



# Local Government Act 1972

## 1972 CHAPTER 70

### 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.

[<sup>F1</sup>(1A) Subsection (1)(b) above does not apply where the council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive.]

- (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

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- (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.

[<sup>F2</sup>(4A) Where—

- (a) a council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive; and
- (b) the chairman or vice-chairman of the council has previously used the style of mayor or deputy mayor by virtue of subsection (4)(b), the chairman or vice-chairman, as the case may be, shall no longer use that style.]
- (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 <sup>F3</sup> . . . which is not grouped with any other parish <sup>F3</sup> . . . may resolve that the parish <sup>F3</sup> . . . shall have the status of a town and thereupon—
- (a) the council of the parish <sup>F3</sup> . . . 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;
- (c) the parish meeting <sup>F4</sup> . . . shall have the style of town meeting.
- (7) A resolution under subsection (6) above shall cease to have effect if the parish <sup>F3</sup> . . . to which it relates ceases to exist.
- (8) If a parish <sup>F3</sup> . . . council which has passed a resolution under subsection (6) above is dissolved without the parish <sup>F3</sup> . . . ceasing to exist, the dissolution shall not affect the status of the parish <sup>F3</sup> . . . 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 <sup>F3</sup> . . . council by whom a resolution under subsection (6) above has been passed or, if the council has been dissolved, the parish meeting in England <sup>F5</sup> . . . may resolve that the parish <sup>F3</sup> . . . 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 <sup>F3</sup> . . .
- (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.

#### Textual Amendments

- F1** S. 245(1A) inserted (26.10.2000 (E.) and 28.7.2001 (W.)) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 11(1)(2)**; S.I. 2000/2849, **art. 2(e)**
- F2** S. 245(4A) inserted (E.) (6.5.2002) by The Local Authorities (Executive Arrangements) (Modification of Enactments) (England) Order 2002 (S.I. 2002/1057), **art. 5**
- F3** Words in s. 245(6)-(9) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 51(a), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F4** Words in s. 245(6)(c) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 51(b), **Sch. 18** (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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**F5** Words in s. 245(9) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 51(c), Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

#### [<sup>F6</sup>245A Change of status of Welsh county to county borough.

- (1) Where a petition is presented to Her Majesty by the council of a county in Wales praying for the grant of a charter under this section, Her Majesty, on the advice of Her Privy Council, may by charter confer on that county the status of a county borough.
- (2) No such petition shall be presented unless a resolution of the council has been passed by not less than two-thirds of the members voting at a meeting of the council specially convened for the purpose.
- (3) No charter under this section shall take effect before 1st April 1996.
- (4) A county borough which has acquired that status by a charter under this section—
  - (a) shall be a county borough; but
  - (b) shall not be treated as a borough for the purposes of any Act passed before 1st April 1974.
- (5) This section shall have effect subject to any provision made by a grant under Her Majesty's prerogative and, in particular, to any provision granting the status of a royal borough or conferring any style on any person.]

#### Textual Amendments

**F6** S. 245A substituted (3.4.1995) by 1994 c. 19, s. 5 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 3(1), Sch. 1

#### [<sup>F7</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

**F7** 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)

**C1** 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>F8</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>F9</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.

[<sup>F10</sup>(2A) Any powers to appoint local officers of dignity exercisable immediately before 1st April 1996 in relation to any area by the council of a district in Wales by virtue of a charter granted under section 245 above shall, on and after that date, be exercisable

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in relation to that area by the council of the principal area in which, on that date, that area becomes comprised.

(2B) Where on 1st April 1996 that area becomes comprised partly in each of two or more principal areas, those powers shall be exercised on and after that date by such of the councils of those principal areas as may be agreed between them, or, in default of agreement, as the Secretary of State may designate.]

(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 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), [F11 and (3) above and any order applying subsection (3) made pursuant to] subsection (5) above shall have effect subject to [F12 subsection (2A) above,] 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.

F13(7) . . . . .

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- (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>F14</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.
- (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>F15</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

- F8** Words inserted by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#) ss. 1(2)(a)(3), 2
- F9** Words inserted by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#), **ss. 1(2)(b)(3)**, 2
- F10** S. 246(2A)(2B) inserted (1.10.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 52(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 5(1), **Sch. 3**
- F11** Words substituted by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#), **ss. 1(2)(c)(3)**, 2
- F12** Words in s. 246(6) inserted (1.10.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 52(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 5(1), **Sch. 3**
- F13** S. 246(7) repealed by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#), **ss. 1(2)(d)(3)**, 2
- F14** Words substituted by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#), **ss. 1(2)(e)(3)**, 2
- F15** Words substituted by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 34, **Sch. 5 para. 5(5)**

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

- C2** S. 246(2) applied (with modifications)(11.3.1996) by S.I. 1996/330, **arts. 1(2)**, 4(2)

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**C3** S. 246(15) amended (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), **Sch. 3 para. 3(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.
- [<sup>F16</sup>(3) Subsections (1) and (2) above also apply in relation to new principal councils in Wales and authorities which ceased to exist as a result of the Local Government (Wales) Act 1994 but as if the reference to April 1, 1974 were a reference to 1st April 1996.]

### **Textual Amendments**

**F16** S. 247(3) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 53** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

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

**C4** S. 247 applied (with modifications)(11.3.1996) by S.I. 1996/330, **arts. 1(2), 7**

## **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,

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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.

