order make such provision as is necessary to ensure that, to the extent, if any, to which, by reason only of the said section 1 or 20, that person would apart from the order cease on 1st April 1974 to be in such employment, that person is transferred on 1st April 1974 to the employment of such local authority as may be specified in or determined under the order.
- (3) Any such order or regulations as is or are referred to in subsection (1) or (2) above shall include such provision with respect to any person who is transferred by or under the order or regulations from the employment of one authority to that of another so as to secure that—
  - (a) so long as he continues in the employment of that other authority by virtue of the transfer and until he is served with a statement in writing referring to the order or regulations and specifying new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable than those which he enjoyed immediately before the date of transfer; and
  - (b) the said new terms and conditions are such that—
    - (i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and
    - (ii) the other terms and conditions of his employment,are not less favourable than those which he enjoyed immediately before the date of transfer.
- (4) Subsections (2) and (3) above shall apply in relation to—
  - (a) a police authority,
  - (b) a burial board, joint burial board or joint committee which ceases to exist by virtue of section 214 above,
  - (c) any prescribed association of local authorities the constituent members of which include councils falling within subsection (2) above, and

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- (d) any prescribed association of committees of local authorities the constituent members of which include committees of councils falling within subsection (2) above,

as they apply in relation to a local authority who are a council which ceases to exist by virtue of section 1 or 20 above, but in their application to police authorities shall have effect as if any reference to a person in the employment of an authority were a reference to the civilian employees of a police authority.

- (5) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **256 Continuity of employment in cases of voluntary transfer.**

- (1) This section applies to a person if—

- (a) at some time before 1st April 1974, or on that date but otherwise than by virtue of provision made by an order under section 255 above, he enters the employment of a new local authority (in this section referred to as “his new employment”), and
- (b) had he continued until 1st April 1974 in the employment (in this section referred to as “his previous employment”) which he last held before he entered his new employment or (if he did so continue) had he then ceased to be in that employment by reason only of section 1 or 20 above, provision would have been made by an order under section 255(2) above for his transfer on that date to the employment of a specified local authority.

- (2) Where this section applies to a person, then for the purposes of section 28 of the <sup>M160</sup>Industrial Relations Act 1971 (qualifying period for protection from unfair dismissal) and section 1 of the <sup>M161</sup>Contracts of Employment Act 1972 (minimum periods of notice)—

- (a) the period of employment in his previous employment shall count as a period of employment in his new employment, and
- (b) the change of employment shall not break the continuity of the period of employment.

### **Marginal Citations**

**M160** 1971 c. 72.

**M161** 1972 c. 53.

## **257 Staff commission for England.**

- (1) The Secretary of State, after consulting with such bodies representative of existing local authorities or of staff employed by such local authorities as appear to him to be concerned, shall, not later than one month after the passing of this Act, establish a staff commission for England for the purpose of—

- (a) considering and keeping under review the arrangements for the recruitment of staff by relevant authorities and for the transfer in consequence of the provisions of this Act or any instrument made under it of staff employed by relevant authorities which cease to exist by virtue of this Act;
- (b) considering such staffing problems arising in consequence of, and such other matters relating to staff employed by any body affected by, any provision of, or

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- of any instrument made under, this Act as may be referred to the commission by the Secretary of State; and
- (c) advising the Secretary of State on the steps necessary to safeguard the interests of such staff.
- (2) The Secretary of State may give directions to the staff commission as to their procedure and to any relevant authority with respect to the furnishing of any information requested and the implementation of any advice given by the commission and with respect to the payment by a new local authority of any expenses incurred by the commission in doing anything requested by the authority.
- (3) Any expenses incurred by the staff commission under this section and not recovered from a local authority shall be paid by the Secretary of State.
- (4) In this section “relevant authority” means a local authority within the meaning of the 1933 Act or this Act, a joint board on which, or a joint committee on which, a local authority or parish meeting are represented, an association of local authorities or of committees of local authorities prescribed under section 255(4) above, or a Passenger Transport Executive, police authority, burial board or joint burial board.

## **258 Staff commission for Wales.**

- (1) The Secretary of State, after consulting with such bodies representative of existing local authorities or of staff employed by such local authorities as appear to him to be concerned, shall, not later than one month after the passing of this Act, establish a staff commission for Wales for the purpose of—
- (a) considering and keeping under review the arrangements for the recruitment of staff by relevant authorities, and for the transfer in consequence of the provisions of this Act or any instrument made under it of staff employed by relevant authorities which cease to exist by virtue of this Act;
- (b) considering such staffing problems arising in consequence of, and such other matters relating to staff employed by any body affected by, any provision of, or of any instrument made under, this Act as may be referred to the commission by the Secretary of State; and
- (c) advising the Secretary of State on the steps necessary to safeguard the interests of such staff.
- (2) The Secretary of State may give directions to the staff commission as to their procedure and to any relevant authority with respect to the furnishing of any information requested and the implementation of any advice given by the commission and with respect to the payment by a new local authority of any expenses incurred by the commission in doing anything requested by the authority.
- (3) Any expenses incurred by the staff commission under this section and not recovered from a local authority shall be paid by the Secretary of State.
- (4) In this section “relevant authority” means a local authority within the meaning of the 1933 Act or this Act, a joint board on which, or a joint committee on which, a local authority or parish meeting are represented, an association of local authorities or of committees of local authorities prescribed under section 255(4) above, or a police authority, burial board or joint burial board.

