



Local Government Act 1972

1972 CHAPTER 70

PART IX

FUNCTIONS

Miscellaneous functions

196 Police.

(1) The ^{M1}Police Act 1964 shall be amended in accordance with the following provisions of this section.

^{F1}(2)

^{F1}(3)

^{F1}(4)

(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.”

^{F1}(6)

^{F2}(7)

^{F2}(8)

^{F1}(9)

Status: Point in time view as at 01/04/1996.

Changes to legislation: Local Government Act 1972, Cross Heading: Miscellaneous functions is up to date with all changes known to be in force on or before 23 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

- F1** S. 196(2)-(4)(6)(9) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch.**
- F2** S. 196(7)(8) repealed (31.10.1992) by Local Government Act 1992 (c. 19), s. 29(2), **Sch. 4 Pt. II**; S.I. 1992/2371, **art. 2** (and expressed to be repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch.**)

Modifications etc. (not altering text)

- C1** The text of s. 196(5) is in the form in which it was originally enacted: it was not reproduced in statutes in force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

- M1** 1964 c. 48.

197 Fire services.

^{X1}(1) The proviso to section 6(1) of the ^{M2} 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.

^{F3}(4)

^{X1}(5) In section 10 of the ^{M3} Fire Services Act 1947, as amended by Schedule 8 to the ^{M4} 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 ”^{F4} . . .

Editorial Information

- X1** 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.

Textual Amendments

- F3** S. 197(4) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38, **Sch. 6 Pt. IV**

Status: Point in time view as at 01/04/1996.

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F4 Words in s. 197(5) repealed (31.10.1992) by Local Government Act 1992 (c. 19), s. 29(2), **Sch. 4 Pt.II**; S.I. 1992/2371, **art.2**

Modifications etc. (not altering text)

C2 “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.

F5 **198**,
199.

Textual Amendments

F5 Ss. 198, 199 repealed by **Food Act 1984 (c. 30, SIF 53:1)**, ss. 134, 136, **Sch. 11**

F6 **200**

Textual Amendments

F6 S. 200 repealed (1.4.1996) by 1994 c. 19, s. 66(8), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F7 **201**

Textual Amendments

F7 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.

F8 (1)

(2) **F9** . . . , Part II of the ^{M5}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 ^{M6}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) **F10**

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^{F11}(4)

(8) Expressions used in this section have the same meanings as in the ^{M7}Transport Act 1968.

Textual Amendments

- F8** 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
- F9** 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
- F10** 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
- F11** 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

- M5** 1968 c. 73.
- M6** 1969 c. 35.
- M7** 1968 c. 73.

^{F12}203

Textual Amendments

- F12** 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 [^{F13}principal areas] in Wales shall be the areas for which polls under section 66 of the ^{M8}Licensing Act 1964 (Sunday closing in Wales) may be held, but in relation to each such [^{F14}area], until such a poll is held and the decision on the poll takes effect in the [^{F14}area] in accordance with section 67(4) of that Act, the [^{F15}localities in which] subsection (1) of the said section 66 does or does not have effect shall be the same on and after [^{F16}1st April 1996] as before that date.
- (2) Any reference in Part VII of the ^{M9}Licensing Act 1964 (licensing planning areas) to a local planning authority shall [^{F17}(except in relation to Wales)] 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 ^{M10}Licensing Act 1964 shall be given to the proper officer of the district council [^{F18}or, in Wales, of the principal 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 ^{M11}Licensing Act 1964 shall have effect subject to the amendments specified in Part I of Schedule 25 to this Act.

^{F19}(5)

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(6) In section 18(1) of the ^{M12}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;”

F20

F21(7)

(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 ^{M13}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 ^{M14}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

- F13** Words in s. 204(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 41(2)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F14** Word in s. 204(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 41(2)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F15** Words in s. 204(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 41(2)(c)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F16** Words in s. 204(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 41(2)(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F17** Words in s. 204(2) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 41(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F18** Words in s. 204(3) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 41(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F19** S. 204(5) repealed by **Cinemas Act 1985** (c. 13, SIF 45A), s. 24(2), **Sch. 3**
- F20** Words repealed by **Local Government (Miscellaneous Provisions) Act 1982** (c. 30, SIF 81:1), s. 47, **Sch. 7 Pt. IV**
- F21** 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)

- C3** 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

- M8** 1964 c. 26.
- M9** 1964 c. 26.
- M10** 1964 c. 26.
- M11** 1964 c. 26.
- M12** 1968 c. 54.
- M13** 1926 c. 31.