[<sup>F17</sup>(6) This section shall have effect in relation to Wales as if—

- (a) in subsections (2) and (3) the references to the relevant district council were references to the relevant principal council; and
- (b) in subsection (2) the reference to the council of the district were a reference to the council of the principal area.]

#### Textual Amendments

**F17** S. 248(6) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 54** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

## 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 [<sup>F18</sup>members] of the council.
- (2) No honorary alderman shall, while serving as a [<sup>F19</sup>member] 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
  - (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>F20</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>F20</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>F20</sup>or parish or community as aforesaid,], but the admission



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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>F21</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>F21</sup>or parish or community as aforesaid].
- [<sup>F22</sup>(7) A principal council in Wales may, by such a resolution as is required by subsection (5) above, admit to be honorary freemen of the county or county borough persons of distinction and persons who have, in the opinion of the council, rendered eminent services to the county or county borough.
- (8) The admission of a person to be an honorary freeman under subsection (7) above shall not confer on him any such rights as are referred to in section 248(4) above.
- (9) A principal council in Wales shall, in relation to any person on whom they have conferred the title of honorary alderman or whom they have admitted to be an honorary freeman, have the same powers as are conferred by subsection (6) above.]

#### Textual Amendments

- F18** Word in s. 249(1) substituted (30.12.2007) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), ss. 74, 245, [Sch. 3 para. 9\(2\)](#)
- F19** Word in s. 249(2) substituted (30.12.2007) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), ss. 74, 245, [Sch. 3 para. 9\(3\)](#)
- F20** Words inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), s. 180
- F21** Words inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), s. 180
- F22** S. 249(7)-(9) inserted (3.4.1995) by 1994 c. 19, s. 66(5), [Sch. 15 para. 55](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1995/852, art. 9(1), [Sch. 5](#)

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

- C5** S. 249 modified (3.4.1995) by 1994 c. 19, s. 66(7), [Sch. 17 para. 22\(2\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 para. 22\(1\), 23\(2\)](#)); S.I. 1995/852, art. 9(1), [Sch. 5](#)  
S. 249 extended (11.3.1996) by S.I. 1996/330, [arts. 1\(2\), 6\(1\)](#)  
S. 249: 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** S. 249(1) applied (with modifications)(11.3.1996) by S.I. 1996/330, [arts. 1\(2\), 6\(2\)](#)
- C7** S. 249(1) modified (28.11.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) \(No.2\) Regulations 2008 \(S.I. 2008/2867\)](#), [reg. 32](#) (with reg. 1)
- C8** S. 249(2)(4) modified (11.3.1996) by S.I. 1996/330, [arts. 1\(2\), 6\(3\)](#)
- C9** S. 249(2)(4) modified (28.11.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) \(No.2\) Regulations 2008 \(S.I. 2008/2867\)](#), [reg. 32](#) (with reg. 1)

### 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

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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>F23</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.
- (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>F24</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>F25</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>M1</sup>Local Government Act 1929 or the <sup>M2</sup>Ferries (Acquisition by Local Authorities) Act 1919.

#### Textual Amendments

- F23** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. IV](#)
- F24** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)
- F25** 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)

- C10** S. 250 modified by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\), s. 14\(7\)](#)  
S. 250: duty to apply imposed (1.4.1998) by 1997 c. 46, s. 13(9), [Sch. 1 para. 7\(1\)\(c\)](#); S.I. 1998/631, [art. 2\(1\)\(a\), Sch. 1](#)  
S. 250 extended (1.10.1998) by 1975 c. 70, s. 21A, [Sch. 4 Pt. IV para. 21](#) (as inserted (1.10.1998) by 1998 c. 38, s. 127, [Sch. 13 para. 3](#) (with ss. 139(2), 143(2)); S.I. 1998/2244, [art. 4](#))

