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STATUTORY INSTRUMENTS

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**1976 No. 246**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Government Area Changes Regulations 1976**

<i>Made</i>	- - - -	<i>16th February 1976</i>
<i>Laid before Parliament</i>		<i>8th March 1976</i>
<i>Coming into Operation</i>		<i>29th March 1976</i>

The Secretary of State for the Environment and the Secretary of State for Wales, in exercise of the powers conferred upon them by sections 67(1) and (2) and 255(1) and (3) of, and paragraph 9 of Schedule 10 to, the Local Government Act 1972 and of all other powers enabling them in that behalf, hereby make the following regulations:—

**Title and commencement**

1. These regulations may be cited as the Local Government Area Changes Regulations 1976 and shall come into operation on 29th March 1976.

**Application: extent of exercise of powers**

2. These regulations make incidental, consequential, transitional or supplementary provision for the purposes or in consequence of orders made under Part IV of the Local Government Act 1972 by the Secretary of State for the Environment or the Secretary of State for Wales, or both, or under paragraph 7 of Schedule 10 to the said Act by the Secretary of State for Wales, and are made—

by the Secretary of State for the Environment in so far as they are made in relation to orders made by him;

by the Secretary of State for Wales in so far as they are made in relation to orders made by him; and

by both such Secretaries in so far as they are made in relation to orders made by both.

**Interpretation**

3.—(1) The Interpretation Act 1889 shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations—

“the appointed day” means the day on which the order comes into operation otherwise than for any purposes set out in regulation 4(1);

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“as altered” means as altered by any orders under Part IV of the Local Government Act 1972, or paragraph 7 of Schedule 10 thereto, coming into operation on the appointed day;

“byelaws” includes any regulation, scale of charges, list of tolls or table of fees and payments;

“charity”, “charity trustees”, “court” and “trust” have the same meanings as in the Charities Act 1960<sup>(1)</sup>;

“the City” means the City of London;

“the City Corporation” means the mayor and commonalty and citizens of the City of London;

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

“dissolved authority” means an authority dissolved by the order;

“exercisable”, in relation to functions, means exercisable otherwise than by virtue of section 101, 110 or 187(2) or (3) of the Local Government Act 1972, section 15 of the Water Act 1973 or article 19 of the Local Authorities etc. (Miscellaneous Provision) Order 1974<sup>(2)</sup>;

“local Act” includes an Act confirming a provisional order;

“officer”, in relation to any authority, includes the holder of any office or employment under that authority;

“the order” means the order under Part IV of the Local Government Act 1972, or paragraph 7 of Schedule 10 thereto, for the purposes or in consequence of which the provisions in these regulations become applicable;

“parish authority” means in the case of a parish having a separate parish council that council, and in any other case the parish meeting or the parish trustees of the parish, as may be appropriate;

except in regulation 49 “the proper officer”, in relation to any purpose and any body, means the officer appointed for that purpose by that body;

“residuary successor”, in relation to any dissolved authority, means the authority specified as such in the order;

except in paragraph 6 of Schedule 3 “the Secretary of State”, without more, means the Secretary of State or the Secretaries of State by whom the order is made;

“the Sub-Treasurer” means the Sub-Treasurer of the Inner Temple;

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

“the Under Treasurer” means the Under Treasurer of the Middle Temple.

(3) These regulations have effect subject to the provisions of the order.

(4) For the purposes of these regulations and of the order—

(a) an area shall be treated as transferred from any relevant area wherever it ceases on the appointed day to be comprised in that relevant area, whether that area continues to exist or not, and if it does not whether the first-mentioned area constitutes only part of it or the whole;

(b) an area shall be treated as transferred to any relevant area wherever it first comes on the appointed day to be comprised in that relevant area, whether that area previously existed or not, and if it did not whether the first-mentioned area constitutes only part of it or the whole.

In this paragraph, “relevant area” means a county, district, London borough, parish, community, petty sessions area, police area or the area of an area health authority.

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(1) 1960

(2) (1974 I, p. 1690).

- (5) In these regulations and in the order, unless the context otherwise requires—
- (a) references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment;
  - (b) references to any instrument shall be construed as references to that instrument as amended, extended or applied by any other instrument.

(6) Any reference in these regulations to a numbered regulation or schedule shall, unless the reference is to a regulation or schedule of a specified instrument, be construed as a reference to the regulation or schedule bearing that number in these regulations.

(7) Any reference in any regulation or schedule of these regulations to a numbered paragraph shall, unless the reference is to a paragraph of a specified instrument, be construed as a reference to the paragraph bearing that number in the first-mentioned regulation or schedule.

(8) Any reference in any paragraph of a regulation or schedule to a numbered sub-paragraph shall, unless the reference is to a sub-paragraph of a specified paragraph, be construed as a reference to the sub-paragraph bearing that number in the first-mentioned paragraph.

#### **Coming into operation of order**

4.—(1) The following are purposes for which the order shall come into operation on such day earlier than the appointed day as may be specified therein—

- (a) the application of sections 39 and 40 of the Local Government Act 1972;
- (b) the preparation or the alteration of any register of electors under the Representation of the People Acts;
- (c) any local government election under the said Acts or the Local Government Act 1972 for any area consisting of or comprising any area established or altered by the order and proceedings preliminary or relating thereto;
- (d) any action under Part IV of, or Schedule 9 or 10 to, the Local Government Act 1972 in relation to electoral areas;
- (e) the constitution of any body established by the order and proceedings preliminary or relating to the first meeting thereof;
- (f) the annual assembly of any parish meeting;
- (g) the making of any scheme under regulation 67 or 68;
- (h) the appointment of any officer or the taking of any other action, and the incurring of any expenditure in relation thereto, by any authority to ensure their effective operation as from the appointed day;
- (i) the alteration of any valuation list to take effect on the appointed day, the preparation or revision of any estimate of the product of a rate of a new penny in the pound, the preparation or service of any precept to be made in respect of a period commencing on the appointed day and the preparation or approval of any rate to be made in respect of a period commencing on the appointed day; and
- (j) any provision of these regulations or of the order which expressly refers to the coming into operation of the order or requires or enables action to be taken before the appointed day.

(2) If new valuation lists are to come into force on the appointed day, and the order comes into operation more than 5 months before that day, in item (i) of paragraph (1) for the first 13 words there shall be substituted “the preparation of any valuation list to come into force on the appointed day”.

(3) Nothing in this regulation authorises the appointment of the chief officer of a new fire brigade to take effect before the appointed day.

## Maps

5.—(1) A print of any map referred to in the order shall be deposited in the offices of the Secretary of State.

(2) A print of any such map shall be deposited—

with the council of any district or London borough affected by the changes of areas made by the order;

where the City is so affected, with the Common Council;

where the Inner Temple is so affected, with the Sub-Treasurer; and

where the Middle Temple is so affected, with the Under Treasurer.

A print deposited under this paragraph shall at all reasonable times be open to inspection by any person affected by the changes of areas made by the order, and on payment of a reasonable fee (to be determined by the body with whom the print is deposited) any such person shall be entitled to a copy of or an extract from it, certified by the proper officer of such body to be a true copy or extract, which shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the map as regards the changes of areas made by the order.

(3) In addition—

(a) prints shall be supplied to—

(i) the councils of the counties affected by the order or if Greater London is affected the Greater London Council;

the Commissioners of Inland Revenue;

the Secretary of State for Employment;

the Secretary of State for Industry;

the Secretary of State for Prices and Consumer Protection;

the Treasury Valuer;

the Boundary Commission for England or the Boundary Commission for Wales;

the Registrar General;

Ordnance Survey; and

the Land Registry.

(ii) if the map is relevant to any changes in the boundaries of districts or London boroughs, or the City, the Inner Temple or the Middle Temple, the Secretary of State for Social Services;

(b) if the map is relevant to any change in the boundaries of a parish, a print thereof, or an extract therefrom, shall be supplied to the parish authority;

(c) if the map is relevant to any change in the boundaries of a community having a community council, a print thereof, or an extract therefrom, shall be supplied to that council.

(4) Any print or extract supplied under (b) or (c) of paragraph (3) shall be deposited with the records of the parish or community.

## Mereing of boundaries

6. The boundaries established by the order shall be mered by Ordnance Survey. Any boundary defined on any map referred to in the order by reference to proposed works shall, if such works have not been executed at the time of the completion of the first survey including such boundary made

after the coming into operation of the order for a new edition of Ordnance Survey large scale plans, be mered as if the boundary had not been so defined.

### **General continuance of matters**

7. Subject to the other provisions of these regulations, any of the following things done or treated by virtue of any enactment as having been done by, or to, or in relation to, any authority from whom any area is transferred by the order in connection with the discharge of any of their functions in relation to such area, 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 the appointed day, be treated as having been done by, to, or in relation to, the authority by whom the functions become exercisable in the area on and after that day by virtue of the order, and any such thing shall as from that day have effect as if any reference therein to the first-mentioned authority were a reference to the authority secondly mentioned.

### **Councillors**

8.—(1) Any person in office at the appointed day as councillor for any electoral area which is altered by the order shall represent the area as altered until the date on which he would have retired if the order had not been made. Any casual vacancy which exists at the coming into operation of the order or occurs before the appointed day in the office of councillor for any such area shall (except where notice of the election has at the coming into operation of the order already been given) be deemed to have arisen in the representation of the area as altered. Where notice of the election has at the coming into operation of the order already been given the person elected shall represent the area as altered until the date on which he would have retired if the order had not been made.

(2) In relation to the qualification of any person to be elected and to be a member of any county council, district council, London borough council, parish council or community council, of the Greater London Council or the Common Council, or of any committee, joint board or joint committee, the order shall be deemed, for the purposes of section 79 of the Local Government Act 1972, to have been in operation during the whole of the twelve months preceding the relevant day within the meaning of that section.

(3) No person who remains in office after the appointed day as a member of any county council, district council, London borough council, parish council or community council, of the Greater London Council or the Common Council, or of any committee, joint board or joint committee, shall, during the term for which he remains in office, lose his qualification for being a member by reason of the changes of areas made by the order.

### **Local government electors**

9. If in relation to any election, parish meeting or community meeting for any area consisting of or comprising any area established or altered by the order the register of local government electors has not been prepared and published on the basis that the changes of areas made by the order had

become operative, the registration officer shall make such alteration of the register as may be proper for the purpose of such election or meeting.

