

SCHEDULES

EIGHTH SCHEDULE

Section 62.

MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 (1) In section six of the Teachers (Superannuation) Act, 1925, in subsection (2), the reference to employment in respect of which a grant is made out of moneys provided by Parliament shall include a reference to employment the remuneration of which is relevant expenditure for the purposes of the provisions of this Act relating to general grants.
- (2) In section twenty-one of the said Act of 1925, in paragraph (b) of subsection (1), the reference to institutions in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament shall include a reference to institutions in respect of which expenditure is incurred which is relevant expenditure within the meaning of the said provisions.
- 2 (1) Where contributions under section eighty-six of the Children and Young Persons Act, 1933, in respect of a child or young person committed to, or received into, the care of a local authority are payable, by the person liable to make the contributions, to an authority other than the authority responsible for maintenance, the authority receiving the contributions from the said person shall pay them over to the authority responsible for maintenance, subject however to such deductions in respect of services rendered by the authority paying the contributions over as may be agreed between the two authorities or as in default of agreement may be determined by the Secretary of State.
- (2) In the foregoing sub-paragraph references to the authority responsible for maintenance—
 - (a) in relation to a child or young person committed to the care of a local authority, are references to that authority ;
 - (b) in relation to a child received into the care of a local authority, are references to the local authority into whose care the child has been received, except that where the authority to whom the contributions are payable by the person liable to make them has been notified that under subsection (4) of section one of the Children Act, 1948, expenses are being recovered from another authority, the said references shall be construed as references to that other authority.
- (3) In subsection (3) of section eighty-six of the Children and Young Persons Act, 1933, after the word " and " where it first occurs there shall be inserted the words " in the case of a child or young person ordered to be sent to an approved school " .
- (4) References in paragraph (b) of subsection (2) of section eighty-seven and in subsection (1) of section eighty-eight of the said Act of 1933 to a council entitled to receive contributions shall be construed as references to the council to whom the contributions are payable by the person under a duty to make them.

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- (5) The power of the Secretary of State under subsection (1) of section eighty-nine of the said Act of 1933 to remit the whole or any part of the payments to which that subsection applies shall cease to be exercisable as respects payments in respect of a child or young person committed to, or received into, the care of a county or county borough council.
- 3 At the end of section eleven of the Act of 1933 (which provides for the alteration of electoral divisions of counties) there shall be added—
- “(7) Any order under this section may contain such incidental, consequential or supplementary provisions as appear to be necessary or proper for bringing the order into operation and giving full effect thereto”.
- 4 Any order under subsection (2) of section thirty-eight of the Act of 1933 (which relates to the election of rural district councillors) or any like order made under the Local Government Act, 1929, under Part VI of the Act of 1933 or the corresponding provisions of any enactment repealed by that Act, or under Part II of this Act may be varied or revoked by a subsequent order of the county council; and any such order as aforesaid may contain such incidental, consequential or supplementary provisions as appear to be necessary or proper for bringing the order into operation and giving full effect thereto.
- 5 (1) In subsection (5) of section forty-three of the Act of 1933 (which relates to the establishing of a parish council for a parish included in a grouping order made under section forty-five of the said Act) after the words " as hereinafter defined " there shall be inserted the words " or in a like order made, whether before or after the commencement of this Act, under any other Act ".
- (2) In section forty-five of the Act of 1933 (which relates to the grouping of parishes) in subsection (2) after the words "A grouping order" there shall be inserted the words " or the like order under Part II of the Local Government Act, 1958 ".
- (3) At the end of subsection (3) of the said section forty-five there shall be added the words " or formed by an order under Part II of the Local Government Act, 1958 ".
- (4) Subsection (3) of section fifty-two of the Act of 1933 (which provides for the revocation or variation of orders made under that section dividing a parish into wards for the election of parish councillors) shall apply to the like orders made under the Local Government Act, 1929, under Part VI of the Act of 1933 or the corresponding provisions of any enactment repealed by that Act, or under Part II of this Act; and any order under the said section fifty-two may contain such incidental, consequential or supplementary provisions as appear to be necessary or proper for bringing the order into operation and giving full effect thereto.
- 6 (1) In section one hundred and eight of the Act of 1933, subsection (2) shall cease to have effect.
- (2) In section one hundred and ten of the Act of 1933, in subsection (2), for the words from the beginning of the subsection to the end of paragraph (b) there shall be substituted the words " This section applies to a medical officer of health or a sanitary inspector of any county borough or county district other than one existing immediately before the passing of the Local Government Act, 1958, to which this section did not then apply, but for the purposes of this subsection an urban district or rural district shall be treated as having existed before the passing of that Act if it was constituted by the conversion of a rural district or urban district existing at the passing of that Act: ".