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- S. 250 amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- S. 250 applied (1.4.2000) by 1999 c. 27, s. **15(4)**; S.I. 1999/2169, art. 4(2), **Sch. 3**; S.I. 1999/2815, **art. 3**
- S. 250 modified (3.7.2000) by 1990 c. 8, s. **322B(2)-(7)** (as inserted (3.7.2000) by 1999 c. 29, s. 345 (with **Sch. 12 para. 9(1)**)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- C11** 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)**
- C12** S. 250(2)(3): power to apply (with modifications) conferred (3.11.2008 for specified purposes and otherwise 1.12.2008) by 1996 c. 16 s. 84(4) (as substituted by Criminal Justice and Immigration Act 2008 (c. 4), ss. 126, 153, **Sch. 22 para. 8(3)**); S.I. 2008/2712, **art. 2**, Sch. 16(c) (subject to arts. 3, 4); S.I. 2008/2993, **art. 2(c)(h)(i)** (subject to art. 3)
- C13** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), reg. 22(3), **Sch. 1 para. 4(3)**
- C14** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 107(2)**
- C15** S. 250(2)-(5) applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 68**
- C16** S. 250(2)-(5) applied (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. **75(4)**, 170 (with s. 96); S.I. 2009/462, **art. 2**, Sch. 1 para. 26
- C17** 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)**
- 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)
- 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)**
- C18** S. 250(2) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), s. **3(5)**
- C19** S. 250(2)(3) applied (1.4.1998) by 1997 c. 50, s. **79(3)**; S.I. 1998/354, **art. 2(1)(2)(an)**
- S. 250(2)(3) applied (1.12.1998) by 1998 c. 38, s. 2, **Sch. 1 para. 6(5)** (with ss. 139(2), 143(2)); S.I. 1998/2789, **art. 2**
- S. 250(2)(3) applied (with modifications) (1.4.1999) by S.I. 1999/818, **rule 8(2)**
- S. 250(2)(3) applied (1.2.2001 (E.) and 1.8.2001 (W.) for certain purposes and 18.2001 (W.) for certain purposes) by 2000 c. 38, ss. **170(6)**, 185(6), 275(1) (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I**; S.I. 2001/2788, **art. 2 Sch. 1**
- S. 250(2)(3) applied (E.) (14.12.2001) by S.I. 2001/3743, **regs. 1(1)**, 12
- S. 250(2)(3) applied (with modifications) (15.11.2004) by Children Act 2004 (c. 31), s. **3(8)**
- S. 250(2)(3) applied (26.8.2005) by S.I. 2005/2222, art. 42, **Sch. 14 para. 14(3)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
- S. 250(2)(3) applied by Government of Wales Act 2006 (c. 32), ss. 2, 161, **Sch. 1 para. 4(6)** (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.
- C20** S. 250(2)(3) power to apply (with modifications) (9.3.2004) conferred by 1987 c. 4, s. 4A(4) (as inserted by 2002 c. 30, ss. **79(2)**, 108(2)-(5); S.I. 2004/636, **art. 2**)
- C21** S. 250(2)(3) modified (prosp.) by 1964 c. 48, s. **37(4)** (as substituted (prosp.) by 1994 c. 29, ss. **19(1)**, 94(1)) (which substituting section was repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**)
- C22** S. 250(2)(3)(5) applied (with modifications) (1.4.1992) by S.I. 1992/664, regs. 11(16), 26(1), 27(4), 29(5), 30(3), **Sch. 9 para. 9**
- C23** 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.

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**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)**

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**

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)**

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**

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)**

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 (1.6.1992) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), s. 21(8), **Sch. para. 6(4)**; S.I. 1992/725, **art. 3**

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**)

S. 250(2)-(5) applied by Water Industry Act 1991 (c. 56, SIF 130), **ss. 215(2)(3), 223** (with ss. 82(3), 186(1), 222(1), Sch. 14, para. 6)

S. 250(2)-(5) applied (12.3.1991) by S.I. 1991/993, **art. 28**

S. 250(2)-(5) applied (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **ss. 81(4)**; S.I. 1991/828, art. 3(2)

S. 250(2)-(5) applied (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), **ss. 215(1), 225** (with ss. 16(6), 105(4), 113(4), 179, 223(3), Sch. 22 para. 1)

S. 250(2)-(5) applied (with modifications) (16.3.1992) by Midland Metro Act 1992 (c. vii), **s. 27**

S. 250(2)-(5) applied (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), ss. 101(4), 102(6), **Sch. 5 para. 4(1)** (with s. 167(4)(5)(6)); S.I. 1992/2984, art. 2(2), **Sch. 2**

S. 250(2)-(5) applied (with modifications) (1.1.1993) by Transport and Works Act 1992 (c. 42), **s. 11(5)**; S.I. 1992/2784, art. 2(a), **Sch. 1**

S. 250(2)-(5) applied (with modifications) (8.7.1994) by S.I. 1994/1693, **art. 21**

S. 250(2)-(5) applied (21.7.1994) by 1994 c. xv, **ss. 58(11)**

S. 250(2)-(5) applied (with modifications) (1.11.1994) by S.I. 1994/2733, **art. 27**

S. 250(2)-(5) applied (with modifications) (13.4.1995) by S.I. 1995/1063, **art. 24**

S. 250(2)-(5) applied (with modifications) (28.6.1995) by 1995 c. iii, **s. 22(2)**

S. 250(2)-(5) applied (1.4.1996) by 1990 c. 43, **Sch. 1 Pt. II para. 8(4)** (as inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 93(5)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**)

S. 250(2)-(5) applied (with modifications) (1.4.1996) by 1995 c. 25, **s. 53(2)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

S. 250(2)-(5) applied (with modifications) (1.4.1996) by 1995 c. 25, s. 114(4), **Sch. 20 para. 5(1)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

S. 250(2)-(5) applied (27.5.1997 for certain purposes) by 1997 c. 8, ss. 70(4), 278(2), **Sch. 7 para. 8(6)** (with ss. 64, 219)

S. 250(2)-(5) applied (1.6.1997) by S.I. 1997/1160, **reg. 9(5)**

S. 250(2)-(5) applied (28.7.1998) by 1998 c. iv, **s. 38(2)**

S. 250(2)-(5) applied (25.11.1998 for certain purposes, otherwise 3.7.2000) by 1998 c. 45, **s. 25(5)**; S.I. 1998/2952, **art. 2(2)**; S.I. 2000/1173, **art. 2(2)(c)**

