



# Local Government Act 1972

## 1972 CHAPTER 70

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **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 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;

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**Changes to legislation:** Local Government Act 1972, Section 254 is up to date with all changes known to be in force on or before 08 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) View outstanding changes

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- (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) <sup>F1</sup> .....
  - (g) <sup>F1</sup> .....
  - (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 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.

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- (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.

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#### Textual Amendments

- F1** 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}
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#### Modifications etc. (not altering text)

- C1** S. 254 amended by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 7 para. 7](#)
- C2** 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)
- C3** 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\(1\)](#)
- C4** 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\(6\)](#)

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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](#)