Status: Point in time view as at 01/04/1996.

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M14 1969 c. 53.

F22 **205**

Textual Amendments
F22 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 ^{M15}Public Libraries and Museums Act 1964 in England shall be county councils, ^{F23} . . . , 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
F23 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

Marginal Citations
M15 1964 c. 75.

F24 **207**

Textual Amendments
F24 s. 207 repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), [Sch. 15 para. 42](#), [Sch. 18](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)

208 Amendments of Public Libraries and Museums Act 1964.

(1) It shall not be necessary for any local authority within the meaning of the ^{M16}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 ”.

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- (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.
- ^{x2}(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 ^{M17} 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

X2 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

M16 1964 c. 75.

M17 1958 c. 55.

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Textual Amendments

F25 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 ^{M18}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—

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- (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 office 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.
- ^{F26}(8)
- ^{F27}(9)
- (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 ^{M19}Charities Act 1960.

Textual Amendments

- F26** S. 210(8) repealed (1.9.1992) by Charities Act 1992 (c. 41), s. 78(2), Sch. 7; S.I. 1992/1900, art. 2, Sch. 1
- F27** S. 210(9) repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), Sch. 7.

Modifications etc. (not altering text)

- C4** S. 210 excluded by National Health Service Reorganisation Act 1973 (c. 32), s. 25(4)

Marginal Citations

- M18** 1960 c. 58.

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M19 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 ^{M20}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 ^{M21}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
M20 1914 c. 91.
M21 1914 c. 91.

^{F28}**212**

Textual Amendments
F28 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—
 - ^{F29}(a)
 - ^{F30}(c)
 - (d) licences for dealing in game or for killing game,
 shall, in England ^{F31} . . . outside Greater London, be vested in the councils of districts [^{F32}and, in Wales, be vested in the principal councils].

Status: Point in time view as at 01/04/1996.

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(2) In accordance with subsection (1) above, section 6 of the ^{M22} 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”.

^{F33}(3)

(4) In accordance with subsection (1) above, in subsection (1) of section 7 of the ^{M23} 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

- F29** S. 213(1)(a)(b) repealed by [Consumer Credit Act 1974 \(c. 39\)](#), s. 192(3)(4), **Sch. 5**
- F30** S. 213(c) repealed by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 41, **Sch. 7 Pt. IV**
- F31** Words in s. 213(1) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), **Sch. 15 para. 43, Sch. 18** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**
- F32** Words in s. 213(1) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 43** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**
- F33** S. 213(3) repealed by [Consumer Credit Act 1974 \(c. 39, SIF 60\)](#), s. 192(3)(b), **Sch. 5**

Modifications etc. (not altering text)

- C5** S. 213: 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**
- C6** 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

- M22** 1908 c. 16.
- M23** 1959 c. 55.

214 Cemeteries and crematoria.

(1) The following authorities, that is to say, the councils of [^{F34}Welsh counties, county boroughs] districts, London boroughs, parishes and communities, the Common

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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 ^{M24}Burial Act 1852 or section 53(2) of the ^{M25}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 ^{M26}Cremation Acts 1902 ^{M27} 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).

Textual Amendments

F34 Words in s. 214(1) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 44** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Marginal Citations

M24 1852 c. 85.

M25 1894 c. 73 (56 & 57 Vict.).

M26 1902 c. 8.

M27 1952 c. 31.

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215 Maintenance of a closed churchyard.

- (1) Subject to subsection (2) below, where outside the area subject to the ^{M28}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 [^{F35}county or county borough] 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 and, before the expiration of the said three months, give written notice of the resolution to the council of the [^{F36}district, Welsh county or (as the case may be) county borough] and to the parochial church council maintaining the churchyard, the [^{F37}local authority to whom the notice is given] , 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 ^{M29}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 ^{M30}Welsh Church Act 1914.
- (5) In subsection (1) above, “the area subject to the ^{M31}Welsh Church Act 1914” means the area in which the Church of England was disestablished by that Act.

Textual Amendments

- F35** Words in s. 215(2)(c) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 45(2)** (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F36** Words in s. 215(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 45(3)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

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F37 Words in s. 215(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 45(3)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Marginal Citations

M28 1914 c. 91.

M29 1855 c. 128.

M30 1914 c. 91.

M31 1914 c. 91.

Status:

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Changes to legislation:

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