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## 259 Compensation for loss of office.

- (1) The appropriate Minister shall by regulations provide for the payment by such body or such Minister as may be prescribed by or determined under the regulations of compensation to or in respect of persons who are, or who but for any such service by them as may be so prescribed would be, the holders of any such office or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to any provision of this Act or of any instrument made under this Act.
- (2) Regulations under this section may—
- (a) include provision as to the manner in which and the person to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations,
  - (b) make different provision for different classes of persons and for other different circumstances and make or authorise the appropriate Minister to make exceptions and conditions,
  - (c) be framed so as to have effect from a date earlier than the making of the regulations,

but so that regulations having effect from a date earlier than the date of their making shall not place any individual in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date of their making.

- [<sup>F378</sup>(3) Without prejudice to subsection (1) above, regulations under this section may make provision in relation to persons who suffer loss of employment or loss or diminution of emoluments which is attributable to—
- (a) the provisions of any such order as is referred to in section 326(1) of the <sup>M162</sup>Public Health Act 1936;
  - (b) an existing local authority ceasing, as respects the whole or any part of their area, to be a [<sup>F379</sup>food authority within the meaning of the Food Safety Act 1990];
  - [<sup>F380</sup>(c) any transfer or relinquishment of functions under any of the provisions of the <sup>M163</sup>Public Health Act 1936—
- [<sup>F381</sup>which are incorporated or reproduced in the Slaughterhouses Act 1974 or the Food Safety Act 1990];]
- (d) the provisions of an order under section 46 of the <sup>M164</sup>Children and Young Persons Act 1969;

and, without prejudice to the repeal of any enactment by this Act, regulations making provision for any of the cases specified in paragraphs (a) to (d) above may provide that the provisions, as to compensation made for that case by section 326 of the <sup>M165</sup>Public Health Act 1936, <sup>F382</sup>. . . or, as the case may be, paragraph 2 of Schedule 3 to the <sup>M166</sup>Children and Young Persons Act 1969 shall not apply in relation to persons to whom the provisions of the regulations apply.]

- (4) Without prejudice to subsection (1) above, regulations under this section may make provision in relation to persons who are or, but for any such service by them as may be prescribed, would be employees of any such association of local authorities or of committees of local authorities as may be prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to the reorganisation of local government effected by this Act; and, without prejudice to subsection (2) above, regulations under this section making any such provision may provide that any compensation paid under the regulations by the appropriate Minister

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shall be recoverable by him in accordance with the regulations from such association or other body as may be prescribed by or determined under the regulations.

- (5) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F378** S. 259(3) substituted by Local Government Act 1974 (c. 7), s. 39

**F379** Words substituted by virtue of Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1), Sch. 3 para. 17(a) (with s. 54)

**F380** S. 259(3)(c) substituted by Food Act 1984 (c. 30, SIF 53:1), s. 134(a), Sch. 10 para. 23(b)

**F381** Words substituted for sub-paras. (i) and (ii) by Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1), Sch. 3 para. 17(b) (with s. 54)

**F382** Words repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1), Sch. 3 para. 17(c) (with s. 54)

#### Marginal Citations

**M162** 1936 c. 49.

**M163** 1936 c.49(100:1).

**M164** 1969 c. 54.

**M165** 1936 c. 49.

**M166** 1969 c. 54.

## 260 Provision for early retirement in lieu of compensation for loss of office.

- (1) In order to facilitate the early retirement of certain persons who might otherwise suffer such loss of employment or loss or diminution of emoluments as is referred to in section 259(1) above, any person who—
- is the holder of any such office or is in any such employment as may be prescribed for the purposes of this subsection, and
  - attains or has attained the age of fifty on or before 31st March 1974, and
  - fulfils such other conditions as may be prescribed,
- may by notice given before the prescribed date and in the prescribed manner elect that this section shall, and that section 259 above shall not, apply to him.
- (2) Where any person has made an election under subsection (1) above, then unless, within the period of one month beginning on the day on which the notice of election is given, notice of objection to that election has been given to him by the body under whom he holds office or by whom he is employed, this section shall, and section 259 above shall not, apply to him on his retirement within the prescribed period and before attaining the normal retiring age.
- (3) Subject to subsection (4) below, the Secretary of State shall by regulations provide for the payment by such body or such Minister as may be prescribed by or determined under the regulations to or in respect of a person to whom this section applies of benefits corresponding, as near as may be, to those which would have been paid to or in respect of that person under the relevant superannuation scheme if—
- at the date of his retirement he had attained the normal retiring age; and
  - the actual period of his reckonable service were increased by such period as may be prescribed, being a period not exceeding the period beginning on the date of his retirement and ending on the date on which he would attain the normal retiring age.

