



# Local Government Act 1972

## 1972 CHAPTER 70

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *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 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.

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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)**

- C1** 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;
  - (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

---

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- instrument under an Act made before 1st April 1974 and for making savings or additional savings from the effect of any repeal made by this Act;
- (d) for any of the matters specified in section 67 above;
  - (e) without prejudice to paragraph (d) above, for dissolving any body corporate established by any Act passed or by any instrument under an Act made before 1st April 1974;
  - (f) for requiring the council of a new county, with a view to securing that the introduction of a general rate of uniform amount per pound of rateable value throughout any new district in the county is gradual, to issue as respects a limited period beginning on 1st April 1974 precepts specifying different amounts in the pound which are to be levied as rates for general county purposes on different parts of the new county (whether the whole or part of an existing county included therein or a county borough so included) and which are to be determined by reference to the circumstances of those parts before that date;
  - (g) for requiring, with that view and taking account of any requirements imposed by virtue of paragraph (f) above, the council of a new district to make and levy during a limited period beginning on 1st April 1974 differential rates determined by reference to the circumstances of existing rating areas wholly or partly included in the district;
  - (h) for treating anything duly done before 1st April 1974 by any authority in the exercise of functions which on and after that date become functions of some other authority as having, from that date, been duly done by that other authority and for treating any instrument made before that date, if or so far as it was made in the exercise of those functions, as continuing in force on and after that date until varied or revoked in the exercise of those functions by that other authority;
  - (i) for securing the continued discharge of functions in relation to the Confederation of the Cinque Ports and its courts (including so far as is necessary for that purpose, provision for the constitution of a body to replace any existing corporation), for appropriating property or providing funds for the discharge of functions as aforesaid, and otherwise for securing that anything required or authorised to be done by, to or in relation to the Confederation or any of its courts may continue to be done.
- (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

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

date by or by virtue of this Act, and any such thing shall as from that date have effect as if any reference therein to a specified existing local authority outside Greater London by whom those functions were exercisable before that date were a reference to the new local authority by whom those functions become exercisable.

- (4) If there is any doubt as to the identity of a local authority to whom any particular functions are so transferred, that authority shall be taken to be such authority as may be specified in a direction given by a Minister of the Crown concerned with the discharge of those functions.
- (5) Subsection (3) above is without prejudice to any express provision made by, or by any instrument made under, this Act, but has effect subject to any provision to the contrary so made and in particular may be excluded from applying, either wholly or to any specified extent, in any particular case by an order made by the Secretary of State by statutory instrument.
- (6) Section 68 above shall apply for the purposes of Parts I and II, section 214(1)(b) and this Part of this Act as if any reference to an order under Part IV of this Act included a reference to any provision of Part I or II of this Act or to section 214(1)(b) of this Act or to any provision of any instrument made under Part I or II or this Part of this Act.
- (7) A local authority to whom any charters or insignia of a borough abolished by Part I or II of this Act have been transferred by virtue of subsection (2)(a) above shall if practicable preserve them in the area of the borough as it existed immediately before 1st April 1974.
- (8) An order under this section which extends the area for which any local statutory provision is in force shall be provisional only.
- (9) Any statutory instrument containing any other order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

- C2** S. 254 amended by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 7 para. 7**
- C3** 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)
- C4** 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)**
- C5** S. 254(2)(c) extended by [Salmon and Freshwater Fisheries Act 1975 \(c. 51, SIF 52:2\)](#), **s. 42(6)**, by [Lotteries and Amusements Act 1976 \(c. 32, SIF 12:1\)](#), **s. 25(8)** and by [Refuse Disposal \(Amenity\) Act 1978 \(c. 3, SIF 100:3\)](#), **s. 12(6)**

**255 Transfer of officers.**

- (1) Any of the following instruments under any of the provisions of this Act, that is to say an order under section 9, 10, 11, 27, 28 or 29, regulations or an order under section 67 or an order under section 198, 200, 201 or 254 may contain provisions as to the transfer of any person who is, on such date as may be specified in relation to him in the order or by or under the regulations, the holder of any office or employment and who is affected by any provision of, or of any instrument made under, this Act and shall contain provision for the protection of the interests of such persons.