### **Grouped parishes**

**10.**—(1) The provisions of this regulation shall have effect where parishes are grouped.

(2) There shall be a separate parish meeting for each parish.

(3) Where under the provisions of any enactment or instrument the consent of the parish meeting for a parish is required in respect of any act done, or proposed to be done, by a parish council, the consent of the parish meeting of each parish affected by the act shall be necessary in respect of such act done, or proposed to be done, by the common parish council.

(4) For the purposes of the application to the parishes of all or any of the provisions of section 37 of the Charities Act 1960 and of any of the provisions of the Local Government Act 1972 with respect to the custody of parish documents, so as to preserve the separate rights of each parish, the common parish council shall be deemed to be the separate parish council for each parish:

Provided that the consent of the parish meeting for any parish shall be required to any act of the common parish council under the said provisions which relates only to the affairs of that parish.

### **Grouped communities**

**11.**—(1) The provisions of this regulation shall have effect where communities are grouped.

(2) For the purposes of the application to the communities of all or any of the provisions of section 37 of the Charities Act 1960 and of any of the provisions of the Local Government Act 1972 with respect to the custody of community documents, so as to preserve the separate rights of each community, the common community council shall be deemed to be the separate community council for each community.

### **Dissolution of charter trustees**

**12.**—(1) The provisions of this regulation shall have effect where the city or town for which charter trustees have been constituted under subsection (4) of section 246 of the Local Government Act 1972—

(a) becomes a parish;

(b) becomes wholly comprised in a parish; or

(c) becomes wholly comprised in two or more parishes,

and the said subsection (4) therefore, in accordance with subsection (8) of the said section 246, ceases to apply to the city or town.

(2) Any reference in this regulation to “the parish council” shall be construed—

(a) in the cases described in (a) and (b) in paragraph (1), as a reference to the parish council for the parish so described;

(b) in the case described in (c) in paragraph (1), as a reference to the parish council specified in relation to this paragraph in respect of the city or town in the order.

(3) The charter trustees shall be dissolved.

(4) Any mayor or deputy mayor of the city or town shall cease to hold office as such.

(5) Any local officer of dignity appointed under paragraph (c) of the said subsection (4) shall hold office as if he had been appointed by the parish council.

(6) All property and liabilities vested in or attaching to the charter trustees shall by virtue of the order be transferred to and vest in or attach to the parish council.

All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, the charter trustees shall be of full force and effect in favour of, or against, the parish council.

Any action or proceeding or any cause of action or proceeding, pending or existing at the dissolution of the charter trustees, by, or against, the charter trustees shall not be prejudicially affected by reason of the dissolution, and may be continued, prosecuted and enforced by, or against, the parish council.

(7) The accounts of the charter trustees and of the committees and officers thereof shall be made up to the dissolution of the charter trustees and shall be audited in like manner and subject to the same incidents and consequences as if the charter trustees had not been dissolved:

Provided that where the audit is carried out by a district auditor the expression “the body in question” in section 161(2)(a) (orders for repayment of expenditure declared unlawful) and (4) (certification of sums not brought into account or losses) of the Local Government Act 1972 shall include the parish council.

(8) Any officer of the charter trustees shall be transferred to the employment of the parish council, and regulation 71 shall apply to such officer as it applies to officers transferred by regulation 70.

(9) In this regulation, “city or town” means an area for which charter trustees act under section 246(4) to (8) of the Local Government Act 1972.

(10) This regulation applies only to England.

### **Honorary freedoms**

13. Nothing in the order shall affect the status of any person who is immediately before the appointed day an honorary freeman of any place being a London borough or a district having the status of a city, borough or royal borough or of any body which at such time enjoys privileges of a similar nature to honorary freedom of any such place.

### **Honorary aldermen**

14. Services rendered to any dissolved authority may be treated for the purposes of section 249(1) of the Local Government Act 1972 as services rendered to any principal council to whose area any area of the dissolved authority is transferred.

### **Privileges or rights of inhabitants of cities and boroughs**

15. Any privileges or rights belonging immediately before the appointed day, by virtue of the provision of any charter granted under section 245 of the Local Government Act 1972, to the inhabitants of the whole of any city or borough altered by the order shall belong to the inhabitants of the whole of the city or borough as altered.

### **Appointments to bodies**

16.—(1) Any power to appoint any person to any body belonging to an authority in respect of any property or liability transferred by regulation 12 or 62 shall be transferred to the authority to whom such property or liability is transferred.

(2) Any other power to appoint any person to any body belonging to a dissolved authority shall be transferred to the residuary successor of that authority.

(3) In this regulation any reference to a power to appoint includes references to powers to elect or to nominate any persons for appointment.

## High sheriffs

**17.—**(1) This regulation shall apply where an area is transferred from one relevant area to another such area, and in this regulation—

“the transferred area” means the area so transferred; and

“relevant area” means a county or Greater London other than the City and the Temples.

(2) If any person is immediately before the appointed day qualified to be appointed high sheriff of a relevant area by reason of holding land in the transferred area, he shall continue to be so qualified for a period of two years from the appointed day.

(3) On or about the appointed day the high sheriff of the relevant area from which the transferred area is transferred shall perform all the duties required by section 28(1) of the Sheriffs Act 1887 to be performed by a high sheriff at the expiration of his term of office so far as they relate to persons or things in the transferred area and accordingly—

(a) that high sheriff shall transfer to the custody of the high sheriff of the relevant area to which the transferred area is transferred all documents relating to the transferred area; and

(b) any reference in that subsection, so far as it applies by virtue of this paragraph, to an incoming sheriff shall be construed as a reference to the high sheriff secondly mentioned in (a).

## Agency arrangements

**18.—**(1) Any arrangements made under section 101 or 110 of the Local Government Act 1972 for the discharge of functions of one authority by another authority which would apart from the changes of areas effected by the order be in force on and after the appointed day throughout any relevant area altered by the order shall be in force throughout the area as altered.

In this paragraph, “relevant area” means a district, London borough, parish or community or the City, the Inner Temple or the Middle Temple.

(2) Any arrangements made under section 15 of the Water Act 1973 for the discharge by a relevant authority within the meaning of that section of functions of a water authority which would apart from the changes of areas effected by the order be in force on and after the appointed day throughout the area of the relevant authority or throughout so much of that area as is situated in the water authority's area shall be in force throughout the area of the relevant authority as altered or throughout so much of that area as is situated in the water authority's area, as the case may be.

## Justices

**19.—**(1) The justices for any county or London commission area shall have jurisdiction in respect of anything done or omitted before the appointed day in an area transferred to the county or London commission area.

(2) The provisions of Part I of Schedule 1 shall have effect wherever an area is transferred from one petty sessions area to another such area. The provisions of Part II of that schedule shall have effect where a petty sessions area is abolished by the order. The provisions of Part III of that schedule shall have effect where a new petty sessions area is constituted by the order.

## Licensing

**20.** The permitted hours in licensed premises in an area transferred from any petty sessions area shall not be affected by, or by reason of, the changes of areas made by the order except by alteration by the licensing justices at a general annual licensing meeting or under the provisions of section 66 of the Licensing Act 1964.



## Police

**21.**—(1) Where any area is transferred from a police area, the appropriate part of any register kept in pursuance of any enactment by the chief constable, the Commissioner of City of London Police or the Commissioner of Police of the Metropolis shall be transferred by him, as soon as may be after the appointed day, to such officer for the police area to which the area is transferred, and as from that day shall be deemed to form part of the corresponding register kept by such officer.

- (a) (2) (a) This paragraph shall have effect in relation to any member of a police force transferred by the order, and in this paragraph “the officer” means such a person.
- (b) Where a report or allegation is received before the appointed day from which it appears that the officer may have committed an offence against discipline, within the meaning of any regulations in force under section 33 of the Police Act 1964—
  - (i) if the police force from which the officer is transferred is to continue to exist on and after the appointed day, the chief constable of that police force may postpone the transfer of the officer for the purpose of facilitating the investigation of the matter and any disciplinary proceedings arising therefrom, including any appeal to the Secretary of State for the Home Department under section 37 of the Police Act 1964, and the provision of the order transferring him shall apply in the case of the officer as if for any reference therein to the appointed day there were substituted a reference to such day as may be determined by such chief constable after consultation with the chief constable of the police force to which the officer is transferred;
  - (ii) otherwise, any investigation and any disciplinary proceedings, including any such appeal, may be continued as if the alleged offence had been committed while he is a member of the police force to which he is transferred.
- (a) (3) (a) This paragraph shall have effect in relation to any officer of a county council or a police authority employed for police purposes, including the purposes of section 81 of the Road Traffic Regulation Act 1967, and transferred by the order, and in this paragraph “the officer” means such a person.
- (b) The officer shall, so long as he continues to be an officer or servant of the body to whom he is transferred and until he is served with a statement in writing referring to the order and specifying new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those which he enjoyed immediately before the appointed day.
- (c) Paragraphs (2) to (11) of regulation 71 shall apply to the statement referred to in sub-paragraph (b) above with the substitution for the reference in paragraph (5) to paragraph (1) of a reference to sub-paragraph (b) above.

## Fire services

**22.**—(1) This regulation shall have effect in relation to any member of a fire brigade transferred by the order, and in this regulation “the officer” means such a person.

(2) Where a report, complaint or other allegation is received before the appointed day from which it appears that the officer may have committed an offence against discipline, within the meaning of any regulations in force under the Fire Services Act 1947, then—

- (a) if the fire brigade from which the officer is transferred is to continue to exist on and after the appointed day, the chief officer of that fire brigade may postpone the transfer of the officer for the purpose of facilitating the investigation of the matter and any disciplinary proceedings, including any appeal, arising therefrom, and the provision of the order transferring him shall apply in the case of the officer as if for any reference therein to the appointed day there were substituted a reference to such day as may be determined by

such chief officer after consultation with the chief officer of the fire brigade to which he is transferred;

- (b) otherwise, any investigation and any disciplinary proceedings, including any appeal, arising therefrom under any such regulations may be continued as if the alleged offence had been committed while he is a member of the fire brigade to which he is transferred and, accordingly, the said regulations shall have effect subject to any necessary modifications.
- (3) The officer shall be transferred in the rank which he held immediately before the appointed day.

(4) Without prejudice to section 27(4) of the Fire Services Act 1947, in relation to an officer in whose case the Firemen's Pension Scheme for the time being in force under section 26 of the said Act had effect immediately before the appointed day subject to the modifications set out in section 27(3) thereof, the fire brigade from which he is transferred and the fire brigade to which he is transferred shall be treated as one for the purposes of section 27(2).