S. 250(2)-(5) applied (1.12.1998) by 1998 c. 38, **s. 35(2)** (with ss. 139(2), 143(2)); S.I. 1998/2789, **art. 2**

S. 250(2)-(5) applied (8.7.1999) by S.I. 1999/2513, **arts. 1(1), 26** (with art. 25)

S. 250(2)-(5) applied (1.2.2000) by S.I. 1999/3445, **reg. 9(5)**

S. 250(2)-(5) applied (with modifications) (1.8.2000) by S.I. 2000/1973, reg. 27(10), **Sch. 8 para. 4(10)**

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- S. 250(2)-(5) applied (1.8.2000) by S.I. 2000/2103, **art. 25**
- S. 250(2)-(5) applied (with modifications) (30.1.2001) by 1981 c. 69, **s. 28F(10)** (as inserted (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), **Sch. 9 para. 1**)
- S. 250(2)-(5) applied (with modifications) (30.1.2001) by 2000 c. 37, **ss. 7(2)-(4)**, 103(2) (with s. 43)
- S. 250(2)-(5) applied (with modifications) (30.1.2001) by 2000 c. 37, ss. 8(2), 103(2), **Sch. 3 para. 5** (with s. 43)
- S. 250(2)-(5) applied (with modifications) by 1980 c. 66, **s. 2B** (as inserted (12.2.2003 (E.) for certain purposes, 15.7.2005 (W.) for certain purposes, 11.5.2006 (W.) for remaining purposes) by 2000 c. 37, ss. 57, 103(3), **Sch. 6 para. 23(8)**; S.I. 2003/272, **art. 2(p)**; S.I. 2005/1314, **art. 3(d)(viii)(gg)**; S.I. 2006/1279, **art. 2(I)(n)**)
- S. 250(2)-(5) applied (with modifications) (12.2.2003 (E.) for certain purposes and 31.5.2005 (W.) for certain purposes and 21.5.2007 (E.) insofar as not already in force) by 1980 c. 66, **Sch. 12ZA para. 7** (12.2.2003 (E.) for certain purposes and 31.5.2005 (W.) for certain purposes and 21.5.2007 (E.) insofar as not already in force) by 2000 c. 37, ss. 57, 103(3), **Sch. 6 para. 24**; S.I. 2003/272, **art. 2(q)**; S.I. 2005/1314, **art. 2(b)(vii)**; S.I. 2007/1493, **art. 2**
- S. 250(2)-(5) applied (with modifications) (E.) (1.2.2002) by S.I. 2001/3966, **regs. 1, 15(9)**
- S. 250(2)-(5) applied (with modifications) (1.4.2002 for E., and 1.4.2002, 30.1.2003, 1.4.2004 and 7.7.2004 for W., for certain purposes) by 2000 c. 14, **ss. 10(5)**, 122; S.I. 2001/3852, **art. 3(7)(e)** (subject to transitional provisions in **art. 3(2)**, **Sch. 1** (as amended by S.I. 2001/4150, S.I. 2002/1493, S.I. 2002/1790, S.I. 2002/2001, S.I. 2002/3210, S.I. 2005/3397)); S.I. 2002/920, **art. 3(3)(a)** (subject to transitional provisions in arts. 2, 3(2), **Schs. 1-3**); S.I. 2003/152, **art. 2**; S.I. 2004/1015, **art. 2**; S.I. 2004/1730, **art. 2**
- S. 250(2)-(5) applied by **Greenham and Crookham Commons Act 2002 (c. i)**, **s. 36(2)** (with ss. 38, 39) (coming into force in accordance with s. 1(2)-(4) of the amending Act)
- S. 250(2)-(5) applied (with modifications) (W.) (19.8.2002) by S.I. 2002/2127, **regs. 15(9)**, 17
- S. 250(2)-(5) applied (with modifications) (1.4.2003) by S.I. 2003/164, **reg. 11(8)**
- S. 250(2)-(5) applied (with modifications) (31.12.2003) by S.I. 2003/3311, **reg. 28**, **Sch. 3 para. 4(5)**
- S. 250(2)-(5) applied (1.4.2004 for E.) by **Health and Social Care (Community Health and Standards) Act 2003 (c. 43)**, **ss. 134(5)**, 199; S.I. 2004/759, **art. 3(1)**
- S. 250(2)-(5) applied (1.4.2004) by **Health and Social Care (Community Health and Standards) Act 2003 (c. 43)**, **ss. 135(4)**, 199; S.I. 2004/759, **art. 4(2)(a)**
- S. 250(2)-(5) applied (22.7.2004) by **Fire and Rescue Services Act 2004 (c. 21)**, **s. 56**
- S. 250(2)-(5) applied (with modifications) (2.8.2004) by S.I. 2004/1769, **reg. 17(2)(a)**
- S. 250(2)-(5) applied (with modifications) (15.11.2004) by **Children Act 2004 (c. 31)**, **s. 4(7)**
- S. 250(2)-(5) applied (with modifications) (21.4.2005) by S.I. 2005/925, **reg. 34(3)**, **Sch. 3 para. 4(5)(6)** (with **reg. 3**)
- S. 250(2)-(5) applied (1.10.2005) by **Energy Act 2004 (c. 20)**, ss. 95, 198(2), **Sch. 16 para. 6(9)(a)**; S.I. 2005/877, **art. 2(2)**, **Sch. 2**
- S. 250(2)-(5) applied (with modifications) (1.10.2005) by S.I. 2005/1905, **reg. 5(2)**
- S. 250(2)-(5) applied (with modifications) (1.10.2006 for E.) by S.I. 2006/2362, **reg. 33(12)**
- C24** S. 250(2)-(5) extended (1.11.1996) by 1996 c. 56, **ss. 507(2)**, 583(2) (with s. 1(4), **Sch. 39**)
- C25** S. 250(2) modified (1.4.2004) by **The Ministry of Defence Police Appeal Tribunals Regulations 2004 (S.I. 2004/652)**, **reg. 11**
- C26** S. 250(2)-(5) applied (with modifications) (13.2.2004 for E. and 31.5.2005 for W.) by 1981 c. 69, **Sch. 15 para. 10A** (as inserted by 2000 c. 37, ss. 51, 103, **Sch. 5 para. 11(8)**; S.I. 2004/292, **art. 2(d)(iii)** (with **art. 3(2)**); S.I. 2005/1314, **art. 2(a)(iii)**)
- C27** S. 250(2)-(5) applied (with modifications) (1.4.2007) by **The Water Resources Management Plan Regulations 2007 (S.I. 2007/727)**, **reg. 5(2)**
- C28** S. 250(2)-(5) applied (with modifications) (1.5.2007) by **The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (S.I. 2007/1067)**, **reg. 29(2)**
- C29** S. 250(2)-(5) applied (24.6.2007) by **The Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518)**, **regs. 21, 22(a)(iv)**, **Sch. 5 para. 6(1)**