- 7 (1) In section one hundred and forty of the Act of 1933, in subsection (1) for the words " council of a borough" there shall be substituted the words " council of a county borough " ; and in paragraph (iii) of the said subsection (1) the words " in the case of a county borough " shall cease to have effect.
- (2) In the said subsection (1), in the proviso, for the words from " except in the case " to the end there shall be substituted the words " an order under this section shall not have effect until approved by a resolution of each House of Parliament, " but the following provisions shall have effect where proposals are made to the Minister as mentioned in the said section one hundred and forty:—
- (a) the local authority making the proposals shall deposit in the office of the authority such maps illustrating the proposals as the Minister may require, and the maps so deposited shall be available for inspection, without payment, at all reasonable hours by local or public authorities or other persons concerned ;
 - (b) notice of the submission of the proposals and of the deposit of the maps, together with copies of the proposals and such maps as the Minister may require, shall be sent to every county council, borough council, urban or rural district council, parish council and parish meeting appearing to the council submitting the proposals to be concerned, and the notice shall indicate that representations with respect to the proposals may be made to the Minister within six weeks of the giving of the notice ;
 - (c) the like notice shall be published in the London Gazette and in one or more newspapers circulating in the locality to which the proposals relate ;
 - (d) the requirement of the said subsection (1) that the Minister shall cause a local inquiry to be held before making an order shall not apply if the Minister is satisfied in any particular case that an inquiry is unnecessary.
- (3) Subsections (2) to (5) of the said section one hundred and forty shall cease to have effect.
- (4) Where by an order under the said section one hundred and forty a new borough is constituted by the union of any areas, the order may make provision for the charter of the new borough, by applying thereto, with any necessary exceptions or modifications, the charter of any borough comprised in the union, provisions of charters of two or more boroughs comprised in the union, or the charter of one and provisions of the charters of one or more of the others.
- 8 (1) Section one hundred and forty-one of the Act of 1933 shall have effect as if for the changes specified in subsection (1) thereof there were substituted the changes to be produced by any such means or combination of means as is specified in subsection (3) of section twenty-eight of this Act, excluding the means specified in paragraph (f) of that subsection but including the constitution of new urban parishes by the amalgamation of urban parishes ; and in subsection (7) of the said section one hundred and forty-one for the words from " alteration " to "parts thereof" there shall be substituted the words " constitution of new urban parishes, by the amalgamation of urban parishes ".
- (2) The Minister shall not be required to hold a local inquiry before taking further action under subsection (5) of the said section one hundred and forty-one in any case where he is satisfied that the holding of the inquiry is unnecessary.
- (3) An order of the Minister confirming an order under the said section one hundred and forty-one constituting a new borough by the amalgamation of a non-county borough

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with other county districts may make provision for the charter of the new borough, by applying thereto, with any necessary exceptions or modifications, the charter of any amalgamated borough, or, in the case of an amalgamation including two or more boroughs, by applying as aforesaid to the new borough provisions of charters of two or more amalgamated boroughs or the charter of one and provisions of the charters of one or more of the others.