- (a) (5) (a) The officer shall, so long as he continues to be a member of the fire brigade to which he is transferred and until he is served with a statement in writing referring to the order and specifying new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those which he enjoyed immediately before the appointed day.
- (b) Paragraphs (2) to (11) of regulation 71 shall apply to the statement referred to in sub-paragraph (a) above with the substitution for the reference in paragraph (5) to paragraph (1) of a reference to sub-paragraph (a) above.

## Education

**23.—**(1) The managers or governors of any school in any area transferred by the order shall (unless a new instrument of management or instrument of government is made for the school) remain in office until the date on which they would have retired if the order had not been made.

- (a) (2) (a) This paragraph shall apply where an area is transferred from the area of one local education authority to the area of another such authority and in this paragraph—
  - “the specified enactments” means sections 50, 61(2) and 81 of the Education Act 1944, section 6 of the Education (Miscellaneous Provisions) Act 1953 and sections 1 and 2 of the Education Act 1962;
  - “the transferor authority” means the local education authority from whose area the area is transferred; and
  - “the transferee authority” means the local education authority to whose area the area is transferred.

In the application of this paragraph to a county, district or London borough regulation 3(4) shall apply.

- (b) Any instrument made by the transferor authority in connection with the discharge of any of their functions, and any other thing done by, to or in relation to such authority in connection therewith, shall in relation to the area transferred be treated as having been made by, or done by, to or in relation to, the transferee authority, and any instrument relating to the exercise of those functions, or to things done in their exercise, or to property held or maintained for the purposes of those functions, shall so far as it relates to such area have effect as if any reference to the transferor authority or their area were a reference to the transferee authority or their area.

This sub-paragraph does not extend to any byelaws or order to which paragraph (6) or (7) of regulation 62 applies.

- (c) Where, in the case of any grant made before the appointed day under any of the specified enactments by the transferor authority in respect of a pupil who has not completed his course by the appointed day, the transferee authority would, if the changes of areas made by the order had been made at the date of the making of the grant, have been the appropriate authority to make it, it shall be the duty of such authority to make the remaining payments in pursuance of that grant, subject to the same conditions, if any, as to satisfactory work, financial need or other matters as were attached to the grant or as would be attached to the grant by such authority, whichever are the most favourable.

## Charities

- (a) **24.** (1) (a) The provisions of this paragraph shall have effect in relation to property held, immediately before the appointed day, as sole trustee, exclusively for charitable purposes, by any authority described in column (1) of the following table affected by the order.
- (b) Where such property is held for the benefit of, or of the inhabitants of, or of any particular class or body of persons in, a specified area the whole or the greater part of which is transferred from the authority so described to an authority specified in respect thereof in column (2), that property shall by virtue of this paragraph be transferred to and vest (on the same trusts) in the authority so specified.
- (c) Where the authority so described is dissolved any other property to which this paragraph applies shall by virtue of this paragraph be transferred to and vest (on the same trusts) in the authority specified in respect of such authority in column (2) to whom the whole or the greater part of the area of the first-mentioned authority is transferred.

**TABLE**

<i>(1)</i>	<i>(2)</i>
The council of a country	The council of another country or the Greater London Council
The council of a district	The council of another district or the corporation or council of a London borough
The parish council of a parish, or the community council of a community	The corporation or council of a London borough, the parish council (or where there is no parish council the parish meeting or parish trustees) of a parish, the community council of a community or where there is in a district in England no parish or in Wales no community council the council of the district
The parish meeting or parish trustees of a parish	The corporation or council of a London borough, the parish meeting or parish trustees of a parish not having a separate parish council, the parish meeting or in the case of real property the parish council of a parish having a separate parish council, the community council of a community or where there is in a district in England no

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(1)	(2)
	parish or in Wales no community council the council of the district
The Greater London Council	The council of a county
The Inner London Education Authority	The corporation or council of an outer London borough
The corporation or council of a London borough, the City Corporation or the Common Council, the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple	Any authority described in column (1) or the council of a district

1. In relation to property held by the council of a non-metropolitan county or a metropolitan district for the purposes of a charity which, before 1st February 1974, was registered in the register established under section 4 of the Charities Act 1960 in any part of that register maintained by the Secretary of State for Education and Science or the Secretary of State for Wales by virtue of section 2 of that Act, the first and second entries in column (2) shall have effect with the substitution for references to the council of another county or the council of another district of references to the council of a non-metropolitan county or of a metropolitan district.

2. The entries in respect of the Inner London Education Authority shall have effect only in relation to property held by that Authority for the purposes of a charity registered as specified in paragraph 1.

3. In relation to property held by the corporation or council of an outer London borough for the purposes of a charity registered as so specified, the last entry in column (2) shall have effect with the substitution for the corporation or council of any inner London borough of the Inner London Education Authority.

- (d) All liabilities attaching to any authority in respect of any property transferred by sub-paragraph (b) or (c) shall by virtue of this paragraph be transferred to and attach to the authority to whom such property is transferred.
- (e) All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, the authority first mentioned in sub-paragraph (d) in respect of any property transferred by sub-paragraph (b) or (c), or in respect of liabilities transferred by sub-paragraph (d), shall be of full force and effect in favour of, or against, the authority to whom such property and liabilities are transferred.
- (f) Any action or proceeding or any cause of action or proceeding, pending or existing at the appointed day, by, or against, the authority first mentioned in sub-paragraph (d) in respect of any property transferred by sub-paragraph (b) or (c), or in respect of liabilities transferred by sub-paragraph (d), shall not be prejudicially affected by reason of this paragraph, and may be continued, prosecuted and enforced by, or against, the authority to whom such property and liabilities are transferred.
- (a) (2) (a) Where, immediately before the appointed day, any power with respect to a charity, not being a charity incorporated under the Companies Acts or by charter, is under the trusts of the charity or by virtue of any enactment vested in, or in the holder of an office connected with, an authority to whom paragraph (1)(b) or (c) applies, that power shall vest in, or in the holder of the corresponding office connected with, the authority in whom, had property of the charity been vested in the first-mentioned authority, that property would have been transferred by paragraph (1).

- (b) If there is no corresponding office the power shall vest in the authority described in subparagraph (a).
  - (a) (3) (a) References in paragraph (2) to a power with respect to a charity do not include reference to a power of any person by virtue of being a charity trustee thereof, but where under the trusts of any charity, not being a charity incorporated under the Companies Acts or by charter, the charity trustees immediately before the appointed day include either an authority to whom paragraph (1)(b) or (c) applies or the holder of an office connected with such an authority, those trustees shall instead include the authority specified in paragraph 2(a) or, as the case may require, the holder of the corresponding office connected with that authority.
  - (b) If there is no corresponding office, the charity trustees shall include the person appointed for that purpose by the authority.
  - (a) (4) (a) Where, immediately before the appointed day, any power with respect to a charity to which paragraphs (1) to (3) do not apply, not being a charity incorporated under the Companies Acts or by charter, is under the trusts of the charity or by virtue of any enactment vested in, or in the holder of an office connected with, the local authority of any area affected by the order, that power shall be exercisable, if the Charity Commissioners so direct, by such other authority or persons as may be specified in the direction.
  - (b) In this paragraph, “local authority” includes a parish meeting, the Common Council, the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple.
- (5) Nothing in this regulation shall affect any power of Her Majesty, the court or any other person to alter the trusts of any charity.

### **Commons**

**25.**—(1) Any agreement under section 2(2) of the Commons Registration Act 1965 (one council to be registration authority for land which spans the boundaries of counties or Greater London) which is in force immediately before the appointed day in relation to any common affected by the changes of areas effected by the order shall cease to have effect, without prejudice to the making of a new agreement under the said subsection.

(2) Where any common regulated by a scheme under the Commons Act 1899 is transferred from one district or London borough to another such area, any functions under the scheme of the council of the district or London borough from which the common is transferred shall be exercised by the council of the district or London borough to which the common is transferred.

(3) Where any common so regulated—

- (a) is immediately before the appointed day comprised in a single district or London borough; and
- (b) comes on the appointed day to be comprised in two or more districts or London boroughs, any functions under the scheme of the council of the area described in (a) shall be exercised by the council of the area described in (b) in which the greater part of the common is situated unless all such councils agree that they shall be exercised by the council of any other such area.

### **Food and drugs**

**26.**—(1) This regulation shall apply wherever an area is transferred from the area of one food and drugs authority or local authority under the Food and Drugs Act 1955 to the area of another such authority, and in this regulation—

“the transferor authority” means the food and drugs authority or the local authority, as the case may be, from whose area the area is transferred; and

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“the transferee authority” means the food and drugs authority or the local authority, as the case may be, to whose area the area is transferred.

In the application of this paragraph to a country, district or London borough regulation 3(4) shall apply.

(2) Anything duly done before the appointed day in the area transferred by, to or in relation to the transferor authority or an authorised officer of such authority in the exercise of any function under the said Act or regulations having effect thereunder shall be deemed to have been duly done by, to or in relation to the transferee authority or, as the case may be, an authorised officer of such authority, and any instrument made in the exercise of such functions in force immediately before the appointed day shall continue in force on and after that day until varied or revoked in relation to the area transferred in the exercise of such functions by the transferee authority.

### **Social services**

**27.**—(1) This regulation shall apply where an area is transferred from the area of one local authority for the purposes of the Local Authority Social Services Act 1970 to the area of another such authority and in this regulation “the transferred area” means the area so transferred and—

“the transferor authority” means the authority for the purposes aforesaid from whose area the area is transferred; and

“the transferee authority” means the authority for the purposes aforesaid to whose area the area is transferred.

In the application of this paragraph to a county, district or London borough regulation 3(4) shall apply.

(2) The transferee authority shall be authorised to continue to provide in the transferred area any services, accommodation and facilities which the transferor authority were required or authorised to provide in such area immediately before the appointed day under the enactments specified in the first column of Schedule 1 to the said Act and the other enactments conferring functions designated under section 2(2) of that Act as being appropriate for discharge by a local authority's social services committee.

(3) Where any person is immediately before the appointed day deemed under section 24(5), 24(6) or 29(7) of the National Assistance Act 1948 to continue to be ordinarily resident in the area of the transferor authority by reason of having been ordinarily resident in the transferred area immediately before entering residential accommodation, becoming a patient in hospital, or being accepted for work, as the case may be, that person shall be deemed on and after the appointed day to be ordinarily resident in the area of the transferee authority.