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- (4) Regulations under subsection (3) above shall be so framed as to secure that the sums which would otherwise be payable under the regulations in accordance with that subsection to or in respect of any person are reduced to take account of any benefits payable to or in respect of him under the relevant superannuation scheme.
- (5) Any sums payable under regulations made under subsection (3) above shall be treated for the purposes of section 73 of the <sup>M167</sup>Finance Act 1972 (compensation for loss of office or employment chargeable to tax as a payment made on retirement or removal from office or employment) in like manner as compensation paid under section 259 above.
- (6) In this section—
- “normal retiring age” means—
- (a) in relation to any person to whom an age of compulsory retirement applies by virtue of the relevant superannuation scheme, that age, and
- (b) in relation to any other person, the age of sixty-five in the case of a man and sixty in the case of a woman or, in either case, such other age as may be prescribed;
- “reckonable service”, in relation to any person, means service in respect of which benefits are payable under the relevant superannuation scheme; and
- “relevant superannuation scheme”, in relation to any person, means the instrument which is applicable in the case of his office or employment and which makes provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of certain requirements and conditions, are to be, or may be, paid to or in respect of persons in that office or employment.
- (7) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Marginal Citations

M167 1972 c. 41.

## 261 Remuneration of employees of existing local authorities outside Greater London.

- (1) For the purposes of this section the Secretary of State may designate such body appearing to him to be representative of local authorities as he considers appropriate (in this section referred to as “the advisory body”) to consider any increase made or proposed to be made by an existing local authority outside Greater London in the remuneration of any of their employees.
- (2) For the purpose of enabling them to carry out their functions under this section, the advisory body shall consult and seek information from new and existing local authorities outside Greater London; and, if requested to do so by the advisory body, the Secretary of State may give a direction to any such local authority requiring them to furnish to the advisory body such information as may be specified in the direction relating to the remuneration and other terms and conditions of employment of such employees of the local authority as may be so specified.
- (3) If it appears to the advisory body that an existing local authority outside Greater London has fixed or proposes to fix for any employee or class of employee of theirs a rate of remuneration which, having regard to any recommended levels of remuneration



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formulated on a national basis by representatives of local authorities and employees of local authorities, is greater than that which the advisory body considers appropriate for that employee or class of employees, they shall notify the local authority concerned and recommend to them the rate of remuneration which should be paid to the employee or class of employees concerned.

- (4) If it appears to the advisory body that an existing local authority outside Greater London to whom they have made a recommendation under subsection (3) above are not complying with that recommendation, then, after giving notice in writing to the local authority concerned of their intention to do so, they may refer the matter to the Secretary of State, and on such a reference the Secretary of State, after consultation with such persons appearing to him to be representative of local authorities and of employees of local authorities as he considers appropriate in relation to the employee or class of employees concerned, may give a direction to that local authority requiring them, with effect from such date as may be specified in the direction (not being earlier than the date on which notice was given to them by the advisory body), to pay such employee or class of employees of theirs as was the subject of the recommendation and as may be so specified remuneration at the rate recommended by the advisory body under subsection (3) above and specified in the direction.
- (5) It shall be the duty of any local authority to whom a direction is given under subsection (2) or subsection (4) above to comply with the direction.
- (6) If at any time in the period of three months beginning on 1st April 1974 it appears to the advisory body that the remuneration paid at any time before that date to any employee or class of employees of an existing local authority outside Greater London was such that, if that authority had not ceased to exist, the advisory body would have made a recommendation to the authority under subsection (3) above or, having made such a recommendation before that date, would have referred the matter to the Secretary of State under subsection (4) above, they shall notify the Secretary of State and report to him the rate of remuneration which in their opinion should have been paid to the employees or class of employees concerned immediately before 1st April 1974, or such earlier date as may be specified in the report, being the date on which the employee or employees ceased to be employed by the local authority concerned.
- (7) On receiving a report under subsection (6) above the Secretary of State may, after such consultation as is specified in subsection (4) above, by order provide that, for the purposes of the provisions of this Act relating to transfer of officers and compensation for loss of office [<sup>F383</sup>or for the purposes of the provisions of the <sup>M168</sup>National Health Service Reorganisation Act 1973 relating to the transfer of officers and the provisions of section 24 of the <sup>M169</sup>Superannuation Act 1972 (which among other things relate to compensation for loss of office)], the employee or class of employees to whom the report relates and who are specified in the order shall be deemed to have been receiving, immediately before 1st April 1974 or such earlier date as may be specified in the report, remuneration at the rate stated in the report and specified in the order, but no order shall be made under this subsection after the end of September 1974.
- (8) Nothing in this section—
  - (a) shall apply to the remuneration payable to teachers by local education authorities, or
  - (b) shall empower the Secretary of State to give a direction requiring a local authority to pay any employee, or to make an order deeming any employee to have been receiving remuneration at a rate below that to which he was entitled on 8th March 1972.

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### Textual Amendments

**F383** Words inserted by [National Health Service Reorganisation Act 1973 \(c. 32\), Sch. 4 para. 152](#)

### Marginal Citations

**M168** 1973 c. 32.

**M169** 1972 c. 11.

## 262 Local Acts and instruments.

(1) Subject to subsection (2) below, any local statutory provision to which this section applies and which is not continued in force by any other provision of this Act shall—

- (a) notwithstanding the changes of administrative areas and local authorities effected by or under this Act and, in the case of an instrument made under any enactment, notwithstanding the repeal of that enactment, continue to apply on and after 1st April 1974 to, but only to, the area, things or persons to which or to whom it applies before that date;
- (b) have effect subject to any necessary modifications and to the modifications made by subsections (3) to (5) below;

but the continuation by this subsection of an instrument made under any enactment shall not be construed as prejudicing any power to vary or revoke the instrument which is exercisable apart from this subsection.