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- C30** S. 250(2)-(5) applied (with modifications) (W.) (28.9.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Wales) Regulations 2007 (S.I. 2007/2610), **reg. 29**
- C31** S. 250(2)-(5) applied (with modifications) (W.) (31.10.2007) by The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 (S.I. 2007/2933), **reg. 31(10)**
- C32** S. 250(2)-(5) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), **art. 69** (with arts. 78, 80, 81)
- C33** S. 250(2)-(5) applied (with modifications) (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), regs. 31(5), 62(5), **Sch. 6 para. 5(6)** (with reg. 72, Sch. 4)
- C34** S. 250(2)-(5) applied (with modifications) (17.9.2009) by The Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2009 (S.I. 2009/2301), reg. 37(3), **Sch. 3 para. 4(5)**
- C35** S. 250(2)-(5) applied (with modifications) (31.12.2009) by The Greenhouse Gas Emissions Data and National Implementation Measures Regulations 2009 (S.I. 2009/3130), reg. 7(4), **Sch. 1 para. 3(10)**
- C36** S. 250(2)-(5) applied (with modifications) by 1949 c. 97, Sch. 1A para. 13(3) (as inserted (12.11.2009 for certain purposes and 12.1.2010 otherwise) by 2009 c. 23, ss. 302(2), 324(1)(2), **Sch. 19** (with s. 308))
- C37** S. 250(2)-(5) applied (W.) (1.4.2010) by Local Government (Wales) Measure 2009 (nawm 2), **ss. 29(4)**, 53(2); S.I. 2009/3272, art. 3, **Sch. 2**
- C38** S. 250(2)-(5) applied (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), **ss. 70(3)**, 324(3) (with ss. 76-81, 111); S.I. 2011/556, **art. 3(2)(a)**
- C39** S. 250(2)-(5) applied (with modifications) (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), **ss. 161**, 324(3) (with ss. 172(3), 185); S.I. 2011/556, **art. 3(2)(a)**
- C40** S. 250(2)-(5) applied (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), **130(2)**, **Sch. 1 para. 4(3)** (with reg. 125)
- C41** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), reg. 22(3), **Sch. 1 para. 4(3)**
- C42** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 107(2)**
- C43** S. 250(2)-(5) applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 68**
- C44** S. 250(2)-(5) applied (1.4.2009) by Health and Social Care Act 2008 (c. 14), **ss. 75(4)**, 170 (with s. 96); S.I. 2009/462, **art. 2**, Sch. 1 para. 26
- C45** 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)**  
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)  
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)**  
S. 250(3) applied (21.7.1994) by 1994 c. xv, **s. 80(1)**
- C46** S. 250(3) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), **s. 3(5)**
- C47** S. 250(3) modified (1.4.2004) by The Ministry of Defence Police Appeal Tribunals Regulations 2004 (S.I. 2004/652), **reg. 11**
- C48** S. 250(2)-(5) applied (with modifications) (1.4.2007) by The Water Resources Management Plan Regulations 2007 (S.I. 2007/727), **reg. 5(2)**
- C49** S. 250(2)-(5) applied (with modifications) (1.5.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (S.I. 2007/1067), **reg. 29(2)**
- C50** S. 250(2)-(5) applied (24.6.2007) by The Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518), **regs. 21** 22(a)(iv), {Sch. 5 para. 6(1)}
- C51** S. 250(2)-(5) applied (with modifications) (W.) (28.9.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Wales) Regulations 2007 (S.I. 2007/2610), **reg. 29**