- 9 In section one hundred and forty-three of the Act of 1933, subsection (1) shall cease to have effect, and subsection (2) of that section shall be amended as follows:—
- (a) the subsection shall apply to a joint representation by two county councils as it applies to a joint representation by a county council and a county borough council;
- (b) the reference to altering the boundary shall include a reference to any transference of part of the county or county borough, as the case may be, but not so as to authorise the abolition of any county district.
- 10 (1) In section one hundred and forty-five of the Act of 1933, in subsection (1), for the words from " shall, by notice " to " boundary line " there shall be substituted the words " shall, by order of which notice shall be published in such manner as he thinks fit, declare that such line as may be specified in the order (whether or not consisting wholly or in part of the line of the watercourse as altered) shall be substituted as the boundary line for the former line of the watercourse ".
- (2) Subsection (2) of the said section one hundred and forty-five shall cease to have effect.
- 11 Section one hundred and forty-six of the Act of 1933 shall cease to have effect.
- 12 In section one hundred and forty-seven of the Act of 1933, in subsection (2) for the words from "may" to the end of the subsection there shall be substituted the words " of a non-county borough or of a borough to which the Seventh Schedule to the Local Government Act, 1958, applies may change the name of any urban parish situate in the borough. " ; and in subsection (3) of the said section the words "borough or" shall cease to have effect.
- 13 In section one hundred and forty-eight of the Act of 1933, in subsection (1), after the word " consequential" there shall be inserted the word " transitional ", after the word " purposes " there shall be inserted the words " or in consequence ", and after the word " thereto " there shall be inserted the words " (including provisions applying, amending or repealing any Act) ".
- 14 In section two hundred and seventy-five of the Act of 1933, in paragraph (b), after the words " repealed by this Act" there shall be inserted the words " or under the Local Government Act, 1958 ".
- 15 Subsection (3) of section twenty-five of the Tithe Act, 1936, shall have effect—
- (a) as respects the twelve months beginning on the second day of October, nineteen hundred and fifty-eight, as if for the words " six hundred and eighty-five thousand pounds " there were substituted the words " four hundred and eighty-five thousand pounds ";
- (b) as respects any subsequent period of twelve months, as if for the first mentioned words there were substituted the words " two hundred and eighty-five thousand pounds ".
- 16 (1) Subsection (1) of section ninety-nine of the Education Act, 1944, shall apply to any failure to discharge a duty imposed by regulations under subsection (4) of section

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three of this Act as it applies to a failure to discharge a duty imposed for the purposes of the said Act of 1944.

- (2) In section one hundred of the said Act of 1944, in paragraph (a) of subsection (1), for the words from " in the exercise of any of their functions" to the end of the paragraph there shall be substituted the words—
- “(i) in connection with the provision of milk for pupils in attendance at schools maintained by such authorities or for full-time students under eighteen years of age in attendance at establishments for further education maintained or assisted by such authorities or in receipt of grant from the Minister, or the provision of milk in pursuance of arrangements made under section seventy-eight of this Act;
 - (ii) in connection with the provision of main mid-day meals for day pupils in attendance at schools maintained by such authorities or the provision of such meals in pursuance of arrangements made under the said section seventy-eight or in pursuance of section eighty-one of this Act;
 - (iii) in the removal of works constructed for the purposes of air-raid precautions or of temporary works constructed for defence purposes by or on behalf of the Secretary of State, the Admiralty or the Minister of Home Security in pursuance of Regulation fifty or fifty-one of the Defence (General) Regulations, 1939, or by agreement, and in the reinstatement of premises so far as it is rendered necessary by any such removal”.
- 17 (1) In section one of the Teachers (Superannuation) Act, 1945, in paragraph (a) and in paragraph (b) of subsection (1), the words from "being" to the end shall cease to have effect.
- (2) In paragraph (f) of subsection (1) of section one, and in subsection (2) of section two, of the said Act of 1945 after the words " grants are made by the Minister" there shall be inserted the words " or who are in receipt of financial assistance from a local education authority " , and subsection (2) of section thirteen of that Act shall cease to have effect.
- 18 In section seven of the Police Act, 1946, for the words from " at any time " to " 1945 " there shall be substituted the words " an order is made under the Local Government Act, 1958 " , and after the words " specified in the order " there shall be inserted the words " then without prejudice to the provisions of Part II of the said Act of 1958 as to joint boards and combined authorities " .
- 19 The approval of the Minister of Health shall not be required for the making by a local authority of contributions under subsection (5) of section twenty-two, subsection (3) of section twenty-eight, or subsection (2) of section fifty-one of the National Health Service Act, 1946 (which empower local authorities to contribute to voluntary organisations concerned with the care of mothers and young children, the prevention of illness, the care or after-care of the sick and matters arising under the Lunacy and Mental Treatment Acts and the Mental Deficiency Acts).
- 20 In section ten of the Fire Services Act, 1947, for the words " the Local Government (Boundary Commission) Act, 1945 " there shall be substituted the words " the Local Government Act, 1958 " , and after the words " specified in the order " there shall