(2) Subsection (1) above shall have effect subject to the provisions of—

- (a) this Act, other than Part I of Schedule 29;
- (b) any Act passed after this Act and before 1st April 1974; and
- (c) any order made under section 254 above or the following provisions of this section.

(3) Any local statutory provision to which this section applies and which relates to functions exercisable by a local authority of any description by virtue of any public general enactment shall have effect as if for any reference to the authority by whom the functions are exercised immediately before 1st April 1974 or to their area there were substituted a reference to the authority by whom those functions are exercisable on and after that date or, as the case may be, to so much of the area of the latter authority as comprises the area of the former authority or any part thereof.

(4) In any local statutory provision to which this section applies and which does not fall within subsection (3) above—

- (a) for any reference to an existing county or its council there shall be substituted a reference to so much of the new county or counties as comprises the area of the existing county or any part thereof or, as the case may be, the council of that new county or the councils of those new counties;
- (b) for any reference to an existing county borough or county district or the council of either there shall be substituted a reference to so much of the new district or districts as comprises the area of the existing borough or district or any part thereof or, as the case may be, the council of that new district or the councils of those new districts.

(5) In any local statutory provision to which this section applies which has effect in an area in Wales and which does not fall within subsection (3) above—

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- (a) for any reference to a rural parish there shall be substituted a reference to the corresponding community;
  - (b) for any reference to the council of any such parish which has a council, whether separate or common, there shall be substituted a reference to the council of the corresponding community; and
  - (c) for any reference to the parish meeting of any such parish which has no council there shall be substituted a reference to the council of the new district which comprises the corresponding community.
- (6) Subsections (3) to (5) above shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and, without prejudice to the foregoing, the Secretary of State may by order provide for the exercise of functions conferred by any local statutory provision to which this section applies and exclude the operation of any of those subsections where it would otherwise conflict with any provision of the order.
- (7) So much of any local statutory provision—
- (a) as confers functions on the Secretary of State with respect to the determination of tolls or other charges with respect to any fair, or
  - (b) as requires the submission to the Secretary of State of, or of proposals relating to, any scale of tolls or other charges with respect to any fair,
- shall cease to have effect.
- (8) Where any local statutory provision is continued in force in any area by subsection (1) above or is amended or modified in its application to any area by an order under section 254 above, the Secretary of State or any appropriate Minister may by that order, or in the case of a provision continued as aforesaid, by an order under this subsection—
- (a) extend the provision throughout the new local government area in which it is continued in force;
  - (b) provide that that provision as so continued, amended, modified or extended shall have effect in that area to the exclusion of any enactment for corresponding purposes, including any enactment contained in or applied by this Act;
  - (c) make such modifications of any such enactment in its application to that area as will secure that the enactment will operate harmoniously with the said provision in that area;
  - (d) repeal or revoke any local statutory provision to which this section applies and which appears to the Secretary of State or that Minister to have become spent, obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom that provision applies;
  - (e) transfer to any authority appearing to the Secretary of State or that Minister to be appropriate any functions of an existing local authority under a local statutory provision to which this section applies which are not to become functions of some other authority under any provision of this Act except section 254 above and this section, or under any other instrument made under this Act, being functions exercisable by any existing local authority abolished by this Act;
  - (f) without prejudice to paragraph (e) above, make such modifications of any local statutory provision to which this section applies in its application to any new local government area as appear to the Secretary of State or that Minister to be expedient.

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- (9) All local statutory provisions to which this subsection applies shall cease to have effect in metropolitan counties at the end of 1979 and elsewhere at the end of 1984, but—
- (a) the Secretary of State or any appropriate Minister may by order exempt any such provision from the foregoing provision of this subsection;
  - (b) the Secretary of State may from time to time by order postpone the date on which all the local statutory provisions applying to the whole or part of any local government area, so far as they so apply, are to cease to have effect under this subsection.
- (10) An order under subsection (8) above which extends the area for which any local statutory provision is in force shall be provisional only.
- (11) An instrument containing any other order under subsection (8) above or an order under subsection (9) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) This section applies to any local statutory provision which is in force wholly outside Greater London (except in the Isles of Scilly) and so much of any local statutory provision which is in force partly in Greater London as is in force outside Greater London, being in either case a provision in force immediately before 1st April 1974 and not expressly repealed or revoked by this Act, and subsection (9) above applies to any such local statutory provision of the following descriptions—
- (a) a provision of a local Act, the Bill for which was promoted by a local authority;
  - (b) a provision of an Act confirming a provisional order made on the application of a local authority;
  - (c) a provision of an order made on such an application which was subject to special parliamentary procedure;
- not being—
- (i) a provision by virtue of which functions are exercisable by a joint board continued in existence by virtue of section 263 below,
  - (ii) a provision relating to a statutory undertaking,
  - (iii) a provision relating to any person's status, or the right of any person to be admitted, as a freeman of any place or the rights of any person by virtue of any relationship or association with such a freeman,
  - (iv) a protective provision for the benefit of any person, or
  - (v) a provision contained in the <sup>M170</sup>Green Belt (London and Home Counties) Act 1938.
- (13) In subsection (12) above “local authority” means—
- (a) the council of an administrative county, urban district or rural district;
  - (b) the municipal corporation of a borough acting by the council of that borough;
  - (c) any commissioners, trustees or other persons invested by any local Act with powers of town government or rating;
  - (d) any local board constituted in pursuance of the <sup>M171</sup>Public Health Act 1848, the <sup>M172</sup>Local Government Act 1858, the <sup>M173</sup>Local Government (1858) Amendment Act 1861 or the <sup>M174</sup>Local Government Amendment Act 1863; or
  - (e) without prejudice to the foregoing any body of persons constituted or designated as an urban or rural sanitary authority under the <sup>M175</sup>Public Health Act 1875;