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) In the case of any person who on 31st March 1974 is in the employment of one or more local authorities who are or include a council or municipal corporation which ceases to exist by virtue of section 1 or 20 above, the Secretary of State shall by order make such provision as is necessary to ensure that, to the extent, if any, to which, by reason only of the said section 1 or 20, that person would apart from the order cease on 1st April 1974 to be in such employment, that person is transferred on 1st April 1974 to the employment of such local authority as may be specified in or determined under the order.
- (3) Any such order or regulations as is or are referred to in subsection (1) or (2) above shall include such provision with respect to any person who is transferred by or under the order or regulations from the employment of one authority to that of another so as to secure that—
- (a) so long as he continues in the employment of that other authority by virtue of the transfer and until he is served with a statement in writing referring to the order or regulations and specifying new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable than those which he enjoyed immediately before the date of transfer; and
  - (b) the said new terms and conditions are such that—
    - (i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and
    - (ii) the other terms and conditions of his employment,are not less favourable than those which he enjoyed immediately before the date of transfer.
- (4) Subsections (2) and (3) above shall apply in relation to—
- (a) a police authority,
  - (b) a burial board, joint burial board or joint committee which ceases to exist by virtue of section 214 above,
  - (c) any prescribed association of local authorities the constituent members of which include councils falling within subsection (2) above, and
  - (d) any prescribed association of committees of local authorities the constituent members of which include committees of councils falling within subsection (2) above,
- as they apply in relation to a local authority who are a council which ceases to exist by virtue of section 1 or 20 above, but in their application to police authorities shall have effect as if any reference to a person in the employment of an authority were a reference to the civilian employees of a police authority.
- (5) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **256 Continuity of employment in cases of voluntary transfer.**

- (1) This section applies to a person if—
- (a) at some time before 1st April 1974, or on that date but otherwise than by virtue of provision made by an order under section 255 above, he enters the employment of a new local authority (in this section referred to as “his new employment”), and

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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>M1</sup>Industrial Relations Act 1971 (qualifying period for protection from unfair dismissal) and section 1 of the <sup>M2</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

M1 1971 c. 72.

M2 1972 c. 53.

## 257 Staff commission for England.

- (1) The Secretary of State, after consulting with such bodies representative of existing local authorities or of staff employed by such local authorities as appear to him to be concerned, shall, not later than one month after the passing of this Act, establish a staff commission for England for the purpose of—
- (a) considering and keeping under review the arrangements for the recruitment of staff by relevant authorities and for the transfer in consequence of the provisions of this Act or any instrument made under it of staff employed by relevant authorities which cease to exist by virtue of this Act;
- (b) considering such staffing problems arising in consequence of, and such other matters relating to staff employed by any body affected by, any provision of, or of any instrument made under, this Act as may be referred to the commission by the Secretary of State; and
- (c) advising the Secretary of State on the steps necessary to safeguard the interests of such staff.
- (2) The Secretary of State may give directions to the staff commission as to their procedure and to any relevant authority with respect to the furnishing of any information requested and the implementation of any advice given by the commission and with respect to the payment by a new local authority of any expenses incurred by the commission in doing anything requested by the authority.
- (3) Any expenses incurred by the staff commission under this section and not recovered from a local authority shall be paid by the Secretary of State.
- (4) In this section “relevant authority” means a local authority within the meaning of the 1933 Act or this Act, a joint board on which, or a joint committee on which, a local authority or parish meeting are represented, an association of local authorities or of committees of local authorities prescribed under section 255(4) above, or a Passenger Transport Executive, police authority, burial board or joint burial board.

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## **258 Staff commission for Wales.**

- (1) The Secretary of State, after consulting with such bodies representative of existing local authorities or of staff employed by such local authorities as appear to him to be concerned, shall, not later than one month after the passing of this Act, establish a staff commission for Wales for the purpose of—
  - (a) considering and keeping under review the arrangements for the recruitment of staff by relevant authorities, and for the transfer in consequence of the provisions of this Act or any instrument made under it of staff employed by relevant authorities which cease to exist by virtue of this Act;
  - (b) considering such staffing problems arising in consequence of, and such other matters relating to staff employed by any body affected by, any provision of, or of any instrument made under, this Act as may be referred to the commission by the Secretary of State; and
  - (c) advising the Secretary of State on the steps necessary to safeguard the interests of such staff.
- (2) The Secretary of State may give directions to the staff commission as to their procedure and to any relevant authority with respect to the furnishing of any information requested and the implementation of any advice given by the commission and with respect to the payment by a new local authority of any expenses incurred by the commission in doing anything requested by the authority.
- (3) Any expenses incurred by the staff commission under this section and not recovered from a local authority shall be paid by the Secretary of State.
- (4) In this section “relevant authority” means a local authority within the meaning of the 1933 Act or this Act, a joint board on which, or a joint committee on which, a local authority or parish meeting are represented, an association of local authorities or of committees of local authorities prescribed under section 255(4) above, or a police authority, burial board or joint burial board.

