



# Local Government Act 1972

## 1972 CHAPTER 70

### PART IX

#### FUNCTIONS

##### *Miscellaneous functions*

#### 196 Police.

- (1) The <sup>M1</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 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”;

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- (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.”
- (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

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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)**

- C1** 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**

- M1** 1964 c. 48.

**197 Fire services.**

- (1) The proviso to section 6(1) of the <sup>M2</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.
- (4) . . . . . <sup>F1</sup>
- (5) In section 10 of the <sup>M3</sup> Fire Services Act 1947, as amended by Schedule 8 to the <sup>M4</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**

- F1** S. 197(4) repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38, [Sch. 6 Pt. IV](#)

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

- C2** 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.
- C3** “the said Act of 1947” means [Fire Services Act 1947 \(c. 41\)](#)

#### Marginal Citations

- M2** [1947 c. 41.](#)
- M3** [1974 c. 41.](#)
- M4** [1958 c. 55.](#)

<sup>F2</sup>**198**, .....

**199**.

#### Textual Amendments

- F2** [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>M5</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>M6</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>M7</sup>Medicines Act 1968 (enforcement of certain provisions made by or under that Act).
- (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

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- (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>M8</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**

- M5** 1928 c. 19.  
**M6** 1970 c. 40.  
**M7** 1968 c. 67.  
**M8** 1928 c. 19.

**F3**<sup>201</sup> .....

**Textual Amendments**

- F3** 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.**

- <sup>F4</sup>(1) .....
- (2) <sup>F5</sup> . . . , Part II of the <sup>M9</sup>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 <sup>M10</sup>Transport (London) Act 1969;

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- (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) <sup>F6</sup> .....

<sup>F7</sup>(4) .....

(8) Expressions used in this section have the same meanings as in the <sup>M11</sup>Transport Act 1968.

**Textual Amendments**

- F4** 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
- F5** 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
- F6** 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
- F7** 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**

- M9** 1968 c. 73.
- M10** 1969 c. 35.
- M11** 1968 c. 73.

<sup>F8</sup>**203** .....

**Textual Amendments**

- F8** S. 203 repealed by Transport Act 1978 (c. 55, SIF 126), s. 24(4), **Sch. 4**

**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>M12</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>M13</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>M14</sup>Licensing Act 1964 shall be given to the proper officer of the district council instead of to the clerk to the rating authority.

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- (4) In consequence of the preceding provisions of this section and of section 217 below, the <sup>M15</sup>Licensing Act 1964 shall have effect subject to the amendments specified in Part I of Schedule 25 to this Act.
- (5) ..... <sup>F9</sup>
- (6) In section 18(1) of the <sup>M16</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>F10</sup>
- (7) ..... <sup>F11</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>M17</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>M18</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**

- F9** S. 204(5) repealed by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), s. 24(2), [Sch. 3](#)
- F10** Words repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, [Sch. 7 Pt. IV](#)
- F11** 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)**

- C4** 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.

**Marginal Citations**

- M12** 1964 c. 26.  
**M13** 1964 c. 26.  
**M14** 1964 c. 26.  
**M15** 1964 c. 26.  
**M16** 1968 c. 54.  
**M17** 1926 c. 31.  
**M18** 1969 c. 53.

<sup>F12</sup>205 .....

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#### Textual Amendments

- F12** 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>M19</sup>Public Libraries and Museums Act 1964 in England shall be county councils, <sup>F13</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

- F13** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

#### Marginal Citations

- M19** 1964 c. 75.

### 207 Public libraries and museums (Wales).

- (1) The local authorities for the purposes of the <sup>M20</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—

- (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.



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- (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>M21</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

**M20** 1964 c. 75.

**M21** 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>M22</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 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—

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- (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>M23</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.

**Marginal Citations**

**M22** 1964 c. 75.  
**M23** 1958 c. 55.

**F14**<sup>209</sup> .....

**Textual Amendments**

**F14** S. 209 repealed by [Employment and Training Act 1973 \(c. 50\)](#), [Sch. 4](#)

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## 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>M24</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
  - (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;

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- (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>M25</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>M26</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)”;
  - (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

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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>M27</sup>Charities Act 1960.

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

**C5** S. 210 excluded by [National Health Service Reorganisation Act 1973 \(c. 32\), s. 25\(4\)](#)

**C6** 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**

**M24** 1960 c. 58.

**M25** 1940 c. 31.

**M26** 1960 c. 58.

**M27** 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>M28</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.
- (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>M29</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.

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**Marginal Citations**

- M28 1914 c. 91.
- M29 1914 c. 91.

<sup>F15</sup>212 .....

**Textual Amendments**

- F15 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>F16</sup>
  - (c) ..... <sup>F17</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>M30</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”.
- (3) ..... <sup>F18</sup>
- (4) In accordance with subsection (1) above, in subsection (1) of section 7 of the <sup>M31</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”.

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#### Textual Amendments

- F16** S. 213(1)(a)(b) repealed by [Consumer Credit Act 1974 \(c. 39\), s. 192\(3\)\(4\), Sch. 5](#)  
**F17** S. 213(c) repealed by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\), s. 41, Sch. 7 Pt. IV](#)  
**F18** S. 213(3) repealed by [Consumer Credit Act 1974 \(c. 39, SIF 60\), s. 192\(3\)\(b\), Sch. 5](#)

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

- C7** 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

- M30** 1908 c. 16.  
**M31** 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>M32</sup>Burial Act 1852 or section 53(2) of the <sup>M33</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 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>M34</sup>Cremation Acts 1902 <sup>M35</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.

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- (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

- M32** 1852 c. 85.  
**M33** 1894 c. 73 (56 & 57 Vict.).  
**M34** 1902 c. 8.  
**M35** 1952 c. 31.

## 215 Maintenance of a closed churchyard.

- (1) Subject to subsection (2) below, where outside the area subject to the <sup>M36</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—
- 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;
  - if the churchyard is in a parish not having a separate parish council, serve such a request on the chairman of the parish meeting;
  - 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
  - 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 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>M37</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



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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>M38</sup>Welsh Church Act 1914.

(5) In subsection (1) above, “the area subject to the <sup>M39</sup>Welsh Church Act 1914” means the area in which the Church of England was disestablished by that Act.

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**Marginal Citations**

**M36** 1914 c. 91.

**M37** 1855 c. 128.

**M38** 1914 c. 91.

**M39** 1914 c. 91.

**Status:**

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