### **Family practitioner services**

**28.** The provisions of Schedule 2 shall apply wherever an area is transferred from the area of one area health authority to the area of another such authority.

### **Mental health**

**29.**—(1) This regulation shall apply where an area is transferred from one relevant area to another such area, and in this regulation “the transferred area” means the area so transferred and—

“the Act of 1959” means the Mental Health Act 1959;

“dissolved authority” means a local authority dissolved by the order;

“local authority” means the local authority for the purposes of the Local Authority Social Services Act 1970 for a relevant area; and

“relevant area” means a non-metropolitan county, a metropolitan district, a London borough or the City.

(2) Anything duly done before the appointed day for the purposes of any provision of the Act of 1959 by or in relation to the local authority from whose area any area is transferred, or a mental welfare officer appointed by them, in relation to any person in the transferred area shall not be affected by the changes of areas made by the order but may be continued by or in relation to the local authority to whose area the transferred area is transferred, or a mental welfare officer appointed by them; as the case may be.

(3) Where immediately before the appointed day a patient is in the guardianship under the Act of 1959 of a dissolved authority his guardianship shall vest in the local authority for the area comprising the place where he resided immediately before he was received into guardianship or if that place cannot with reasonable diligence be ascertained, or is disputed, in such local authority as shall have been designated by the dissolved authority (or is designated by the residuary successor of that authority), and—

- (a) in the case of a patient subject to guardianship by virtue of a guardianship application, the provisions of Part IV of the Act of 1959 shall apply to him as if the application for his reception into guardianship had been for his reception into the guardianship of that local authority and had been accepted at the time when it was originally accepted;
- (b) in the case of a patient subject to guardianship by virtue of a guardianship order, the provisions of Part IV of the Act of 1959 shall apply to him as if the order by virtue of which he is subject to guardianship were an order placing him under the guardianship of that local authority.

(4) Any order made by a county court under section 52 of the Act of 1959 directing that the functions under Part IV of that Act of the nearest relative of a patient shall be exercisable by a dissolved authority shall have effect as if it had directed those functions to be exercised by the local authority in whose area the patient resided on the appointed day, or if he is then in hospital by the local authority in whose area on that day the place at which he was resident immediately before he was admitted to hospital is situated.

(5) For the purposes of regulation 26 of the Mental Health (Hospital and Guardianship) Regulations 1960<sup>(3)</sup> a patient in hospital at the time when his age is to be determined who resided before the date of his admission to hospital in the transferred area shall be deemed to have resided at that time in the area of a local authority to which the transferred area is transferred.

### **Infectious disease notification**

**30.** Any order made or having effect as if made under section 147 of the Public Health Act 1936 or section 52 of the Health Services and Public Health Act 1968 in force immediately before the appointed day throughout a relevant area which is altered by the order shall apply to such area as altered.

In this regulation, “relevant area” means a district or London borough or the City, the Inner Temple or the Middle Temple.

### **Registration service**

**31.** Any reference in any scheme made under section 14 of the Registration Service Act 1953 or article 4 of the Local Government (Registration Service) Order 1973<sup>(4)</sup> to a relevant area which is altered by the order shall be read as a reference to such area as altered.

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<sup>(3)</sup> (1960 II, p. 1903).

<sup>(4)</sup> (1973 III, p. 5117).

Any such reference to a relevant area which is abolished by the order shall cease to have effect.

In this regulation, “relevant area” means a county, district, London borough, parish or community, the City, the Inner Temple or the Middle Temple, or any ward of a district, London borough, parish or community or the City.

### **Marriages: registration of births and deaths**

**32.**—(1) Nothing in the order or in any scheme made in accordance with any provision thereof shall affect the validity of any certificate or licence issued or notice given under the Marriage Act 1949 (hereinafter referred to as “the Act of 1949”) before the appointed day. A marriage solemnised on or after that day in any registration district altered or established in consequence of the order on the authority of such a certificate or licence shall not be void, and a person solemnising a marriage in accordance with paragraph (2)(b)(iii) shall not be guilty of an offence under section 75 of the Act of 1949, by reason of the fact that the marriage is solemnised in an office other than that specified in the notice of marriage or certificate.

(2) Where notice of marriage is given before the appointed day to any superintendent registrar whose district will be altered or abolished on that day, and the marriage has not been solemnised before that day, the following provisions shall apply—

- (a) Where the district is altered, the provisions of the Act of 1949 with regard to the issue of a certificate or a certificate and licence shall apply as if the alteration had not taken place;
- (b) Where the district is abolished, the notice shall have effect as if it had been given to the superintendent registrar designated by the Registrar General for the purposes of section 15(1) of the Registration Service Act 1953 as the successor to the superintendent registrar whose district is abolished (which successor is hereinafter referred to as “the succeeding superintendent registrar”) and—
  - (i) the succeeding superintendent registrar shall cause any notice or exact copy of the particulars entered in the marriage notice book, required to be displayed under section 31(1) of the Act of 1949, to be affixed in some conspicuous place in his office from the appointed day for any unexpired portion of the period mentioned in the said section 31(1);
  - (ii) the succeeding superintendent registrar, and any other superintendent registrar so empowered by the Act, of 1949, may, in accordance with the provisions of that Act, issue his certificate or, as the case may be, his certificate and licence for the solemnisation of the marriage notwithstanding that the building in which the marriage is to be solemnised is not within his district or within the district within which one of the persons to be married has resided; and
  - (iii) the succeeding superintendent registrar may arrange for the solemnisation of the marriage in his office where the persons to be married had stated in the notice that they wished to be married in the office of the superintendent registrar to whom the notice was given.

(3) For the purposes of any notice of marriage to be given on or after the appointed day the alteration or the establishment of any registration district by the order or any scheme made in accordance with any provision thereof shall be deemed to have taken effect 32 days before the appointed day.

(4) The superintendent registrar of any district which will be abolished on the appointed day shall for one month before that day display in a conspicuous position in his office and inform every person giving notice of marriage the name and address of the succeeding superintendent registrar.

(5) Nothing in the order or in any scheme made in accordance with any provision thereof shall prejudice or affect the registration of any building for the solemnisation of marriages under section 41



of the Act of 1949 or the appointment of any person as an authorised person under section 43 of that Act.

(6) Where any birth (including a still-birth) or death occurring in any registration sub-district which is altered or abolished on the appointed day in consequence of the order has not been registered before that day, it shall be registered by the registrar of births and deaths for the sub-district in which is situated on that day the place of birth or death, as the case may be.

### **Town and country planning**

- (a) **33.** (1) (a) This paragraph shall apply where any area is transferred from a county, district or London borough or from Greater London, the City, the Inner Temple or the Middle Temple.
- (b) Any development plan scheme under section 10C of the Town and Country Planning Act 1971 shall cease to have effect in relation to the area transferred.
- (c) Regulation 7 shall apply to anything required by the said Act to be done in the preparation or the submission for approval of any structure plan or local plan.
- (d) That part of any definitive map and statement under Part IV of the National Parks and Access to the Countryside Act 1949 which relates to the area transferred shall be deemed to be the definitive map and statement for such area and to have been prepared by the surveying authority for the area to which such area is transferred.

(2) Any industrial development certificate under section 67 of the Town and Country Planning Act 1971 or office development permit under section 74 of that Act issued in respect of any land in a relevant area which is altered or abolished by the order shall continue on and after the appointed day to have effect as if the order had not been made.

In this paragraph, “relevant area” means a district or London borough or the City and the Temples.

### **Clean air**

**34.** Any order under section 11 of the Clean Air Act 1956 shall, in so far as it extends to an area transferred to a district or London borough, or to the City, the Inner Temple or the Middle Temple—

- (a) if at the appointed day it has not been confirmed, be considered, and if confirmed come into operation and have effect;
- (b) if at such day it has been confirmed but has not come into operation, come into operation and have effect;
- (c) if at such day it has already come into operation, continue to have effect,

as if it had been made by the council of such district or London borough, or by the Common Council, the Sub-Treasurer or the Under Treasurer.

### **Cemeteries**

**35.**—(1) Nothing in the order shall affect any right of burial, to construct a walled grave or vault or to place and maintain, or to put any additional inscription on, a tombstone or other memorial which any person may have acquired before the appointed day or affect the amount of any fee payable by him in respect of any such right.

(2) This paragraph shall have effect where an area (hereinafter referred to as “the transferred area”) is transferred by the order from an area for which a cemetery to which the Local Authorities' Cemeteries Order 1974<sup>(5)</sup> applies has been provided (hereinafter referred to as “the cemetery area”).

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(5) (1974 I, p. 2489).

In the period of 25 years beginning on the appointed day—

- (a) any inhabitant or parishioner of the transferred area shall be entitled to the same rights of burial as the inhabitants or parishioners of the cemetery area as altered;
- (b) any provisions in relation to inhabitants or parishioners in any table of fees in force in respect of the cemetery shall apply to the inhabitants or parishioners of the transferred area as they apply to the inhabitants or parishioners of the cemetery area as altered;
- (c) no differential charges shall be imposed on the inhabitants or parishioners of the transferred area.

(3) Subject to paragraph (2), any provisions in relation to inhabitants or parishioners of any area which is altered by the order in any table of fees in force in respect of any cemetery to which the Local Authorities' Cemeteries Order 1974 applies shall apply to the inhabitants or parishioners of the area as altered.

(4) In the area in which the Church of England was disestablished by the Welsh Church Act 1914 the references in this regulation to inhabitants and parishioners shall be read as references to inhabitants.

### **Maintenance of highways**

**36.** Where the council of a district altered by the order have, under section 187(2)(a) of the Local Government Act 1972, undertaken the maintenance of all the footpaths, bridleways and urban roads which are neither trunk roads nor classified roads in the district, the undertaking shall extend to all such highways in the district as altered.

### **Road traffic and highways**

**37.—**(1) Subject to paragraph (2), the provisions of Schedule 3 shall have effect, and—

- (a) the provision of regulation 7 shall not apply in relation to any matter as to which provision is made in any such provisions; and
- (b) the provisions of regulation 62 shall not apply in relation to any matter as to which provision is made in paragraph 6 of the said Schedule.

(2) The provisions of paragraph 5 of the said Schedule shall not apply in relation to any matter for which provision is made in regulation 38.

