



Local Government Act 1972

1972 CHAPTER 70

PART XII

MISCELLANEOUS AND GENERAL

Status, etc.

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 [^{F1}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 [^{F2}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.

[^{F3}(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), [F⁴and (3) above and any order applying subsection (3) made pursuant to] subsection (5) above shall have effect subject to [F⁵subsection (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.

F⁶(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 [^{F7}Part 3 of the Local Government (Democracy) (Wales) Act 2013] and [^{F8}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.
- ^{F9}(12)
- (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) [^{F10}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 [^{F11}and (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011] 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

- F1** Words inserted by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#) ss. 1(2)(a)(3), 2
- F2** Words inserted by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#), **ss. 1(2)(b)(3)**, 2
- F3** 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**
- F4** Words substituted by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#), **ss. 1(2)(c)(3)**, 2
- F5** 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**
- F6** S. 246(7) repealed by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#), **ss. 1(2)(d)(3)**, 2
- F7** Words in s. 246(9) substituted (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), s. 75(2)(d), **Sch. 1 para. 1(9)**
- F8** Words substituted by [Charter Trustees Act 1985 \(c. 45, SIF 81:1\)](#), **ss. 1(2)(e)(3)**, 2
- F9** S. 246(12) omitted (12.3.2014) by virtue of [The Legislative Reform \(Payments by Parish Councils, Community Councils and Charter Trustees\) Order 2014 \(S.I. 2014/580\)](#), arts. 1(c), **3(1)**

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- F10** Words substituted by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 34, **Sch. 5 para. 5(5)**
F11 Words in s. 246(16) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), s. 178(3), **Sch. 3 para. 1(4)**; S.I. 2012/1187, art. 2(1)(q)

Modifications etc. (not altering text)

- C1** S. 246(2) applied (with modifications)(11.3.1996) by S.I. 1996/330, **arts. 1(2), 4(2)**
C2 S. 246(15) amended (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), **Sch. 3 para. 3(5)**
C3 S. 246(15) continued (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 8**; S.I. 2015/841, art. 3(x)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)