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- C52** S. 250(2)-(5) applied (with modifications) (W.) (31.10.2007) by The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 (S.I. 2007/2933), **reg. 31(10)**
- C53** S. 250(2)-(5) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), **art. 69** (with arts. 78, 80, 81)
- C54** S. 250(2)-(5) applied (with modifications) (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), regs. 31(5), 62(5), **Sch. 6 para. 5(6)** (with reg. 72, Sch. 4)
- C55** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 22(3)**, {Sch. 1 para. 4(3)}
- C56** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 107(2)**
- C57** S. 250(2)-(5) applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 68**
- C58** S. 250(2)-(5) applied (1.4.2009) by Health and Social Care Act 2008 (c. 14), **ss. 75(4)**, 170 (with s. 96); S.I. 2009/462, **art. 2**, Sch. 1 para. 26
- C59** S. 250(4) 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 paras. 4(1), **16(2)**; and by S.I. 1986/1858, **reg. 2**  
S. 250(4) applied (21.7.1994) by 1994 c. xv, **s. 80(1)(2)**  
S. 250(4) applied (with modifications) (1.2.2000) by S.I. 1999/3445, regs. 1(1), **9(5)**
- C60** S. 250(4) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), **s. 3(5)**
- C61** S. 250(4)(5) applied (with modifications) (1.1.1993) by Transport and Works Act 1992 (c. 42), **s. 11(6)**; S.I. 1992/2784, art. 2(a), **Sch. 1**
- C62** S. 250(4)(5) modified (3.7.2000) by 1990 c. 8, **s. 252(6A)(a)(b)** (as inserted (3.7.2000) by 1999 c. 29, s. 270, Sch. 22 paras. 2, 7(9) (with **Sch. 12 para. 9(1)**)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- C63** S. 250(2)-(5) applied (with modifications) (1.4.2007) by The Water Resources Management Plan Regulations 2007 (S.I. 2007/727), **reg. 5(2)**
- C64** S. 250(2)-(5) applied (with modifications) (1.5.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (S.I. 2007/1067), **reg. 29(2)**
- C65** S. 250(2)-(5) applied (24.6.2007) by The Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518), regs. 21, 22(a)(iv), **Sch. 5 para. 6(1)**
- C66** S. 250(2)-(5) applied (with modifications) (W.) (28.9.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Wales) Regulations 2007 (S.I. 2007/2610), **reg. 29**
- C67** S. 250(2)-(5) applied (with modifications) (W.) (31.10.2007) by The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 (S.I. 2007/2933), **reg. 31(10)**
- C68** S. 250(2)-(5) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), **art. 69** (with arts. 78, 80, 81)
- C69** S. 250(2)-(5) applied (with modifications) (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), regs. 31(5), 62(5), **Sch. 6 para. 5(6)** (with reg. 72, Sch. 4)
- C70** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 22(3)**, **Sch. 1 para. 4(3)**
- C71** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 107(2)**
- C72** S. 250(5) applied (with modifications) (1.3.2010) by Planning Act 2008 (c. 29), **ss. 113(9)(10)**, 241(8) (with s. 226); S.I. 2010/101, **art. 3(d)** (with art. 6)
- C73** S. 250(5) applied (with modifications) (1.3.2010) by Planning Act 2008 (c. 29), **ss. 95(4)(5)**, 241(8) (with s. 226); S.I. 2010/101, **art. 3(d)** (with art. 6)
- C74** S. 250(2)-(5) applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 68**
- C75** S. 250(2)-(5) applied (1.4.2009) by Health and Social Care Act 2008 (c. 14), **ss. 75(4)**, 170 (with s. 96); S.I. 2009/462, **art. 2**, Sch. 1 para. 26

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- C76** 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  
S. 250(5) applied (1.6.1992) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), s. 21(8), Sch. para. 6(8); S.I. 1992/725, art. 3  
S. 250(5) applied (21.7.1994) by 1994 c. xv, s. 80(1)
- C77** S. 250(5) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), s. 3(5) and extended (24.8.1990) by Town and Country Planning Act 1990 (c. 8, SIF 123:1), ss. 322(2), 337(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)
- C78** S. 250(2)-(5) applied (with modifications) (1.4.2007) by The Water Resources Management Plan Regulations 2007 (S.I. 2007/727), reg. 5(2)
- C79** S. 250(2)-(5) applied (with modifications) (1.5.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (S.I. 2007/1067), reg. 29(2)
- C80** S. 250(2)-(5) applied (24.6.2007) by The Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518), regs. 21 22(a)(iv), {Sch. 5 para. 6(1)}
- C81** S. 250(2)-(5) applied (with modifications) (W.) (28.9.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Wales) Regulations 2007 (S.I. 2007/2610), reg. 29
- C82** S. 250(2)-(5) applied (with modifications) (W.) (31.10.2007) by The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 (S.I. 2007/2933), reg. 31(10)
- C83** S. 250(2)-(5) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), art. 69 (with arts. 78, 80, 81)
- C84** S. 250(2)-(5) applied (with modifications) (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), regs. 31(5), 62(5), Sch. 6 para. 5(6) (with reg. 72, Sch. 4)

#### Marginal Citations

- M1** 1929 c. 17.  
**M2** 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 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



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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)**

**C85** 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—
  - (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;

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- (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) F26 .....
  - (g) F26 .....
  - (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.
- (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

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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.

#### Textual Amendments

**F26** S. 254(2)(f)(g) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

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

**C86** S. 254 amended by Representation of the People Act 1983 (c. 2, SIF 42), Sch. 7 para. 7

**C87** 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)

**C88** 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)

**C89** 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, [F<sup>27</sup>28, 29 or 29A], 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

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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
  - (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.

#### Textual Amendments

**F27** Words in s. 255(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 56** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

## 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

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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>M3</sup>Industrial Relations Act 1971 (qualifying period for protection from unfair dismissal) and section 1 of the <sup>M4</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**

- M3 1971 c. 72.
- M4 1972 c. 53.

**257 Staff commission for England.**

F28 .....

**Textual Amendments**

- F28 S. 257 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), {Sch. 1 Pt. 10 Group 1}

**258 Staff commission for Wales.**

F29 .....