### **Private street works**

**38.—**(1) The provisions of this regulation shall apply wherever an authority (in this regulation referred to as “the new street works authority”) becomes the street works authority under Part IX of the Highways Act 1959 in place of another authority (in this regulation referred to as “the former street works authority”).

(2) In respect of any sum paid or secured under section 192 of the said Act before the appointed day the new street works authority shall be the street works authority for the purposes of sections 192 to 198 of the said Act.

(3) The changes of areas made by the order shall not affect any notices given or proceedings taken by, or on behalf of, the former street works authority under the code of 1892 (within the meaning of the said Act) in relation to the street, and such proceedings, and any works commenced under the said code, may be continued and completed, in accordance with the provisions of the said code, by the new street works authority as if they had given the notices, taken the proceedings or commenced the works.

(4) Where, at the appointed day, any works under the said code have been commenced but not completed in the street the new street works authority shall be entitled to recover—

- (a) such of the expenses incurred by the former street works authority as that authority could have recovered under the said code; and
- (b) such of the expenses incurred by themselves as the said authority could have recovered under the said code had they completed the works,

and the new street works authority shall have all such powers for the recovery of such expenses as they would have had if they had executed the whole of the works, and all the provisions of the said code shall apply accordingly.

(5) Where, at the appointed day, any works under the said code have been completed in the street the new street works authority shall have all such powers for the recovery of the expenses incurred in the execution of the works as they would have had if they had undertaken the works, and all the provisions of the said code shall apply accordingly.

(6) Paragraph (3) to (5) shall extend to notices, proceedings and works under sections 189 to 191 of the Highways Act 1959 or under any local Act to which article 7 of the Local Government (Road Traffic and Highways) (Transitional Provisions) Order 1974<sup>(6)</sup> applied, with the substitution, for any reference to the code of 1892, of a reference to the said sections or the local Act, as the case may be.

### Land registration

**39.** Where an area is transferred from a district in which registration of title to land under the Land Registration Acts 1925 to 1971<sup>(7)</sup> is compulsory on sale to another such district such registration shall continue to be compulsory.

### Statutory definitions of areas

- (a) **40.** (1) (a) This paragraph applies to any provision of any Act or of any order, rules or regulations made by a Minister under any Act defining an area for any purpose wholly by reference to entire relevant areas.

In this sub-paragraph, “relevant areas” means —

- (i) counties, districts, London boroughs, parishes and communities;
  - (ii) areas common to parishes or communities;
  - (iii) Greater London, the City, the Inner Temple and the Middle Temple;
  - (iv) electoral divisions of counties or of Greater London and wards of districts, London boroughs, parishes, communities and the City;
  - (v) the areas of former counties, boroughs, urban districts and rural districts;
  - (vi) any area described in (i) to (v) other than another such area;
  - (vii) any area described in (i) or (iii) other than an area expressly defined;
  - (viii) any part of an area described in (i) or (iv) defined wholly by reference to circumstances existing immediately before 1st April 1974;
  - (ix) any petty sessions area.
- (b) In any provision to which this paragraph applies, subject to sub-paragraph (c)—
    - (i) any reference to any relevant area altered by the order shall be construed as a reference to such area as altered,

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<sup>(6)</sup> (1974 L.p.461).

<sup>(7)</sup> 1925 c. 21; 1936 c. 26; 1966 c. 39; 1971 c. 54

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- (ii) any reference to any relevant area abolished by the order shall cease to have effect, and
  - (iii) there shall be deemed to be included a reference to any county, district, London borough, parish or community formed by the order and wholly comprised in the area.
- (c) Notwithstanding the provision of sub-paragraph (b), the extent of—
- any district of a county court;
  - any bailiwick for which an under-sheriff acts;
  - any licensing planning area;
  - any area specified for the purposes of subsection (3) of section 76 of the Licensing Act 1964 in an order made under that subsection;
  - any area specified in regulations made under section 22(3) of the Gaming Act 1968;
  - any area specified in an order made under section 9(1) of the Protection of Birds Act 1954;
  - the order area of any order made under section 21 of the Town and Country Planning Act 1971;
  - the Metropolitan Police District; and
  - the Cheshire brine subsidence compensation district,

shall not be altered except by express provision in the order.

(2) Any provision of any Act or of any order, rules or regulations made under any Act defining an area for any purpose to which paragraph (1) does not apply shall not be affected by the order except by express provision therein.

(3) If the order alters any of the counties of Buckinghamshire, Essex, Hertfordshire and Kent the references to those counties in Schedule 1 to the Home Counties (Music and Dancing) Licensing Act 1926 as amended by section 204(7) of the Local Government Act 1972 shall be construed as a reference to those counties as altered.

#### **Local Acts, orders and byelaws—General**

**41.**—(1) This regulation shall apply to—

- (a) any provision of any local Act, any order made under any Act, or any byelaws, which would apart from the changes of areas effected by the order be in force on the appointed day throughout a relevant area;
- (b) any provision of any Act other than a local Act which would be in force as aforesaid by reason of any application thereof by any Act, instrument or resolution,

other than—

- (i) a provision relating to 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 or district heating;
- (ii) 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;
- (iii) a protective provision for the benefit of any person; or

(iv) a provision contained in the Green Belt (London and Home Counties) Act 1938.

(2) In this regulation, “relevant area” means a county, district, London borough, parish or community, Greater London, the City, the Inner Temple or the Middle Temple, the Metropolitan Police District or so much of a district as is not within the said District.

(3) Any provision to which this regulation applies in force immediately before the appointed day throughout a relevant area which is altered by the order shall be in force throughout the area as altered.

(4) Any provision to which this regulation applies in force throughout such relevant areas as may be specified in relation to this paragraph in the order shall be in force throughout the area so specified in relation to the areas specified.

(5) Subject to paragraphs (3) and (4), any provision to which this regulation applies shall cease to have effect in relation to any area transferred by the order.

(6) In any provision in relation to which paragraph (3) or (4) has effect any reference to a relevant area shall have effect as a reference to the area as altered or the area specified in accordance with paragraph (4), as the case may be.

(7) Nothing in this regulation shall apply to any provision applying to property held on a charitable trust.

#### **Local Acts and orders—Protective provisions**

**42.**—(1) Paragraphs (2) to (4) shall have effect in relation to protective provisions for the benefit of authorities described in column (1) of Part I or II of Schedule 4, or their predecessors, contained in any local Act or in any order made under any Act.

(2) Any such provision for the benefit of an authority described in column (1) of the said Part I, or their predecessors, so far as it relates to or affects an area specified in respect of such authority in column (2), shall enure to the benefit of the authority so specified in column (3).

(3) Any such provision for the benefit of an authority described in column (1) of the said Part II, or their predecessors, so far as it relates to or affects an area specified in respect of such authority in column (2), shall, if it is appropriate that it should enure for the benefit of the authority so specified in column (3), so enure.

(4) Any provision which under paragraph (2) or (3) enures in respect of any area shall in relation thereto be construed as if a reference to the authority specified in column (3) were substituted for any reference to the authority described in column (1) or their predecessors.

#### **Proceedings for the enforcement of byelaws**

**43.**—(1) Paragraphs (2) and (3) shall have effect in relation to proceedings which if the order had not been made might have been taken by an authority described in column (1) of Part I or II of Schedule 4 for any offence against any byelaw alleged to have been committed before the appointed day in an area specified in respect of such authority in column (2).

(2) Any such proceedings which might have been taken by an authority described in column (1) of the said Part I for any offence alleged to have been committed in an area specified in column (2) may be taken by the authority specified in respect of the first-mentioned authority in column (3).

(3) Any such proceedings which might have been taken by an authority described in column (1) of the said Part II for any offence alleged to have been committed in an area specified in column (2) shall, if it is appropriate that they should be taken by the authority specified in respect of the first-mentioned authority in column (3), be so taken.

### **Compulsory purchase orders and other instruments**

**44.**—(1) Any order authorising the compulsory acquisition of land (hereinafter referred to as a “compulsory purchase order”), whether confirmed before the coming into operation of the order for the purposes mentioned in regulation 4(1) or submitted for confirmation before or after such coming into operation, may be amended by the Minister by whom it was confirmed, or by whom it falls to be confirmed, by the substitution, as the authority to be authorised to acquire the land comprised therein, or any part thereof, of such authority as seems to him to be appropriate, and thereafter the order shall have effect, or be considered and if confirmed have effect, accordingly.

(2) Any compulsory purchase order which has not been submitted to a Minister for confirmation before the appointed day may be so submitted by any authority, and any action which requires to be taken prior to the sub-mission of the order which has not already been taken shall be taken by such authority.

(3) Any instrument other than a compulsory purchase order which has been submitted to a Minister for confirmation before the appointed day may be amended by such Minister by the substitution of references to the whole or parts of one or more specified areas or of references to one or more specified authorities, and thereafter the instrument may be considered and if confirmed have effect accordingly.

(4) Any instrument which has not been submitted to a Minister for confirmation before the appointed day may be so submitted by a specified authority, and—

- (a) any action which requires to be taken prior to the submission of the instrument which has not already been taken shall be taken by such authority; and
- (b) paragraph (3) shall apply to such instrument as it applies to the instruments therein described.

(5) In paragraphs (3) and (4)—

“instrument” includes a draft scheme under section 30 of the Land Drainage Act 1961;

“specified area” means a county, district, London borough, water authority area or passenger transport area or Greater London, the City, the Inner Temple or the Middle Temple; and

“specified authority” means a county council, district council, London borough council, water authority or passenger transport executive, or the Greater London Council, the Common Council, the Sub-Treasurer or the Under Treasurer.

### **Instruments made by Ministers**

**45.** Any instrument which has been made by a Minister before the appointed day may be amended by the appropriate Minister by the substitution of references to—

the whole or parts of one or more specified areas (as defined in regulation 44); or

one or more specified authorities (as so defined);

and thereafter the instrument shall have effect, or be proceeded with, accordingly.

In this regulation, “the appropriate Minister”, in relation to any instrument, means the Minister in charge of any government department concerned with the subject matter of the instrument, but the validity of any action shall not be affected by any question as to whether or not any Minister was the appropriate Minister for the purposes.

### **Instruments subject to special parliamentary procedure**

**46.**—(1) Regulations 44 and 45 shall not apply to any instrument which at the appointed day is subject to the procedure regulated in the Statutory Orders (Special Procedure) Acts 1945 and 1965 until the completion of such procedure.

(2) In any such procedure—

- (a) any notice given by a Minister that he desires that rights and functions conferred on him shall be exercisable by any authority shall have effect; but
- (b) otherwise, the instrument subject to the procedure shall be dealt with as if the order had not been made.