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and “statutory undertaking” means any railway, light railway, tramway, road transport, water transport, canal, inland navigation, ferry, dock, harbour, pier or lighthouse undertaking, any telephone undertaking, any market undertaking or any undertaking for the supply of electricity, gas, hydraulic power,<sup>F384</sup> . . . or district heating.

#### Textual Amendments

**F384** Word repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

#### Modifications etc. (not altering text)

**C477** [S. 262\(9\)](#) restricted by [Cornwall County Council Act 1984 \(c. xix\)](#), [ss. 1](#), [54\(4\)](#)

#### Marginal Citations

**M170** [1938 c. xciii](#).

**M171** [1848 c. 63](#).

**M172** [1858 c. 98](#).

**M173** [1861 c. 61](#).

**M174** [1863 c. 17](#).

**M175** [1875 c. 55](#).

### 263 Existing joint boards and committees and port health districts.

- (1) Subject to the following provisions of this section, where an existing joint board, every constituent member of which is a local authority, was constituted by or under any enactment for exercising functions for any united district or other area (not being a port health district), then, notwithstanding the change of areas and authorities effected by Parts I and II of this Act, the board shall continue to exist on and after 1st April 1974 and to exercise for that area the same functions as before that date (to the exclusion of new local authorities).
- (2) Subsection (1) above shall not apply to a joint board constituted for an area which on 1st April 1974 will be wholly within the area of a single new local authority if the board was constituted for the purpose of exercising functions which on and after that date would (apart from the existence of the board) be exercisable by that local authority, whether or not the board has additional functions which, apart from this section, would not be so exercisable; and accordingly in any such case—
  - (a) the functions of the board shall on 1st April 1974 become functions of that new local authority; and
  - (b) the joint board shall cease to exist on that date.
- (3) Subject to the following provisions of this section, where a port health district was constituted by an order under Part I of the<sup>M176</sup>Public Health Act 1936 or an enactment replaced by that Part and an existing local authority or an existing joint board, every constituent member of which is a local authority, is the port health authority for that district, then, notwithstanding the change of areas and authorities effected by Parts I and II of this Act, the district shall continue to exist as a port health district on and after 1st April 1974 and—
  - (a) if on that date a single new local authority will become the riparian authority in relation to that district, then on that date that authority shall become the port health authority for that district and any existing joint board constituted for that district shall cease to exist; and

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- (b) if on that date two or more new local authorities will become riparian authorities in relation to that district then, if the existing port health authority is a joint board, that board shall continue to exist and to be the port health authority for that district, but otherwise the new local authority whose area comprises or, as the case may be, abuts on the greater part of that district shall be the port health authority for that district.
- (4) Any question as to which authority's area comprises or abuts on the greater part of a port health district shall be resolved by the Secretary of State.
- (5) Any existing joint committee constituted under section 91 of the 1933 Act or by or under any other enactment for the purpose of exercising functions for an area which on 1st April 1974 will lie within the areas of two or more new local authorities by whom those functions would apart from this subsection become exercisable on that date shall, notwithstanding the change of areas and authorities effected by Parts I and II of this Act, continue to exist on and after that date as if appointed under Part VI of this Act by those new authorities and shall exercise those functions for the area for which the committee exercised them before that date, without prejudice, however, to the power of those new authorities to make different arrangements for the discharge of those functions under that Part.
- (6) The continuation in existence of any area or body by this section shall not prejudice any power conferred by any enactment to amend or revoke the order constituting the area or body or the power to make provision with respect to the body conferred by section 254 above.
- (7) Subsections (1) and (2) above shall not apply to any area wholly situated in Greater London or to a joint board for such an area, or to a joint planning board for a National Park, and subsections (3) and (4) above shall not apply to the Port of London.
- (8) The following provisions shall have effect for the construction of references to a local statutory provision to which section 262 above applies:—
- (a) any reference to an existing joint board which ceases to exist by virtue of this section, or any reference which is to be construed as such a reference, shall be construed as a reference to the local authority by whom the functions of that board will become exercisable by virtue of this section;
- (b) any reference to a united district or other area the existing joint board for which ceases to exist by virtue of subsection (2) above, or any reference which is to be construed as such a reference, shall be construed as a reference to so much of the area of the new local authority by whom the functions formerly exercisable by the existing joint board become exercisable on 1st April 1974 as comprises the united district or other area for which the board acted; and
- (c) any reference to an existing local authority whose functions as port health authority become exercisable on 1st April 1974 by virtue of subsection (3) above by a new local authority, or any reference which is to be construed as such a reference, shall be construed as a reference to that new local authority.
- (9) The foregoing provisions of this section shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and shall be without prejudice to any express provision so made.