**Textual Amendments**

- F29 S. 258 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), {Sch. 1 Pt. 10 Group 1}

**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.

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- (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>F30</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>M5</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>F31</sup>food authority within the meaning of the Food Safety Act 1990];

[ any transfer or relinquishment of functions under any of the provisions of the <sup>F32</sup>(c) Public Health Act <sup>M6</sup>1936—

[<sup>F33</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>M7</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>M8</sup>Public Health Act 1936, <sup>F34</sup>. . . or, as the case may be, paragraph 2 of Schedule 3 to the <sup>M9</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 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

**F30** S. 259(3) substituted by [Local Government Act 1974 \(c. 7\), s. 39](#)

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- F31** 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)
- F32** S. 259(3)(c) substituted by Food Act 1984 (c. 30, SIF 53:1), s. 134(a), **Sch. 10 para. 23(b)**
- F33** 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)
- F34** 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

- M5** 1936 c. 49.
- M6** 1936 c.49(100:1).
- M7** 1969 c. 54.
- M8** 1936 c. 49.
- M9** 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.
- (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>M10</sup>Finance Act 1972 (compensation for loss of office or employment chargeable to tax as a payment made on retirement or removal

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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

M10 1972 c. 41.

## 261 Remuneration of employees of existing local authorities outside Greater London.

F35

#### Textual Amendments

F35 S. 261 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), {Sch. 1 Pt. 10 Group 1}

## 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—



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- (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—
  - (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

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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.
- (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;

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- (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>M11</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>M12</sup>Public Health Act 1848, the <sup>M13</sup>Local Government Act 1858, the <sup>M14</sup>Local Government (1858) Amendment Act 1861 or the <sup>M15</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>M16</sup>Public Health Act 1875;

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>F36</sup>. . . or district heating.

#### Textual Amendments

**F36** Word repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

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

**C90** [S. 262\(9\)](#) restricted by [Cornwall County Council Act 1984 \(c. xix\)](#), [ss. 1, 54\(4\)](#)

#### Marginal Citations

**M11** 1938 c. xciii.  
**M12** 1848 c. 63.  
**M13** 1858 c. 98.  
**M14** 1861 c. 61.  
**M15** 1863 c. 17.  
**M16** 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

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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>M17</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
  - (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.

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- (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.

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

- C91** 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)
- C92** 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)
- C93** 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)
- C94** 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)
- C95** 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)
- C96** 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**

- M17** 1936 c. 49.

<sup>F37</sup> **264** .....

**Textual Amendments**

- F37** S. 264 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

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## **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.

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

**C97** S. 265 extended by Coroners Act 1988 (c. 13, SIF 33), ss. 33, 34(2)

## **[<sup>F38</sup>265A 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>F39</sup>(g)
  - (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.]

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**Textual Amendments**

- F38** 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)**
- F39** 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
- (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

<sup>F40</sup>**268** .....

**Textual Amendments**

- F40** 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**

<sup>F41</sup>**269 Meaning of “England” and “Wales”.**

In this Act “Wales” means the combined area of the preserved counties and “England” does not include any area which is included in any of the preserved counties.]

**Textual Amendments**

- F41** S. 269 substituted (3.4.1995) by 1994 c. 19, s. 1(3), **Sch. 2 para. 8** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1995/852, art. 3(1), **Sch. 1**

**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—
  - [<sup>F42</sup>“alternative arrangements” has the same meaning as in Part II of the Local Government Act 2000;]

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“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; [F43“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;

F44

“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 [F45, 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;

[F46“elected mayor” has the same meaning as in Part II of the Local Government Act 2000;]

“electoral area” means any area for which councillors are elected to any local authority;

[F47“executive”, “executive arrangements” and “executive leader” have the same meaning as in Part II of the Local Government Act 2000;]

F44

“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;

[F48“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;

[F49“leader and cabinet executive means”—

- (a) in relation to England: a leader and cabinet executive (England);
- (b) in relation to Wales: a leader and cabinet executive (Wales);]



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[<sup>F50</sup>“leader and cabinet executive (England)” has the same meaning as in Part 2 of the Local Government Act 2000;]

[<sup>F51</sup>“leader and cabinet executive (Wales)” has the same meaning as in Part 2 of the Local Government Act 2000;]

“local authority” means a county council, <sup>F52</sup>. . . a district council, a London borough council or a parish [<sup>F53</sup>council but, in relation to Wales, means a county council, county borough council 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) [<sup>F54</sup>in relation to Wales, a county, county borough 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;

[<sup>F55</sup>“mayor and cabinet executive” and “mayor and council manager executive” have the same meaning as in Part II of the Local Government Act 2000;]

“new”, in relation to any area or authority, means an area or authority established by or under this Act [<sup>F56</sup>including one established by virtue of any provision of the Local Government (Wales) Act 1994];

“1933 Act” means the <sup>M18</sup>Local Government Act 1933;

“1963 Act” means the <sup>M19</sup>London Government Act 1963;

[<sup>F57</sup>“open space” has the meaning assigned to it by [<sup>F58</sup>section 336(1) of the Town and Country Planning Act 1990];]

“prescribed” means prescribed by regulations made by the Secretary of State;

[<sup>F59</sup>“preserved county” means any county created by this Act as a county in Wales, as it stood immediately before the passing of the Local Government (Wales) Act 1994 but subject to any provision of the Act of 1994, or any provision made under this Act, redrawing its boundaries;]

“principal area” means a [<sup>F60</sup>non-metropolitan county], a district or a London borough [<sup>F61</sup>but, in relation to Wales, means a county or county 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;