## **259 Compensation for loss of office.**

- (1) The appropriate Minister shall by regulations provide for the payment by such body or such Minister as may be prescribed by or determined under the regulations of compensation to or in respect of persons who are, or who but for any such service by them as may be so prescribed would be, the holders of any such office or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to any provision of this Act or of any instrument made under this Act.
- (2) Regulations under this section may—
  - (a) include provision as to the manner in which and the person to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations,
  - (b) make different provision for different classes of persons and for other different circumstances and make or authorise the appropriate Minister to make exceptions and conditions,
  - (c) be framed so as to have effect from a date earlier than the making of the regulations,

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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>F1</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>M3</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>F2</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>F3</sup>(c) Public Health Act <sup>M4</sup>1936—

[<sup>F4</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>M5</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>M6</sup>Public Health Act 1936, <sup>F5</sup>. . . or, as the case may be, paragraph 2 of Schedule 3 to the <sup>M7</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

- F1** S. 259(3) substituted by [Local Government Act 1974 \(c. 7\), s. 39](#)
- F2** 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)
- F3** S. 259(3)(c) substituted by [Food Act 1984 \(c. 30, SIF 53:1\), s. 134\(a\), Sch. 10 para. 23\(b\)](#)
- F4** 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)
- F5** 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

- M3** 1936 c. 49.
- M4** 1936 c.49(100:1).



*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**M5** 1969 c. 54.  
**M6** 1936 c. 49.  
**M7** 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—
  - (a) is the holder of any such office or is in any such employment as may be prescribed for the purposes of this subsection, and
  - (b) attains or has attained the age of fifty on or before 31st March 1974, and
  - (c) 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—
  - (a) at the date of his retirement he had attained the normal retiring age; and
  - (b) 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>M8</sup>Finance Act 1972 (compensation for loss of office or employment chargeable to tax as a payment made on retirement or removal from office or employment) in like manner as compensation paid under section 259 above.
- (6) In this section—

“normal retiring age” means—

  - (a) in relation to any person to whom an age of compulsory retirement applies by virtue of the relevant superannuation scheme, that age, and
  - (b) in relation to any other person, the age of sixty-five in the case of a man and sixty in the case of a woman or, in either case, such other age as may be prescribed;

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“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

M8 1972 c. 41.

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

- (1) For the purposes of this section the Secretary of State may designate such body appearing to him to be representative of local authorities as he considers appropriate (in this section referred to as “the advisory body”) to consider any increase made or proposed to be made by an existing local authority outside Greater London in the remuneration of any of their employees.
- (2) For the purpose of enabling them to carry out their functions under this section, the advisory body shall consult and seek information from new and existing local authorities outside Greater London; and, if requested to do so by the advisory body, the Secretary of State may give a direction to any such local authority requiring them to furnish to the advisory body such information as may be specified in the direction relating to the remuneration and other terms and conditions of employment of such employees of the local authority as may be so specified.
- (3) If it appears to the advisory body that an existing local authority outside Greater London has fixed or proposes to fix for any employee or class of employee of theirs a rate of remuneration which, having regard to any recommended levels of remuneration formulated on a national basis by representatives of local authorities and employees of local authorities, is greater than that which the advisory body considers appropriate for that employee or class of employees, they shall notify the local authority concerned and recommend to them the rate of remuneration which should be paid to the employee or class of employees concerned.
- (4) If it appears to the advisory body that an existing local authority outside Greater London to whom they have made a recommendation under subsection (3) above are not complying with that recommendation, then, after giving notice in writing to the local authority concerned of their intention to do so, they may refer the matter to the Secretary of State, and on such a reference the Secretary of State, after consultation with such persons appearing to him to be representative of local authorities and of employees of local authorities as he considers appropriate in relation to the employee or class of employees concerned, may give a direction to that local authority requiring them, with effect from such date as may be specified in the direction (not being earlier than the date on which notice was given to them by the advisory body), to pay such employee or class of employees of theirs as was the subject of the recommendation and as may be so specified remuneration at the rate recommended by the advisory body under subsection (3) above and specified in the direction.