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be inserted the words " then without prejudice to the provisions of Part II of the said Act of 1958 as to joint boards and combined authorities " .

- 21 In section ninety-three of the Town and Country Planning Act, 1947, as set out in section fifty of the Town and Country Planning Act, 1954, in paragraph (a) of subsection (1) after the word " acquisition" there shall be inserted the words " for war-damage redevelopment " , and after the word " acquired" there shall be inserted the words " for such redevelopment " , in paragraph (b) after the word " compensation " where it first occurs there shall be inserted the words " in respect of land of the National Coal Board to which the Fifth Schedule to this Act applies by virtue of regulations under section ninety of this Act, being compensation payable " , and for the words from the first " twenty-four " to the end of the paragraph there shall be substituted the words " twenty-five or twenty-six of this Act in respect of such land of the National Coal Board as aforesaid " , paragraph (c) shall not have effect, and at the end of the subsection there shall be inserted—

“In this section ' war-damage redevelopment ' means the redevelopment as a whole of an area of extensive war damage, and includes the relocation of population or industry, or the replacement of open space, in the course of such redevelopment and the proviso to subsection (4) shall cease to have effect.”,

- 22 In section thirty-four of the Act of 1948, subsection (2) shall have effect, by virtue of this Act, as if for the words "nineteen hundred and fifty-seven " there were substituted the words " nineteen hundred and sixty-one " ; and the New Valuation Lists (Postponement) Act, 1952, shall cease to have effect.

- 23 (1) Subsection (1) of section eighty-seven of the Act of 1948 (which provides that a railway or canal hereditament occupied partly for non-rateable purposes and partly for other purposes shall be rated, but by reference only to its occupation for those other purposes) shall have effect as if references to other purposes included only references to other purposes being (within the meaning of section eighty-six of the Act of 1948)—

- (a) purposes of any parts of the undertaking of the Commission which are concerned with the carriage of goods or passengers by road transport or sea transport or with harbours, or
- (b) purposes of any parts of the undertaking of the Commission which are subsidiary or incidental to any such part as aforesaid, or
- (c) purposes of the supply of electricity to an Electricity Board (including the generation of electricity so supplied).

- (2) Subsections (1) and (2) of section fourteen of this Act shall apply in relation to this paragraph as they apply in relation to the provisions of this Act mentioned in subsection (1) of that section.

- 24 (1) For the purposes of section ninety-four of the Act of 1948 (which provides for the adjustment, for changes in the average rates, of payments by the British Transport Commission for the benefit of local authorities) it shall be sufficient for the aggregate gross charge to rates for England and Wales to be estimated and certified by the Minister instead of being ascertained and certified by him as provided by subsection (2) of the said section ninety-four.

- (2) For the purposes of the said subsection (2) the rateable value for England and Wales for any year shall be taken to be the aggregate of the rateable values for that year of the areas of all rating authorities in England and Wales, and the rateable value of the

area of a rating authority for any year shall be taken to be the aggregate, as certified by the valuation officer, of the rateable values shown on the first day of that year in the valuation list in force on that day for that area, subject however to any alteration in the list made in consequence of the provisions of any enactment (including an enactment contained in this Act) whereby the alteration is to be treated as having been made at the beginning of the year.

