



Local Government Act 1972

1972 CHAPTER 70

PART IV

CHANGES IN LOCAL GOVERNMENT AREAS

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—
 - (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

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- (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;
 - [^{F1}(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;]
 - (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;

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- (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) F2

Textual Amendments

- F1** S. 67(5)(c) substituted by S.I. 1977/1710, art. 3(a)
- F2** 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—
 - (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;

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- (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.

^{F3}(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 ^{M1}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

F3 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

M1 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.
- (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.

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- (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 ^{M2}Local Government Act 1929;
 - (b) Part VI of the 1933 Act;
 - (c) Part II of the ^{M3}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

M2 1929 c. 17.

M3 1958 c. 55.

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