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) It shall be the duty of any local authority to whom a direction is given under subsection (2) or subsection (4) above to comply with the direction.
- (6) If at any time in the period of three months beginning on 1st April 1974 it appears to the advisory body that the remuneration paid at any time before that date to any employee or class of employees of an existing local authority outside Greater London was such that, if that authority had not ceased to exist, the advisory body would have made a recommendation to the authority under subsection (3) above or, having made such a recommendation before that date, would have referred the matter to the Secretary of State under subsection (4) above, they shall notify the Secretary of State and report to him the rate of remuneration which in their opinion should have been paid to the employees or class of employees concerned immediately before 1st April 1974, or such earlier date as may be specified in the report, being the date on which the employee or employees ceased to be employed by the local authority concerned.
- (7) On receiving a report under subsection (6) above the Secretary of State may, after such consultation as is specified in subsection (4) above, by order provide that, for the purposes of the provisions of this Act relating to transfer of officers and compensation for loss of office [<sup>F6</sup> or for the purposes of the provisions of [<sup>F7</sup> section 44 of the National Health Service Reorganisation Act 1973 and section 24] of the <sup>M9</sup> Superannuation Act 1972 (which among other things relate to compensation for loss of office)], the employee or class of employees to whom the report relates and who are specified in the order shall be deemed to have been receiving, immediately before 1st April 1974 or such earlier date as may be specified in the report, remuneration at the rate stated in the report and specified in the order, but no order shall be made under this subsection after the end of September 1974.
- (8) Nothing in this section—
- shall apply to the remuneration payable to teachers by local education authorities, or
  - shall empower the Secretary of State to give a direction requiring a local authority to pay any employee, or to make an order deeming any employee to have been receiving remuneration at a rate below that to which he was entitled on 8th March 1972.

#### Textual Amendments

- F6** Words inserted by [National Health Service Reorganisation Act 1973 \(c. 32\), Sch. 4 para. 152](#)
- F7** Words in s. 261(7) substituted (28.6.1995 for certain purposes otherwise 1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 8\(1\), Sch. 1 Pt. III para. 97\(3\)](#) (with [Sch. 2 para. 6, 16](#))

#### Marginal Citations

- M9** [1972 c. 11.](#)

## 262 Local Acts and instruments.

- (1) Subject to subsection (2) below, any local statutory provision to which this section applies and which is not continued in force by any other provision of this Act shall—
- 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

---

*Status: Point in time view as at 28/06/1995.*

**Changes to legislation:** Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

and after 1st April 1974 to, but only to, the area, things or persons to which or to whom it applies before that date;

- (b) have effect subject to any necessary modifications and to the modifications made by subsections (3) to (5) below;

but the continuation by this subsection of an instrument made under any enactment shall not be construed as prejudicing any power to vary or revoke the instrument which is exercisable apart from this subsection.

- (2) Subsection (1) above shall have effect subject to the provisions of—
  - (a) this Act, other than Part I of Schedule 29;
  - (b) any Act passed after this Act and before 1st April 1974; and
  - (c) any order made under section 254 above or the following provisions of this section.
- (3) Any local statutory provision to which this section applies and which relates to functions exercisable by a local authority of any description by virtue of any public general enactment shall have effect as if for any reference to the authority by whom the functions are exercised immediately before 1st April 1974 or to their area there were substituted a reference to the authority by whom those functions are exercisable on and after that date or, as the case may be, to so much of the area of the latter authority as comprises the area of the former authority or any part thereof.
- (4) In any local statutory provision to which this section applies and which does not fall within subsection (3) above—
  - (a) for any reference to an existing county or its council there shall be substituted a reference to so much of the new county or counties as comprises the area of the existing county or any part thereof or, as the case may be, the council of that new county or the councils of those new counties;
  - (b) for any reference to an existing county borough or county district or the council of either there shall be substituted a reference to so much of the new district or districts as comprises the area of the existing borough or district or any part thereof or, as the case may be, the council of that new district or the councils of those new districts.
- (5) In any local statutory provision to which this section applies which has effect in an area in Wales and which does not fall within subsection (3) above—
  - (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—