- 25 (1) Subsection (2) of section one hundred of the Act of 1948 (which provides for sums paid under Part V of that Act for the benefit of local authorities to be distributed among rating authorities and county councils) shall have effect as if for the words from " in the manner following " to the end of the subsection there were substituted the words " among the rating authorities in England and Wales in proportion to the rateable values for their respective areas for that year. "
- (2) Sub-paragraph (2) of the foregoing paragraph, so far as it relates to the rateable value of the area of a rating authority, shall apply for the purposes of subsection (2) of section one hundred of the Act of 1948 as it applies for the purposes of subsection (2) of section ninety-four of that Act.
- 26 Section one hundred and two of the Act of 1948 shall have effect as if in subsection (1) (which provides that payments made by the British Transport Commission shall, if and so far as it is so prescribed, be taken into account as if they were paid on account of rates, and in computing the product of a penny rate) the words " if and so far as it is so prescribed " were omitted.
- 27 In section one hundred and fourteen of the Act of 1948 the proviso to subsection (2) shall cease to have effect, and in subsection (4) the words from the beginning to the first " any " shall cease to have effect and after the word " Parliament" there shall be inserted the words " under any enactment, whether passed before or after the passing of this Act ".
- 28 The power conferred by section one hundred and forty-six of the Act of 1948 and subsection (1) of section sixteen of this Act to modify the provisions of Part I of this Act in relation to the Isles of Scilly shall include power to provide that in the application of subsection (4) of section five of this Act both to those Isles and to counties and county boroughs references to a county shall include references to those Isles.
- 29 In section forty-six of the Children Act, 1948, in subsection (2), the words " with the consent of the Secretary of State " shall cease to have effect.
- 30 In section eight of the Nurseries and Child Minders Regulation Act, 1948, in subsection (3), after the words " nursery school" there shall be inserted the words " maintained or assisted by a local education authority or ".
- 31 (1) Nothing in subsection (3) of section twenty-nine of the Representation of the People Act, 1949 (which provides that district election rules or parish election rules shall not affect the hour at which under the local elections rules the poll is to close) shall prevent provision being made by district election rules and parish election rules for securing that where an election of rural district councillors and an election of parish councillors for a parish in the rural district are being held simultaneously, and candidates in one of the elections have requested that the poll shall be kept open for a further hour, the poll for the other election shall be kept open likewise.
- (2) In the proviso to subsection (3) of section forty-three of the said Act of 1949, for the words " the whole amount" there shall be substituted the words " any such fees or other sums as aforesaid, other than as aforesaid ".

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- (3) In section forty-four of the said Act of 1949, in subsection (3), for the words " the Treasury ", in each place where they occur, there shall be substituted the words " the Secretary of State " , but nothing in this sub-paragraph shall affect any scale of expenses framed, or sanction given, before the coming into effect of this sub-paragraph.
- (4) In the Second Schedule to the said Act of 1949, in head (i) of sub-paragraph (1) of paragraph 22 of the Parliamentary Elections Rules and in head (a) of sub-paragraph (1) of paragraph 18 of the Local Elections Rules for the words from " in receipt of a grant" to the end there shall be substituted the words " maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school " .
- 32 Subsections (1) and (2) of section three of the School Crossing Patrols Act, 1953 (which provide for grants to local authorities and to the Metropolitan Police Fund in respect of expenditure on school crossing patrols) shall cease to have effect.
- 33 Subsection (7) of section nine of the Act of 1955 (which empowers the Minister by order to repeal certain provisions of that section as to the exemption from rating of advertisements on railway and canal hereditaments) shall cease to have effect.
- 34 In the Road Traffic Act, 1956, in section five, at the end of subsection (2) there shall be added the words " being arrangements made by authorities or bodies other than local authorities " .
- 35 Paragraphs 1, 2, 6, 16, 17, 19, 21, 23 to 27, 29 to 32 and 34 of this Schedule shall not have effect for any period before the first day of April, nineteen hundred and fifty-nine, except that paragraph 24 of this Schedule shall have effect for ascertaining the payment to be made for the benefit of local authorities for the year beginning with that day.