### **Inspection of parish and community books, etc**

47. Any person shall at all times be entitled to the rights to which he would have been entitled if the order had not been made of inspecting and making extracts from the public books, writings and papers of a parish or community (including any photographic copies thereof) and all documents directed by law to be kept therewith.

### **Registration—General**

48.—(1) Subject to paragraph (2), in this regulation—

“register” means any register under any enactment, rule, order or regulation and includes any index of local charities maintained under section 10 of the Charities Act 1960;

“registration” means inclusion in any register; and

“exemption” means exemption from any obligation in respect of registration.

(2) This regulation does not extend to—

- (a) any register of parliamentary and local government electors;
- (b) any register of births, marriages or deaths;
- (c) any register maintained under the Local Authorities' Cemeteries Order 1974;
- (d) any register to which regulation 49 applies.

(3) Immediately before the appointed day the proper officer of any dissolved authority shall deliver any register of the authority to the proper officer of the following authority, namely—

- (a) if the register is not appropriate for the residuary successor of the dissolved authority and is appropriate for one other authority only, to that authority;
- (b) in any other case, to the residuary successor of the dissolved authority.

(4) As soon as may be after the appointed day the proper officer of any authority shall—

- (a) send to the proper officer of any other authority a copy of every entry in any register of the authority by whom he is employed or received by him under paragraph (3)(b) which is appropriate for the register of that other authority; and
- (b) incorporate or include in the appropriate register of the authority by whom he is employed, with any necessary modifications—
  - (i) the entries in the registers delivered to him under paragraph (3)(b) of which copies have not been sent, under (a), to the proper officer of any other authority; and
  - (ii) the particulars of every entry furnished to him under (a) in its application to the proper officer of any other authority,

and every entry so incorporated or included shall continue in force as fully and effectively as if it had originally been made in the register in which it is incorporated or included.

Where any register is kept in such manner that the entries therein are separable, (a) may be complied with, as regards any entry, by sending the entry to the proper officer specified therein, and if the entry is so sent (b)(ii) may be complied with, as regards that entry, by the inclusion of the entry in the appropriate register.

(5) Any application made before the appointed day for registration in any register, or for exemption from any obligation in respect of inclusion in such register, which concerns or has effect in relation to any area transferred from the authority to whom the application is made or to any person, property, matter or thing therein, shall be treated as having been made to the authority for whose register the application is appropriate.

(6) Any order, decision, notice or certificate made, taken, given or issued before the appointed day by any authority in relation to—

- any entry in any register of the authority; or
- any application for registration or exemption,

which concerns or has effect in relation to any area transferred from such authority shall have effect as if it had been made, taken, given or issued by the authority in whose register the entry falls to be incorporated or included or in relation to whose register the application is appropriate.

(7) Paragraphs (5) and (6) shall have effect in relation to any area transferred within a county, or within Greater London, in relation to matters which on and after the appointed day are appropriate for the register of an authority other than the county council or the Greater London Council, as if the area had been transferred from the county, or from Greater London.

### **Local land charges**

**49.**—(1) This regulation shall apply where an area is transferred from one relevant area to another such area, and in this regulation “the transferred area” means the area so transferred and—

“proper officer” means the officer appointed to act as local registrar under rules made under the Land Charges Act 1925 as set out in Schedule 4 to the Land Charges Act 1972;

“register” means a register of local land charges kept in pursuance of section 15 of the said Act of 1925 as set out in the said Schedule 4;

“relevant area” means a district or London borough or the City and the Temples;

“the transferor authority”, in relation to any transferred area, means the local authority for the relevant area from which the transferred area is transferred; and

“the transferee authority”, in relation to any transferred area, means the local authority for the relevant area to which the transferred area is transferred.

(2) The proper officer of the transferor authority shall immediately before the appointed day supply to the proper officer of the transferee authority an office copy of every entry in the register for the transferor authority relating to any land in the transferred area.

(3) The proper officer of the transferee authority shall, within 14 days after the receipt of an office copy under paragraph (2), enter the particulars contained therein, with any necessary modifications, in the appropriate part of the register for the transferee authority.

(4) Until all the entries required by paragraph (3) have been made, the following provisions shall have effect in relation to land in the transferred area—

- (a) where application is made for a personal search in the register for the transferee authority, the proper officer of that authority shall notify the applicant that additional search should be made in the register for the transferor authority;
- (b) where application is made for an official search in the register for the transferee authority, the proper officer of that authority shall issue to the applicant free of charge a certificate of official search in that register and shall forward the application to the proper officer of the transferor authority, together with the fees paid in respect thereof, or where there is more than one transferor authority equal portions of such fees;
- (c) the proper officer of the transferor authority shall permit and make such searches and furnish such office copies and certificates as he would have been required to permit, make



and furnish, and shall in relation thereto have the same powers and be subject to the same obligations, as if this regulation and the order had not been made;

- (d) where a local land charge, registration of which was effected prior to the appointed day in the register for the transferor authority, is required under the foregoing provisions of this regulation to be entered in the register for the transferee authority it shall not be unenforceable by reason only that it has not been entered in that register.

### **Licences, etc**

**50.** Where any enactment will become applicable to any area transferred to a district or London borough, or to the City or the Temples, only as from the appointed day, any licence, certificate, permit, consent or exemption under such enactment, to become effective on or after the appointed day, may be granted before that day.

### **Rate support grants**

**51.** In any calculations of the rate support grants for the year beginning on the appointed day the changes of areas made by the order shall be deemed to have been made at the date by reference to which, for the purposes of paragraph 9(1) of Part III of Schedule 2 to the Local Government Act 1974 the effective rateable values therein referred to are to be generally determined for that year.

### **Civil defence grants**

**52.** For the purpose of determining whether any, and if so what, deductions should be made from grants payable in accordance with regulations under section 3 of the Civil Defence Act 1948 to any authority, any land or article acquired by, or article provided for, any authority for the purposes of functions conferred on them by section 2 of the said Act and transferred to the first-mentioned authority by regulation 62 shall be treated as having been acquired by or, as the case may be, provided by such authority for those purposes.

### **Precepts**

**53.—(1)** This regulation shall apply where any estimate of the product of a rate of a new penny in the pound in the year commencing on the appointed day has not been made on the basis that the changes of areas made by the order had become operative.

(2) The proper officer of a county council or the Greater London Council, or the Receiver for the Metropolitan Police District, shall make such adaptation of and alteration in the estimate as may be necessary as the result of the changes of areas made by the order.

(3) The rating authority shall supply any such proper officer or Receiver with such information as he may require for the purposes of giving effect to paragraph (2).

### **Valuation of water hereditaments of statutory water undertakings**

**54.** Where new valuation lists are to come into force on the appointed day, then, in the application of Schedule 4 to the General Rate Act 1967 as amended by the Rating (Water hereditaments) Order 1975(8) the changes of areas made by the order shall be deemed to have been operative at all material times.

### **Rating of British Gas Corporation and electricity boards**

**55.**—(1) In the application of section 33 of and Schedule 6 to the General Rate Act 1967 (as set out in Schedule 5 to the Gas Act 1972) to the British Gas Corporation and of section 34 of and Schedule 7 to the said Act to the Central Electricity Generating Board and any Area Board in relation to any rate period beginning on or after the appointed day, the changes of rating areas made by the order shall be deemed to have been operative at all material times.

(2) The provisions of Schedule 5 shall have effect in relation to matters provided for by the said Schedules 6 and 7.

### **Valuation of hereditaments of National Coal Board**

**56.**—(1) This regulation shall have effect in relation to any rating districts in which coal is brought to bank or under which coal is worked.

(2) For the purposes of article 7 of the National Coal Board (Valuation) Order 1963<sup>(9)</sup> in relation to any year beginning on or after the appointed day the changes of areas made by the order shall be deemed to have been effective at all material times.

(3) Where amounts have been certified by the National Coal Board under article 21(3)(b) and (c) of the said order of 1963, the Board shall as soon as may be after the coming into operation of the order certify to the Commissioners of Inland Revenue any variation of such amounts which is necessary.

(4) Where the Commissioners of Inland Revenue have notified to the National Coal Board and to the rating authority or authorities the particulars required by article 21(4) of the said order of 1963, they shall as soon as may be notify the particulars which would have been required to have been notified before the end of October if the order had come into operation on 1st April, and the notifications under article 21(4) shall cease to have effect.

(5) Where the Commissioners of Inland Revenue have notified to the National Coal Board and to the rating authority or authorities the rateable values required by article 21(5) or (6) of the said order of 1963 to be notified, they shall as soon as may be notify the rateable values which would have been required to have been notified before the end of December if the order had come into operation on 1st April, and the notifications under article 21(5) or (6) shall cease to have effect.

(6) In this regulation—

any reference to the end of October or the end of December is a reference to the end of such month last preceding the appointed day; and

any reference to 1st April is a reference to such date last preceding the appointed day.

### **Valuation of hereditaments of Post Office**

**57.**—(1) For the purposes of articles 6 and 7 of the Post Office (Rateable Values) Order 1972<sup>(10)</sup> in relation to any year beginning on and after the appointed day the changes of areas made by the order shall be deemed to have been operative at all material times.

(2) Where the Commissioners of Inland Revenue have notified the amounts of rateable values under paragraph (1) of the said article 6, they shall as soon as may be after the coming into operation of the order notify to the rating authorities any variation of such amounts which is necessary, and the valuation officer in his action under paragraph (4) of such article shall proceed accordingly.

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<sup>(9)</sup> (1963 I, p. 785).

<sup>(10)</sup> (1972 III, p. 5184).

## Valuation lists

**58.** The appropriate valuation officer of the Commissioners of Inland Revenue shall cause such alterations to be made in the valuation lists as may be necessary as a result of the changes of areas made by the order, and—omes part of a parish, may be treated in a valuation list as a rating district;

- (a) any area transferred from any county, district, London borough, parish or community or from the City, the Inner Temple or the Middle Temple, or any other area which becomes part of a parish, may be treated in a valuation list as a rating district;
- (b) nothing in the rules prescribing the form of valuation lists for the time being in force shall preclude any such alteration being made by—
  - (i) the deletion of hereditaments from a valuation list;
  - (ii) the repositioning in a valuation list of any sheets therein;
  - (iii) the insertion of sheets in a valuation list, or copies thereof, in another valuation list;
  - (iv) the amalgamation of existing valuation lists to form a new valuation list;
  - (v) such revisions in the sheets, copies or lists mentioned in (ii), (iii) or (iv) (in particular the deletion of hereditaments) as may be necessary.