---

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (a) as confers functions on the Secretary of State with respect to the determination of tolls or other charges with respect to any fair, or
  - (b) as requires the submission to the Secretary of State of, or of proposals relating to, any scale of tolls or other charges with respect to any fair,
- shall cease to have effect.
- (8) Where any local statutory provision is continued in force in any area by subsection (1) above or is amended or modified in its application to any area by an order under section 254 above, the Secretary of State or any appropriate Minister may by that order, or in the case of a provision continued as aforesaid, by an order under this subsection—
- (a) extend the provision throughout the new local government area in which it is continued in force;
  - (b) provide that that provision as so continued, amended, modified or extended shall have effect in that area to the exclusion of any enactment for corresponding purposes, including any enactment contained in or applied by this Act;
  - (c) make such modifications of any such enactment in its application to that area as will secure that the enactment will operate harmoniously with the said provision in that area;
  - (d) repeal or revoke any local statutory provision to which this section applies and which appears to the Secretary of State or that Minister to have become spent, obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom that provision applies;
  - (e) transfer to any authority appearing to the Secretary of State or that Minister to be appropriate any functions of an existing local authority under a local statutory provision to which this section applies which are not to become functions of some other authority under any provision of this Act except section 254 above and this section, or under any other instrument made under this Act, being functions exercisable by any existing local authority abolished by this Act;
  - (f) without prejudice to paragraph (e) above, make such modifications of any local statutory provision to which this section applies in its application to any new local government area as appear to the Secretary of State or that Minister to be expedient.
- (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.

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(12) This section applies to any local statutory provision which is in force wholly outside Greater London (except in the Isles of Scilly) and so much of any local statutory provision which is in force partly in Greater London as is in force outside Greater London, being in either case a provision in force immediately before 1st April 1974 and not expressly repealed or revoked by this Act, and subsection (9) above applies to any such local statutory provision of the following descriptions—

- (a) a provision of a local Act, the Bill for which was promoted by a local authority;
- (b) a provision of an Act confirming a provisional order made on the application of a local authority;
- (c) a provision of an order made on such an application which was subject to special parliamentary procedure;

not being—

- (i) a provision by virtue of which functions are exercisable by a joint board continued in existence by virtue of section 263 below,
- (ii) a provision relating to a statutory undertaking,
- (iii) a provision relating to any person's status, or the right of any person to be admitted, as a freeman of any place or the rights of any person by virtue of any relationship or association with such a freeman,
- (iv) a protective provision for the benefit of any person, or
- (v) a provision contained in the <sup>M10</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>M11</sup>Public Health Act 1848, the <sup>M12</sup>Local Government Act 1858, the <sup>M13</sup>Local Government (1858) Amendment Act 1861 or the <sup>M14</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>M15</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>F8</sup> . . . or district heating.

#### Textual Amendments

**F8** Word repealed by [Water Act 1973 \(c. 37\), Sch. 9](#)

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

**C6** S. 262(9) restricted by [Cornwall County Council Act 1984 \(c. xix\), ss. 1, 54\(4\)](#)

#### Marginal Citations

**M10** 1938 c. xciii.

**M11** 1848 c. 63.

**M12** 1858 c. 98.

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**M13** 1861 c. 61.

**M14** 1863 c. 17.

**M15** 1875 c. 55.

## **263 Existing joint boards and committees and port health districts.**

- (1) Subject to the following provisions of this section, where an existing joint board, every constituent member of which is a local authority, was constituted by or under any enactment for exercising functions for any united district or other area (not being a port health district), then, notwithstanding the change of areas and authorities effected by Parts I and II of this Act, the board shall continue to exist on and after 1st April 1974 and to exercise for that area the same functions as before that date (to the exclusion of new local authorities).
- (2) Subsection (1) above shall not apply to a joint board constituted for an area which on 1st April 1974 will be wholly within the area of a single new local authority if the board was constituted for the purpose of exercising functions which on and after that date would (apart from the existence of the board) be exercisable by that local authority, whether or not the board has additional functions which, apart from this section, would not be so exercisable; and accordingly in any such case—
  - (a) the functions of the board shall on 1st April 1974 become functions of that new local authority; and
  - (b) the joint board shall cease to exist on that date.
- (3) Subject to the following provisions of this section, where a port health district was constituted by an order under Part I of the <sup>M16</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

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the power of those new authorities to make different arrangements for the discharge of those functions under that Part.