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#### Modifications etc. (not altering text)

- C478** S. 263(3)-(8) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [art. 57](#) (with arts. 78, 80, 81)
- C479** S. 263(3)-(8) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [art. 57](#) (with arts. 78, 80, 81)
- C480** S. 263(3)-(8) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [art. 57](#) (with arts. 78, 80, 81)
- C481** S. 263(3)-(8) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [art. 57](#) (with arts. 78, 80, 81)
- C482** S. 263(3)-(8) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [art. 57](#) (with arts. 78, 80, 81)
- C483** S. 263(3)-(8) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [art. 57](#) (with arts. 78, 80, 81)

#### Marginal Citations

**M176** 1936 c. 49.

<sup>F385</sup>**264** .....

#### Textual Amendments

**F385** S. 264 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

### **265 Application of Act to Isles of Scilly.**

- (1) There shall continue to be a council for the Isles of Scilly to be known as the Council of the Isles of Scilly.
- (2) The Secretary of State may make an order providing for the constitution of the Council of the Isles of Scilly and otherwise for regulating the application of this Act to the Isles of Scilly and may on the application of the Council make an order providing for the exercise and performance there of any functions which are for the time being conferred or imposed on local authorities.
- (3) Any order made under this section may—
  - (a) apply to the Isles of Scilly any other public general Act relating to local government;
  - (b) provide for the contribution by the Isles of Scilly to Cornwall County Council in respect of costs incurred by the county council on matters specified in the order as benefiting the Isles of Scilly;
  - (c) provide for all matters which appear to the Secretary of State necessary or proper for carrying the order into effect.
- (4) Any order in force immediately before 1st April 1974 under section 292 of the 1933 Act (application of that Act to the Isles of Scilly) shall have effect as if made under this section and may be varied or revoked accordingly.

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#### Modifications etc. (not altering text)

C484 S. 265 extended by Coroners Act 1988 (c. 13, SIF 33), ss. 33, 34(2)

### [<sup>F386</sup>265] Application in relation to the Broads Authority.

- (1) Subject to subsections (2) and (3) below, the following provisions of this Act shall have effect as if the Broads Authority were a local authority and the Broads were its local government area—
- (a) section 70;
  - (b) sections 80(1)(a) and (2), 85, 92, 94 to 98, 99 and 100;
  - (c) sections 101 to 106;
  - (d) sections 111 to 119;
  - (e) sections 120 to 123 and 128 to 131;
  - (f) sections 135, 136, 139, 140, 140A, 140C, 143 and 144;
  - [ sections 153 and 173 to 177;] and
  - <sup>F387</sup>(g) sections 222, 223, 225, 228 to 234 and 239.
  - (h) sections 222, 223, 225, 228 to 234 and 239.
- (2) The Navigation Committee of the Broads Authority shall be treated, for the purposes of this Act and of any other enactment relating to the committees of local authorities (but subject to section 9 of the Norfolk and Suffolk Broads Act 1988), as a committee of the Authority appointed under section 102 of this Act.
- (3) Sections 120 to 123, 128 and 224 shall have effect as if the Authority were a principal council.]

#### Textual Amendments

**F386** S. 265A inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(1)**

**F387** S. 265A(1)(g) repealed (*prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 194(4), 195(2), **Sch. 12 Pt. II**

### 266 Orders, rules and regulations.

- (1) Any power to make orders, rules or regulations conferred on any Minister or the Treasury by any provision of this Act other than section 261 above or paragraph 3 of Schedule 3 or paragraph 2 of Schedule 5 to this Act shall be exercisable by statutory instrument.
- (2) Any power to make an Order in Council or other order under any provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.

### 267 Expenses.

There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by any Minister under this Act; and



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- (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

<sup>F388</sup>268 .....

**Textual Amendments**

**F388** S. 268 repealed by House of Commons Disqualification Act 1975 (c. 24), **Sch. 3** and Northern Ireland Assembly Disqualification Act 1975 (c. 25), s. 5(2), **Sch. 3 Pt. I**

**269 Meaning of “England” and “Wales”.**

In every provision of this Act other than sections 1 and 20 above, . . . <sup>F389</sup>, “Wales”, subject to any alteration of boundaries made under section 62 above, means the area consisting of the counties established by the said section 20 and “England” does not include any area included in any of those counties.

**Textual Amendments**

**F389** Words repealed by Interpretation Act 1978 (c. 30, SIF 115:1), **Sch. 3**

**Modifications etc. (not altering text)**

**C485** S. 269 applied by National Health Service Reorganisation Act 1973 (c. 32), s. 55(2), Horticulture (Special Payments) Act 1974 (c. 5), s. 6(4) and Local Government Act 1974 (c. 7), s. 34(2)

**270 General provisions as to interpretation.**

- (1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“appropriate Minister”, in relation to the making of an order or regulation or the giving of a direction with respect to any matter, means the Minister in charge of any Government department concerned with that matter; but the validity of any order, regulation or direction purporting to be made or given by any Minister by virtue of a power conferred on the appropriate Minister by this Act shall not be affected by any question as to whether or not that Minister was the appropriate Minister for the purpose;

“bank holiday break” means any bank holiday not included in the Christmas break or the Easter break and the period beginning with the last week day before that bank holiday and ending with the next week day which is not a bank holiday;

[<sup>F390</sup>“the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.]