<sup>F62</sup>

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“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.
- [<sup>F63</sup>(4A) Where a London borough council are operating executive arrangements which involve a mayor and cabinet executive <sup>F64</sup>. . . , subsection (4) above shall have effect with the omission of paragraphs (a) and (b).]
- (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

- F42** S. 270(1): definition of "alternative arrangements" inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 9 and (W.) (1.4.2002) by S.I. 2002/808, art. 9
- F43** 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)
- F44** Definitions of "the Commission" and "the English Commission" in s. 270(1) repealed (31.10.1992) by Local Government Act 1992 (c. 19), s. 29(2), Sch. 4 Pt. II; S.I. 1992/2371, art. 2
- F45** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 16 para. 8(a)
- F46** S. 270(1): definition of elected mayor inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 12(1)(2); S.I. 2000/2849, art. 2(e)
- F47** S. 270(1): definition of executive inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 12(1)(3); S.I. 2000/2849, art. 2(e)
- F48** Definition inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 34
- F49** S. 270(1): definition of "leader and cabinet executive" substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, Sch. 3 para. 10(2)
- F50** S. 270(1): definition of "leader and cabinet executive (England)" inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, Sch. 3 para. 10(3)

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- F51** S. 270(1): definition of "leader and cabinet executive (Wales)" inserted (30.12.2007) by Local Government and Public Involvement in **Health Act 2007 (c. 28)**, ss. 74, 245, **Sch. 3 para. 10(3)**
- F52** Words repealed by **Local Government Act 1985 (c. 51, SIF 81:1)**, ss. 1, 102, **Sch. 17**
- F53** S. 270(1): words in definition of local authority substituted (24.10.1994, 20.3.1995, 3.4.1995, 1.10.1995 for certain purposes otherwise 1.4.1996) by 1994 c. 19, **s. 1(5)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1994/2790, art. 2, **Sch.**; S.I. 1995/546, art. 3, 4, **Sch.**; S.I. 1995/852, art. 3, **Sch. 1**; S.I. 1995/2490, art. 3, **Sch. 1**; S.I. 1995/3198, art. 3, **Sch. 1**
- F54** S. 270(1): definition of local government area para.(b) substituted (24.10.1994, 3.4.1995 otherwise 1.4.1996) by 1994 c. 19, **s. 1(6)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1994/2790, art. 2, **Sch.**; S.I. 1995/852, arts. 3, **Sch. 1**; S.I. 1995/3198, art. 3, **Sch. 1**
- F55** S. 270(1): definition of mayor and cabinet executive inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 12(1)(5)**; S.I. 2000/2849, **art. 2(e)**
- F56** S. 270(1): words in definition of new added (24.10.1994) by 1994 c. 19, s. 66(5), **Sch. 15 para. 57** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1994/2790, art. 2, **Sch.**
- F57** Words inserted by **Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2)**, **Sch. 23 para. 20**
- F58** Words substituted by **Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2)**, s. 4, **Sch. 2 para. 28(3)**
- F59** S. 270(1): definition of preserved county inserted (5.7.1994) by 1994 c. 19, **ss. 1(7)**, 66(2)(a) (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)
- F60** Words substituted by **Local Government Act 1985 (c. 51, SIF 81:1)**, s. 102, **Sch. 16 para. 8(b)**
- F61** S. 270(1): words in definition of principal area inserted (24.10.1994, 20.3.1995, 3.4.1995, 1.10.1995 otherwise 1.4.1996) by 1994 c. 19, **s. 1(8)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1994/2790, art. 2, **Sch.**; S.I. 1995/546, arts. 3, 4, **Sch.**; S.I. 1995/852, art. 3, **Sch. 1**; S.I. 1995/2490, art. 3, **Sch. 1**; S.I. 1995/3198, art. 3, **Sch. 1**
- F62** Definition of "special community review" in s. 270(1) repealed (22.7.2004) by **Statute Law (Repeals) Act 2004 (c. 14)**, **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}
- F63** S. 270(4A) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 12(1)(6)**; S.I. 2000/2849, **art. 2(e)**
- F64** Words in s. 270(4A) omitted (30.12.2007) by virtue of **Local Government and Public Involvement in Health Act 2007 (c. 28)**, ss. 74, 245, **Sch. 3 para. 10(4)** and also repealed (prosp.) by ss. 241, 245, {Sch. 18 Pt. 3}

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

- C98** S. 270 applied (11.9.1998) by 1998 c. 18, **ss. 53(2), 55(2)**

#### Marginal Citations

- M18** 1933 c. 51.  
**M19** 1963 c. 33.

## 271 Savings.

- (1) <sup>F65</sup> .....
- (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.

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- (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

**F65** S. 271(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

#### 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>M20</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 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

**M20** 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;

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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);  
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) <sup>F66</sup> .....
- (6) <sup>F66</sup> .....
- (7) <sup>F66</sup> .....
- (8) <sup>F66</sup> .....
- (9) <sup>F66</sup> .....
- (10) <sup>F66</sup> .....

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#### Textual Amendments

**F66** S. 273(5)-(10) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

#### 274 Short title and extent.

- (1) This Act may be cited as the Local Government Act 1972.
- (2) <sup>F67</sup> . . . this Act shall not extend to Scotland.
- (3) <sup>F68</sup> . . . , this Act shall not extend to Northern Ireland.

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#### Textual Amendments

- F67** Words in s. 274(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}
- F68** 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

**Status:**

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