- (6) The continuation in existence of any area or body by this section shall not prejudice any power conferred by any enactment to amend or revoke the order constituting the area or body or the power to make provision with respect to the body conferred by section 254 above.
- (7) Subsections (1) and (2) above shall not apply to any area wholly situated in Greater London or to a joint board for such an area, or to a joint planning board for a National Park, and subsections (3) and (4) above shall not apply to the Port of London.
- (8) The following provisions shall have effect for the construction of references to a local statutory provision to which section 262 above applies:—
- (a) any reference to an existing joint board which ceases to exist by virtue of this section, or any reference which is to be construed as such a reference, shall be construed as a reference to the local authority by whom the functions of that board will become exercisable by virtue of this section;
  - (b) any reference to a united district or other area the existing joint board for which ceases to exist by virtue of subsection (2) above, or any reference which is to be construed as such a reference, shall be construed as a reference to so much of the area of the new local authority by whom the functions formerly exercisable by the existing joint board become exercisable on 1st April 1974 as comprises the united district or other area for which the board acted; and
  - (c) any reference to an existing local authority whose functions as port health authority become exercisable on 1st April 1974 by virtue of subsection (3) above by a new local authority, or any reference which is to be construed as such a reference, shall be construed as a reference to that new local authority.
- (9) The foregoing provisions of this section shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and shall be without prejudice to any express provision so made.

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

- C7** 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)
- C8** 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)
- C9** 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)
- C10** 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)
- C11** 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)
- C12** 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**

- M16** 1936 c. 49.



*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

**F9** S. 264 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

## 265 Application of Act to Isles of Scilly.

- (1) There shall continue to be a council for the Isles of Scilly to be known as the Council of the Isles of Scilly.
- (2) The Secretary of State may make an order providing for the constitution of the Council of the Isles of Scilly and otherwise for regulating the application of this Act to the Isles of Scilly and may on the application of the Council make an order providing for the exercise and performance there of any functions which are for the time being conferred or imposed on local authorities.
- (3) Any order made under this section may—
  - (a) apply to the Isles of Scilly any other public general Act relating to local government;
  - (b) provide for the contribution by the Isles of Scilly to Cornwall County Council in respect of costs incurred by the county council on matters specified in the order as benefiting the Isles of Scilly;
  - (c) provide for all matters which appear to the Secretary of State necessary or proper for carrying the order into effect.
- (4) Any order in force immediately before 1st April 1974 under section 292 of the 1933 Act (application of that Act to the Isles of Scilly) shall have effect as if made under this section and may be varied or revoked accordingly.

### Modifications etc. (not altering text)

**C13** S. 265 extended by [Coroners Act 1988 \(c. 13, SIF 33\)](#), ss. 33, 34(2)

## [<sup>F10</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>F11</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

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(but subject to section 9 of the Norfolk and Suffolk Broads Act 1988), as a committee of the Authority appointed under section 102 of this Act.

- (3) Sections 120 to 123, 128 and 224 shall have effect as if the Authority were a principal council.]

#### Textual Amendments

- F10** 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)**
- F11** 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>F12</sup>268 .....

#### Textual Amendments

- F12** 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>F13</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

- F13** 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**

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 270 General provisions as to interpretation.

(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“appropriate Minister”, in relation to the making of an order or regulation or the giving of a direction with respect to any matter, means the Minister in charge of any Government department concerned with that matter; but the validity of any order, regulation or direction purporting to be made or given by any Minister by virtue of a power conferred on the appropriate Minister by this Act shall not be affected by any question as to whether or not that Minister was the appropriate Minister for the purpose;

“bank holiday break” means any bank holiday not included in the Christmas break or the Easter break and the period beginning with the last week day before that bank holiday and ending with the next week day which is not a bank holiday;

[<sup>F14</sup>“the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.]

“Christmas break” means the period beginning with the last week day before Christmas Day and ending with the first week day after Christmas Day which is not a bank holiday;

“the City” means the City of London;

<sup>F15</sup>  
...