## Proposals for alteration of valuation lists

**59.**—(1) This regulation shall apply (except where new valuation lists are to come into force on the appointed day) wherever an area is transferred from one rating area to another, and—

- (a) regulation 3(4) shall apply where such rating area is a district or London borough;
- (b) any area so transferred is in this regulation referred to as a transferred area;
- (c) “transferor authority”, in relation to any transferred area, means the rating authority from whose area the transferred area is transferred; and
- (d) “transferee authority”, in relation to any transferred area, means the rating authority to whose area the transferred area is transferred.

(2) Subject to the provision of paragraph (3), any proposal for the alteration of a valuation list in respect of a hereditament in a transferred area shall have effect as from the appointed day as if it had been made for the alteration of the valuation list for the rating area to which the area is transferred in respect of such hereditament, and any action in relation to such proposal taken by, or in relation to, the transferor authority shall have effect as if it had been taken by, or in relation to, the transferee authority.

(3) Paragraph (2) shall not apply where notice of the date, time and place for the hearing of an appeal arising out of the proposal has been given before the appointed day, and such appeal shall continue with the substitution of the transferee authority for the transferor authority, but otherwise in all respects as if the order had not been made.

(4) Any reference in any scheme for the purposes of section 88 of the General Rate Act 1967 to any relevant area which is altered by the order shall be construed as a reference to the area as altered.

In this paragraph, “relevant area” means a county, district, London borough, parish or community, or Greater London, the City, the Inner Temple or the Middle Temple.

## Rating of owners and discount for rates: rating of unoccupied property

**60.** Any direction for the rating of owners or the allowance of a discount in respect of rates or resolution with respect to the rating of unoccupied property in force immediately before the appointed day in a rating area which is altered by the order shall apply to the rating area as altered.

### **Arrears of rates**

**61.** All rates made but not collected at the appointed day in respect of hereditaments in an area transferred to a rating area shall be collected and recovered by the rating authority for that area.

In the application of this regulation to a district or London borough regulation 3(4) shall apply.

### **Property, liabilities, contracts, etc., notices and proceedings**

**62.—**(1) Nothing in this regulation shall apply to—

- (a) property held for the purposes of, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation to, any charitable trust;
- (b) any property specified in relation to this sub-paragraph in the order, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto,

and nothing in paragraph (2) shall apply to property held for the purposes of, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation to the functions of any authority in relation to smallholdings and cottage holdings.

(2) Subject to the provision of paragraph (1)—

- (a) all property vested in an authority described in column (1) of the table in Part I of Schedule 6 or in any extension thereof made in the order for the purposes of this paragraph and specified in respect of such authority in column (2) (whether by reason of its inclusion in any description of matters or particularly), and all liabilities attaching to the said authority in respect of any such property, shall by virtue of this paragraph be transferred to and vest in or attach to the authority specified in respect of such property in column (3);
- (b) all other liabilities attaching to an authority described in the said column (1) and within any description of matters specified in respect of such authority in column (2) shall by virtue of this paragraph be transferred to and attach to the authority specified in respect of such description of matters in column (3);
- (c) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, an authority described in the said column (1) in respect of any property or liability transferred by sub-paragraph (a) or (b) shall be of full force and effect in favour of, or against, the authority to whom such property or liability is transferred;
- (d) all other contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, an authority described in the said column (1) and within any description of matters specified in respect of such authority in column (2) shall be of full force and effect in favour of, or against, the authority specified in respect of such description of matters in column (3);
- (e) any action or proceeding or any cause of action or proceeding, pending or existing at the appointed day, by, or against, an authority described in the said column (1) in respect of any property or liability transferred by sub-paragraph (a) or (b) shall not be prejudicially affected by reason of the order, and may be continued, prosecuted and enforced by, or against, the authority to whom such property or liability is transferred;
- (f) any other action or proceeding or any other cause of action or proceeding, pending or existing at the appointed day, by, or against, an authority described in the said column (1) and within any description of matters specified in respect of such authority in column (2)

shall not be prejudicially affected by reason of the order, and may be continued, prosecuted and enforced by, or against, the authority specified in respect of such description of matters in column (3).

Paragraphs 1 to 7 in Part I of Schedule 6 shall have effect in relation to the table in that Part.

Part II of Schedule 6 shall have effect in the application of this paragraph.

(3) Subject to the provisions of paragraphs (1) and (2)—

- (a) all property and liabilities vested in or attaching to a dissolved authority shall by virtue of this paragraph be transferred to and vest in or attach to the residuary successor of that authority;
- (b) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given, or have effect as if they had been given, by, or to, a dissolved authority shall be of full force and effect in favour of, or against, the residuary successor of that authority;
- (c) any action or proceeding or any cause of action or proceeding, pending or existing at the appointed day, by, or against, a dissolved authority shall not be prejudicially affected by reason of the order, and may be continued, prosecuted and enforced by, or against, the residuary successor of that authority.

(4) The authority to whom any property other than land is transferred by paragraph (2) or (3) (otherwise than by its particular inclusion in an extension of the table in Part I of Schedule 6 made in the order for the purposes of paragraph (2)) may by resolution agree—

- (a) that the property shall not be transferred; or
- (b) that it shall be transferred to any other authority named in the resolution,

and in the case of (b) sub-paragraph (a) of paragraph (2) in so far as it relates to liabilities, and sub-paragraphs (c) and (e) thereof, shall apply accordingly.

(a) (5) (a) Subject to sub-paragraph (b), any interest in any property or any liability transferred by paragraph (2) or (3) to the authority for any county, district, London borough, parish or community, or for Greater London, the City, the Inner Temple or the Middle Temple, shall be held or discharged by them in respect of such area as existing on and after the appointed day.

(b) Sub-paragraph (a)—

- (i) shall not apply in respect of any interest in any property or any liability which by reason of agreements made (or having effect as if made) by the transferor authority falls to be held or discharged in respect of any specified area; and
- (ii) shall have effect subject to the provision of subsections (4) and (5) of section 248 of the Local Government Act 1972 (freemen and inhabitants of boroughs existing prior to 1st April 1974).

(6) Any byelaws in force for the regulation of any property transferred by paragraph (2) or (3) shall have effect as if they had been made by the authority to whom such property is transferred (but in the case of property transferred to a parish meeting or parish trustees only if such byelaws could have been made by the parish meeting).

(7) Any provision of any local Act or of any order made under any Act which applies to any property transferred by paragraph (2) or (3) to any authority shall have effect with the substitution of references to that authority for any references to (or having effect as references to) the authority from whom the property is transferred.

(8) Any authorisation of the borrowing of money in force in respect of any property or liability transferred by paragraph (2) or (3) to any authority may, subject to the terms applicable thereto, be acted on by such authority.

(9) Any excise licence, operators' licence, public service vehicle licence, road service licence, plating certificate or other document issued in respect of any vehicle transferred by paragraph (2) or (3) to any authority shall have effect as if it had been issued to such authority, and any reference to the authority from whom the vehicle is transferred in any such licence or certificate or in any registration book or other document issued in respect of such vehicle shall have effect as a reference to the authority to whom the vehicle is transferred.

(10) The expression “market authority” in Part III of the Food and Drugs Act 1955 shall include any district council to whom such a market as is described in section 49(2) of that Act is transferred by paragraph (2) or (3).

(11) Where parts of any land are in consequence of paragraph (2) or (3), or of both such paragraphs, vested in two different authorities, and any easement or other right over one part is required to enable the other part to be used, the authority in whom the said other part is vested may within the 6 months following the appointed day serve notice on the authority in whom the said one part is vested specifying such easement or other right and requiring the authority in whom the said one part is vested to grant the same to them on terms specified in the notice.

Any question—

- (a) whether any easement or other right is required to enable the said other part to be used; or
- (b) as to the terms on which any easement or other right shall be conferred,

shall be determined by the decision of a person agreed on by the authorities or in default of agreement appointed by the Secretary of State.

(12) The provision made by this regulation is without prejudice to—

- (a) any agreement which may be made for payment in respect of any property transferred by paragraph (2) or (3);
- (b) any agreement which may be made under section 68 of the Local Government Act 1972, or arbitration in default of such agreement—
  - (i) as to the use of any property transferred as aforesaid;
  - (ii) in relation to any matter not so transferred.

### **Audit of accounts**

**63.**—(1) Sections 154 to 167 (accounts and audit) of the Local Government Act 1972 shall apply in relation to the accounts of any county or district council established by the order, and of the committees and officers thereof, with the substitution in section 154(2)(a) (resolutions as to audit), for “before 1st January 1974” of “within the 6 weeks following the date of their first meeting”.

(2) The said sections shall apply in relation to the accounts of the parish councils, parish meetings or community councils of each of the parishes or communities in a district established by the order and of every joint committee of the councils of two or more parishes or communities, both or all of which are situated in that district, and of the committees and officers of any such body, with the substitution in section 154(2)(d) (resolutions as to audit), for “before 1st January 1974” of “within the 6 weeks following the date of their first meeting”.

(3) The accounts of any dissolved authority (other than charter trustees) and of the committees and officers thereof shall be made up to the appointed day and shall be audited in like manner and subject to the same incidents and consequences as if the order had not been made:

Provided that where the audit of the accounts of a dissolved authority is carried out by a district auditor the expression “the body in question” in section 161(2)(a) (orders for repayment of expenditure declared unlawful) and (4) (certification of sums not brought into account or losses) shall include the residuary successor of the dissolved authority.

## Security for loans

64. Where under these regulations, the order or any agreement made under section 68 of the Local Government Act 1972 any liability or part of a liability charged indifferently on all the revenues of a public body or on any particular revenues of such body is transferred to another public body, the liability or part of the liability shall be charged indifferently to all the revenues of the public body to whom it is transferred and shall cease to be a charge on any revenues or fund of the public body from whom it is transferred.

## Legal proceedings

65. All legal proceedings pending at the appointed day shall be amended in such manner as may be necessary or proper in consequence of these regulations and the order.

## Liabilities to certain funds

66.—(1) Where by virtue of these regulations or of the order any matter for the purposes of which in pursuance of paragraph 19 of Schedule 13 to the Local Government Act 1972 moneys forming part of a fund to which that paragraph applies have been used is transferred to an authority other than the authority by whom such fund is maintained on and after the appointed day, the provisions of sub-paragraph (2) of that paragraph, and sub-paragraph (3) thereof in so far as it relates to the debiting of accounts, shall be applicable to the first-mentioned authority.