“Christmas break” means the period beginning with the last week day before Christmas Day and ending with the first week day after Christmas Day which is not a bank holiday;

“the City” means the City of London;

“Commission”, without more, means the English Commission or the Welsh Commission and “the Commissions” means both those Commissions;

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“Common Council” means the Common Council of the City;

“county”, without more, means, in relation to England, a metropolitan county or a non-metropolitan county [<sup>F391</sup>, but in the expression “county council”, “council of a county”, “county councillor” and “councillor of a county” means, in relation to England, a non-metropolitan county only:];

“district”, without more, means, in relation to England, a metropolitan district or a non-metropolitan district;

“Easter break” means the period beginning with the Thursday before and ending with the Tuesday after Easter Day;

“electoral area” means any area for which councillors are elected to any local authority;

“English Commission” has the meaning assigned to it by section 46 above;

“existing”, in relation to a local government or other area or a local authority or other body, except in sections 1 and 20 above, means that area or body as it existed immediately before the passing of this Act;

“financial year” means the period of twelve months ending with 31st March in any year;

“grouped”, in relation to a parish or community, means grouped by or by virtue of any provision of this Act or any previous corresponding enactment under a common parish or community council, and “grouping order” shall be construed accordingly;

[<sup>F392</sup>“joint authority” means an authority established by Part IV of the Local Government Act 1985;]

“land” includes any interest in land and any easement or right in, to or over land;

“local authority” means a county council, <sup>F393</sup> . . . a district council, a London borough council or a parish or community council;

“local government area” means—

(a) in relation to England, a county, Greater London, a district, a London borough or a parish;

(b) in relation to Wales, a county, district or community;

“local government elector” means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts;

“local statutory provision” means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act passed with respect only to the whole or part of an existing local government area or a provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act;

“new”, in relation to any area or authority, means an area or authority established by or under this Act;

“1933 Act” means the <sup>M177</sup>Local Government Act 1933;

“1963 Act” means the <sup>M178</sup>London Government Act 1963;

[<sup>F394</sup>“open space” has the meaning assigned to it by [<sup>F395</sup>section 336(1) of the Town and Country Planning Act 1990];]

“prescribed” means prescribed by regulations made by the Secretary of State;

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“principal area” means a [<sup>F396</sup>non-metropolitan county], a district or a London borough;

“principal council” means a council elected for a principal area;

“public body” includes—

- (a) a local authority and a joint board on which, and a joint committee on which, a local authority or parish meeting are represented;
- (b) any trustees, commissioners or other persons who, for public purposes and not for their own profit, act under any enactment or instrument for the improvement of any place, for the supply of water to any place, or for providing or maintaining a cemetery or market in any place; and
- (c) any other authority having powers of levying or issuing a precept for any rate for public purposes;

and “district” means, in relation to a public body other than a local authority, the area for which the public body acts;

“special community review” means a review under paragraph 1 of Schedule 10 to this Act;

“specified papers”, in relation to a parish or community, means the public books, writings and papers of the parish or community (including any photographic copies thereof) and all documents directed by law to be kept therewith;

“the Temples” means the Inner Temple and the Middle Temple;

“Welsh Commission” has the meaning assigned to it by section 53 above.

- (2) In this Act and in any other enactment, whether passed before, at the same time as, or after this Act, the expression “non-metropolitan county” means any county other than a metropolitan county, and the expression “non-metropolitan district” means any district other than a metropolitan district.
- (3) Any reference in this Act to a proper officer and any reference which by virtue of this Act is to be construed as such a reference shall, in relation to any purpose and any local authority or other body or any area, be construed as a reference to an officer appointed for that purpose by that body or for that area, as the case may be.
- (4) In any provision of this Act which applies to a London borough, except Schedule 2 to this Act,—
  - (a) any reference to the chairman of the council or of any class of councils comprising the council or to a member of a local authority shall be construed as or, as the case may be, as including a reference to the mayor of the borough;
  - (b) any reference to the vice-chairman of the council or any such class of councils shall be construed as a reference to the deputy mayor of the borough; and
  - (c) any reference to the proper officer of the council or any such class of councils shall be construed as a reference to the proper officer of the borough.
- (5) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

#### Textual Amendments

**F390** Definition inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), [Sch. 6 para. 10\(9\)](#)

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- F391** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 16 para. 8(a)**  
**F392** Definition inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 34**  
**F393** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**  
**F394** Words inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2), **Sch. 23 para. 20**  
**F395** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 28(3)**  
**F396** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 16 para. 8(b)**

#### Marginal Citations

- M177** 1933 c. 51.  
**M178** 1963 c. 33.

## 271 Savings.

- (1) Nothing in this Act shall affect the boundary of the area—  
<sup>F397</sup>(a) ..... <sup>F398</sup>  
<sup>F398</sup>(b) .....
- (2) Nothing contained in, or done by virtue of, any provision of this Act other than section 253 or section 254(2)(b) shall affect the functions of the conservators of any common.
- (3) The provisions of Part I of this Act shall not affect the continuance of the Confederation of the Cinque Ports.
- (4) Any enabling provision contained in this Act shall be in addition to, and not in derogation of, any powers exercisable by Her Majesty by virtue of Her Royal Prerogative.
- (5) Except as provided by Part X of this Act, nothing in this Act shall prejudice any right, duty or privilege of Her Majesty in right of the Duchy of Lancaster.