“Common Council” means the Common Council of the City;

“county”, without more, means, in relation to England, a metropolitan county or a non-metropolitan county [<sup>F16</sup>, but in the expression “county council”, “council of a county”, “county councillor” and “councillor of a county” means, in relation to England, a non-metropolitan county only:];

“district”, without more, means, in relation to England, a metropolitan district or a non-metropolitan district;

“Easter break” means the period beginning with the Thursday before and ending with the Tuesday after Easter Day;

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

<sup>F15</sup>  
...

“existing”, in relation to a local government or other area or a local authority or other body, except in sections 1 and 20 above, means that area or body as it existed immediately before the passing of this Act;

“financial year” means the period of twelve months ending with 31st March in any year;

“grouped”, in relation to a parish or community, means grouped by or by virtue of any provision of this Act or any previous corresponding enactment under a common parish or community council, and “grouping order” shall be construed accordingly;

[<sup>F17</sup>“joint authority” means an authority established by Part IV of the Local Government Act 1985;]

“land” includes any interest in land and any easement or right in, to or over land;

“local authority” means a county council, <sup>F18</sup>... a district council, a London borough council or a parish [<sup>F19</sup>council but, in relation to Wales, means a county council, county borough council or community council;]

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“local government area” means—

- (a) in relation to England, a county, Greater London, a district, a London borough or a parish;
- (b) [<sup>F20</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;

“new”, in relation to any area or authority, means an area or authority established by or under this Act [<sup>F21</sup>including one established by virtue of any provision of the Local Government (Wales) Act 1994];

“1933 Act” means the <sup>M17</sup>Local Government Act 1933;

“1963 Act” means the <sup>M18</sup>London Government Act 1963;

[<sup>F22</sup>“open space” has the meaning assigned to it by [<sup>F23</sup>section 336(1) of the Town and Country Planning Act 1990];]

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

[<sup>F24</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>F25</sup>non-metropolitan county], a district or a London borough [<sup>F26</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;

“special community review” means a review under paragraph 1 of Schedule 10 to this Act;

“specified papers”, in relation to a parish or community, means the public books, writings and papers of the parish or community (including any photographic copies thereof) and all documents directed by law to be kept therewith;

“the Temples” means the Inner Temple and the Middle Temple;

“Welsh Commission” has the meaning assigned to it by section 53 above.

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) In this Act and in any other enactment, whether passed before, at the same time as, or after this Act, the expression “non-metropolitan county” means any county other than a metropolitan county, and the expression “non-metropolitan district” means any district other than a metropolitan district.
- (3) Any reference in this Act to a proper officer and any reference which by virtue of this Act is to be construed as such a reference shall, in relation to any purpose and any local authority or other body or any area, be construed as a reference to an officer appointed for that purpose by that body or for that area, as the case may be.
- (4) In any provision of this Act which applies to a London borough, except Schedule 2 to this Act,—
- (a) any reference to the chairman of the council or of any class of councils comprising the council or to a member of a local authority shall be construed as or, as the case may be, as including a reference to the mayor of the borough;
  - (b) any reference to the vice-chairman of the council or any such class of councils shall be construed as a reference to the deputy mayor of the borough; and
  - (c) any reference to the proper officer of the council or any such class of councils shall be construed as a reference to the proper officer of the borough.
- (5) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

#### Textual Amendments

- F14** Definition inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), [Sch. 6 para. 10\(9\)](#)
- F15** 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](#)
- F16** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 16 para. 8\(a\)](#)
- F17** Definition inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 para. 34](#)
- F18** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F19** 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](#)
- F20** 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](#)
- F21** 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.](#)
- F22** Words inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\)](#), [Sch. 23 para. 20](#)
- F23** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 28\(3\)](#)

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F24** 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))
- F25** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 16 para. 8(b)**
- F26** 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**

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

- C14** S. 270 applied (11.9.1998) by 1998 c. 18, **ss. 53(2)**, 55(2)

#### Marginal Citations

- M17** 1933 c. 51.  
**M18** 1963 c. 33.

## 271 Savings.

- (1) Nothing in this Act shall affect the boundary of the area—  
<sup>F27</sup>(a) ..... <sup>F28</sup> .....  
<sup>F28</sup>(b) .....
- (2) Nothing contained in, or done by virtue of, any provision of this Act other than section 253 or section 254(2)(b) shall affect the functions of the conservators of any common.
- (3) The provisions of Part I of this Act shall not affect the continuance of the Confederation of the Cinque Ports.
- (4) Any enabling provision contained in this Act shall be in addition to, and not in derogation of, any powers exercisable by Her Majesty by virtue of Her Royal Prerogative.
- (5) Except as provided by Part X of this Act, nothing in this Act shall prejudice any right, duty or privilege of Her Majesty in right of the Duchy of Lancaster.

#### Textual Amendments

- F27** S. 271(1)(a) repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F28** S. 271(1)(b) and word immediately preceding it repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

## 272 Repeals.

- (1) The enactments specified in Schedule 30 to this Act (which include enactments that were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent mentioned in the third column of that Schedule.

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) Without prejudice to section 38(1) of the <sup>M19</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**

M19 1889 c. 63.

**273 Commencement.**

- (1) The provisions of this Act to which this subsection applies shall, except so far as brought into force earlier by an order under subsection (2) below, come into force on 1st April 1974.
- (2) The Secretary of State may by order appoint an earlier date for the coming into force of any provision to which subsection (1) above applies and different days may be appointed under this subsection for different purposes and, in particular, different days may be so appointed for the coming into force of the same provision in different areas.
- (3) Subsection (1) above applies to the following provisions of this Act, that is to say—  
sections 13, 16(1) and (3) and 17;  
section 40;  
section 48(8) and (9);  
section 50(4) to (7);  
sections 53 to 59 and Schedule 8;  
section 62;  
section 75;  
section 89(6);  
section 100;  
Parts VI to XI, except as provided by subsections (4) and (5) below;  
section 251 and Schedule 29;  
section 262(3) to (7);  
section 272 and Schedule 30;  
paragraphs 5 to 9 and 10(2) of Schedule 6;  
in Schedule 12, Parts II and III, and Part VI so far as applicable to parish councils.
- (4) Subsection (1) above shall not apply to the following provisions of Parts VI to XI of this Act, that is to say—  
sections 104 and 106;  
section 110;  
section 117;  
section 138;  
section 169;

---

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

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) Without prejudice to section 37 of the <sup>M20</sup>Interpretation Act 1889, any provision of Part IX or X of this Act—

- (a) which empowers or requires any person to make any arrangements or any instrument with respect to the exercise of functions under any such provision or with respect to the setting up of any body of persons or the appointment of persons to any office or employment with a view to exercising any such functions or with respect to the deployment of officers in connection with the exercise of such functions;
- (b) which empowers or requires any person to give directions, take steps or make representations with respect to any such arrangements or instrument; or
- (c) which amends or applies any enactment which empowers or requires any person to make any such arrangements or instrument;

shall come into force so as to enable those functions to be exercised in accordance with the arrangements or instrument on 1st April 1974.

- (6) Sections 80 to 90, 92, 93, 104 and 106 above shall not apply to the Greater London Council or members of that council before the day on which the councillors of that council elected at the first ordinary elections of such councillors after the passing of this Act come into office.
- (7) Sections 80 to 90, 92, 104 and 106 above shall not apply to a London borough council or the members of any such council before 1st April 1974.
- (8) The following provisions shall have effect with respect to parish councils in England and the members of such councils:—
  - (a) sections 44(4) and 91 above shall not apply to them before 1st April 1974;
  - (b) sections 80 to 90, 92, 104 and 106 above shall not apply to them before the day on which parish councillors elected at those elections come into office; and



*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) sections 94 to 98 above shall not apply to them before 1st April 1974.
- (9) Part V of this Act shall not apply to existing parish councils in Wales or to members of such councils.
- (10) Sections 104 and 106 above shall not apply to members of the Common Council before the day on which any common councilmen elected at the first ordinary election of common councilmen after the passing of this Act come into office.

#### Marginal Citations

**M20** [1889 c. 63.](#)

#### 274 Short title and extent.

- (1) This Act may be cited as the Local Government Act 1972.
- (2) Except for <sup>F29</sup> . . . , paragraph 35 of Schedule 29 to this Act <sup>F29</sup> . . . , this Act shall not extend to Scotland.
- (3) <sup>F29</sup> . . . , this Act shall not extend to Northern Ireland.

#### Textual Amendments

**F29** 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:**

Point in time view as at 28/06/1995.

**Changes to legislation:**

Local Government Act 1972, Cross Heading: General is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.