#### Textual Amendments

- F397** S. 271(1)(a) repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**  
**F398** S. 271(1)(b) and word immediately preceding it repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

## 272 Repeals.

- (1) The enactments specified in Schedule 30 to this Act (which include enactments that were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent mentioned in the third column of that Schedule.
- (2) Without prejudice to section 38(1) of the <sup>M179</sup>Interpretation Act 1889, where this Act repeals any enactment making provision with respect to a particular matter or particular matters and either makes or applies some other enactment making corresponding or different provision with respect to that matter or those matters, then, unless the contrary intention appears and in particular subject to any instrument under

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section 252, 254, 255, 259, or 262 of this Act, references in any enactment other than this Act, or in any instrument made under any enactment other than this Act, to the repealed enactment shall be construed as references to the enactment contained in or applied by this Act which makes the corresponding or different provision.

#### Marginal Citations

M179 1889 c. 63.

### 273 Commencement.

- (1) The provisions of this Act to which this subsection applies shall, except so far as brought into force earlier by an order under subsection (2) below, come into force on 1st April 1974.
- (2) The Secretary of State may by order appoint an earlier date for the coming into force of any provision to which subsection (1) above applies and different days may be appointed under this subsection for different purposes and, in particular, different days may be so appointed for the coming into force of the same provision in different areas.
- (3) Subsection (1) above applies to the following provisions of this Act, that is to say—
  - sections 13, 16(1) and (3) and 17;
  - section 40;
  - section 48(8) and (9);
  - section 50(4) to (7);
  - sections 53 to 59 and Schedule 8;
  - section 62;
  - section 75;
  - section 89(6);
  - section 100;
  - Parts VI to XI, except as provided by subsections (4) and (5) below;
  - section 251 and Schedule 29;
  - section 262(3) to (7);
  - section 272 and Schedule 30;
  - paragraphs 5 to 9 and 10(2) of Schedule 6;
  - in Schedule 12, Parts II and III, and Part VI so far as applicable to parish councils.
- (4) Subsection (1) above shall not apply to the following provisions of Parts VI to XI of this Act, that is to say—
  - sections 104 and 106;
  - section 110;
  - section 117;
  - section 138;
  - section 169;
  - section 181(3) to (9) and (11);
  - so much of section 183 as confers a power to make or direct the making or amendment of development plan schemes and so much of section 182 as applies to the interpretation of the provisions relating to such schemes;
  - section 186(6) and (7);

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section 190(4);  
 section 192(3);  
 section 196(6) to (9);  
 section 197(2) and (3);  
 section 198(3) and (4);  
 section 200;  
 section 201(3) and (4);  
 section 202(4) to (8);  
 section 205;  
 section 207(2) to (8);  
 section 215(4);  
 section 220(4);  
 section 232;  
 section 242;  
 section 243;  
 paragraph 27(2) of Schedule 13 and so much of section 172 as relates thereto.

(5) Without prejudice to section 37 of the <sup>M180</sup>Interpretation Act 1889, any provision of Part IX or X of this Act—

- (a) which empowers or requires any person to make any arrangements or any instrument with respect to the exercise of functions under any such provision or with respect to the setting up of any body of persons or the appointment of persons to any office or employment with a view to exercising any such functions or with respect to the deployment of officers in connection with the exercise of such functions;
- (b) which empowers or requires any person to give directions, take steps or make representations with respect to any such arrangements or instrument; or
- (c) which amends or applies any enactment which empowers or requires any person to make any such arrangements or instrument;

shall come into force so as to enable those functions to be exercised in accordance with the arrangements or instrument on 1st April 1974.

(6) Sections 80 to 90, 92, 93, 104 and 106 above shall not apply to the Greater London Council or members of that council before the day on which the councillors of that council elected at the first ordinary elections of such councillors after the passing of this Act come into office.

(7) Sections 80 to 90, 92, 104 and 106 above shall not apply to a London borough council or the members of any such council before 1st April 1974.

(8) The following provisions shall have effect with respect to parish councils in England and the members of such councils:—

- (a) sections 44(4) and 91 above shall not apply to them before 1st April 1974;
- (b) sections 80 to 90, 92, 104 and 106 above shall not apply to them before the day on which parish councillors elected at those elections come into office; and
- (c) sections 94 to 98 above shall not apply to them before 1st April 1974.

(9) Part V of this Act shall not apply to existing parish councils in Wales or to members of such councils.

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- (10) Sections 104 and 106 above shall not apply to members of the Common Council before the day on which any common councilmen elected at the first ordinary election of common councilmen after the passing of this Act come into office.

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**Marginal Citations**

M180 1889 c. 63.

**274 Short title and extent.**

- (1) This Act may be cited as the Local Government Act 1972.
- (2) Except for <sup>F399</sup> . . . , paragraph 35 of Schedule 29 to this Act <sup>F399</sup> . . . , this Act shall not extend to Scotland.
- (3) <sup>F399</sup> . . . , this Act shall not extend to Northern Ireland.

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**Textual Amendments**

**F399** Words repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#) and Northern Ireland [Assembly Disqualification Act 1975 \(c. 25\)](#), s. 5(2), [Sch. 3 Pt. I](#)

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