(2) Where by virtue of these regulations or of the order any matter for the purposes of which in pursuance of regulation B.6 of the Local Government Superannuation Regulations 1974(11) moneys forming part of a superannuation fund have been used is transferred to an authority other than the authority by whom the fund is maintained on and after the appointed day, the said regulation shall apply as if the moneys had been lent to the first-mentioned authority.

(3) Where by virtue of these regulations or of the order any matter in respect of which any advance from a capital fund established under paragraph 16 of Schedule 13 to the Local Government Act 1972 or under any local Act is not fully repaid is transferred to an authority other than the authority by whom such fund is maintained on and after the appointed day, the first-mentioned authority may treat the outstanding amount of the advance as an advance to the capital fund established by them and make such payments to that fund as they consider appropriate, but otherwise any liability to make repayments in respect of the advance shall cease.

(4) Where by virtue of these regulations or of the order any matter in respect of which advances from a consolidated loans fund or loans pool would have fallen to be repaid is transferred to any authority other than the authority by whom such fund or pool is maintained on and after the appointed day—

- (a) sums which would have become due and owing to the fund or pool shall be paid by the authority first mentioned to the authority last mentioned:

Provided that the authorities concerned and the lender may agree for the transfer to the authority first mentioned of the liability with respect to any outstanding loan;

- (b) the outstanding amount in respect of any such advances shall be shown in the accounts of the authority first mentioned as loans from other local authorities and as advances to the appropriate borrowing account, and in the accounts of the authority last mentioned as loans to other authorities.

(5) In relation to a London borough, any provision of this regulation which applies to the corporation of the borough shall be given effect to by the borough council.

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### Schemes for the allocation of officers for transfer—Local authorities

67.—(1) Schemes for the allocation of officers for transfer shall be made by the councils of counties, districts, London boroughs, parishes and communities, the Greater London Council and the Common Council in accordance with the provisions of this regulation and regulation 69.

- (a) (2) (a) Where the area of any authority to be dissolved by the order is not transferred as a whole to the area of one relevant authority a scheme for the allocation of all their officers for transfer shall be made by the first-mentioned authority unless the relevant authorities other than one notify the first-mentioned authority that no officers need be allocated for transfer to them.
- (b) In sub-paragraph (a), “relevant authorities” means, in relation to any authority described in column (1) of the following table, the authorities specified in respect thereof in column (2).

**TABLE**

<i>(1)</i>	<i>(2)</i>
The council of any county	The councils of the counties in which the area of the county is to be comprised, and if any area of the county is to be comprised in Greater London the Greater London Council
The council of any district or London borough	The councils of the districts and London boroughs in which the area of the district or London borough is to be comprised, and if any area of a London borough is to be comprised in the City the Common Council
The parish authority of any parish or the community council of any community	The parish authorities of the parishes, and the community councils of communities with such councils, in which the area of the parish or community is to be comprised

- (c) In sub-paragraph (a), the reference to all the officers of the authority does not include—
- (i) any person who will by virtue of any agreement entered into between him and any authority enter into the employment of that authority before or on the appointed day; and
- (ii) any person as regards any employment which, otherwise than by virtue of the dissolution of the authority, is to be terminated before or on the appointed day.
- (3) Where any non-metropolitan county is to become a metropolitan county, with or without any alteration in its area, a scheme for the allocation of officers for transfer to the councils of the districts in the county shall be made by the council of the county.
- (4) Where the area of any non-metropolitan district is to be wholly or substantially comprised in a metropolitan county, a scheme for the allocation of officers of the council of the non-metropolitan county for transfer to the councils of the metropolitan county and district shall be made by the council of the non-metropolitan county.
- (5) Where any metropolitan district is to be wholly or substantially comprised in a non-metropolitan county a scheme for the allocation of officers for transfer to the council of the non-metropolitan county shall be made by the council of the district unless the council of the county notify the council of the district that no officers need be allocated for transfer to them.
- (6) A scheme for the allocation of officers for transfer may be made by any council described in paragraph (1) in any other circumstances in which they consider it appropriate to make a scheme and shall be made by such a council if they are notified by any other such council that they require a scheme to be made.



(7) Nothing in this regulation applies to—

any member of a police force;

any officer of a county council employed for police purposes, including the purposes of section 81 of the Road Traffic Regulation Act 1967; or

any member of a fire brigade.

(8) Subject to paragraphs (2)(c) and (7), paragraph (2)(a), in its application to any authority, applies to any officer who, immediately before the appointed day, will be in the employment of the authority.

### **Schemes for the allocation of officers for transfer—Other authorities**

**68.** A scheme for the allocation of officers (other than the officers specified in regulation 67(7)) for transfer may be made by any authority to whom regulation 67 does not apply but who are affected by the order.

### **Provision as to schemes**

**69.**—(1) Any scheme made under regulation 67 or 68 or under any provision of the order shall allocate the officers covered by it on the basis of the likely needs of the services to be provided on and after the appointed day.

(2) In any scheme made under regulation 67 any arrangements made under section 101 or 110 of the Local Government Act 1972, or any direction given under the said section 110, shall be taken into account.

(3) In preparing any scheme under regulation 67 or 68 or under any provision of the order an authority shall—

(a) consult the authorities and bodies representative of officers appearing to them to be concerned; and—

(b) (i) notify any officer likely to be allocated for transfer otherwise than to the residuary successor of the authority of such likelihood and supply to him a copy of regulations 67 to 79; and

(ii) take into consideration any representations made by such officer.

(4) Upon making any such scheme an authority shall—

(a) transmit copies thereof to the authorities and bodies representative of officers appearing to them to be concerned; and

(b) notify every officer allocated of such allocation and (unless such copy has already been supplied) supply to him a copy of regulations 67 to 79.

(5) Any such scheme may be amended by the authority by whom it was made, but—

no substantive amendment shall be made in a matter in respect of which there has been no consultation under paragraph (3) with any authority or body representative of staff appearing to the first-mentioned authority to be concerned without such consultation; and

no officer shall be allocated for transfer unless the action described in paragraph (3)(b) has been taken in relation to him.

Upon making any amendment an authority shall—

(a) transmit copies of the scheme as amended or of the amendments to the authorities and bodies representative of officers appearing to them to be concerned; and

(b) notify every officer affected by the amendments of his allocation and (unless such copy has already been supplied) supply him with a copy of regulations 67 to 79.

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(6) If notice is given by any authority that they are dissatisfied with the provisions of any such scheme as made or amended the question shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State.

Upon any determination which involves a variation of the scheme the authority by whom the scheme was made shall vary it in accordance with the determination and—

- (a) transmit copies of the scheme as amended or of the amendments to the authorities and bodies representative of staff appearing to them to be concerned; and
- (b) notify every officer affected by the variation of his allocation and (unless such copy has already been supplied) supply him with a copy of regulations 67 to 79.

(7) In the application of paragraph (2)(a), (3), (4), (5) or (6) of regulation 67, regulation 68 or any provision of the order to any authority, any allocation of a person not in the whole-time employment of the authority shall be limited to the extent of his employment with the authority.

(8) Any question by an officer of any authority in relation to the application of a scheme to him may be determined in accordance with the arrangements applicable to the determination of disputes as to employment and terms and conditions thereof between the officer and the authority, and on the determination of such question by any body, any necessary amendment of the scheme shall be made by that body.

(9) No scheme made under any provision of the order shall extend to the officers specified in regulation 67(7).

### **Transfer of officers**

**70.**—(1) Every officer allocated by any scheme made under regulation 67 or 68 or under any provision of the order for transfer to any authority shall, to the extent of the allocation, be transferred to the employment of that authority.

- (a) (2) (a) Any other officer of the council of a county, district or London borough or of the Greater London Council or the Common Council employed in the discharge of functions which will after the appointed day be exercisable in an area transferred by the order by another such council, and
  - (i) being so employed wholly or mainly in premises which will be transferred by regulation 62 to such other council; or
  - (ii) operating wholly or mainly from such premises; or
  - (iii) being otherwise so employed wholly or substantially so in relation to the area transferred,

shall on the appointed day be transferred to the employment of such other council.

Sub-paragraphs (b) to (d) shall have effect in the application of this sub-paragraph.

- (b) Where on the appointed day any officer has not taken up the duties of his employment he shall be deemed to be employed in, or to be operating from, the premises in which he would be employed or from which he would be operating if he had taken up such duties.
- (c) Where any officer is on the appointed day absent from his normal duties for the purposes of undergoing training sub-paragraph (a) shall apply—
  - (i) if it was part of the arrangements under which he is so absent that at the completion of such training he should be employed in a place, situation or employment different from the place, situation or employment which he occupied prior to the commencement of the training, as if he was, on the appointed day, occupying such different place, situation or employment;

- (ii) otherwise as if he was, on the appointed day, occupying the place, situation or employment which he occupied immediately prior to the commencement of such training.
  - (d) Where any officer is on the appointed day absent from his normal duties otherwise than for the purpose of undergoing training he shall be deemed to be discharging such duties, and to be discharging them in, or from, the premises in, or from, which he normally discharges them.
- (3) Any other officer of a dissolved authority (other than charter trustees) shall be transferred to the employment of the residuary successor of that authority.
- (4) Nothing in paragraph (2) or (3) applies to any person described in (i) or (ii) of sub-paragraph (2)(c) of regulation 67 or in paragraph (7) of that regulation.
- (5) Subject to paragraph (4), paragraph (2) or (3), in its application to any authority, applies to any officer who immediately before the appointed day is in the employment of the authority, but in the case of a person not in the whole-time employment of the authority the transfer effected by such paragraph in such application is limited to the extent of his employment with the authority.
- (6) Any officer who will be transferred by paragraph (2) or (3) shall be notified by the authority employing him of such transfer not later than one month before the appointed day, and (unless such copy has already been supplied) shall be supplied with a copy of regulations 67 to 79.
- (a) (7) (a) The following questions by an officer of any authority, namely—
    - (i) any question of hardship; and
    - (ii) any question whether he is or is not employed in any manner specified in paragraph (2)(a);may be determined in accordance with the arrangements applicable to the determination of disputes as to employment and terms and conditions thereof between the officer and the authority.
  - (b) Any question described in item (ii) of sub-paragraph (a) shall be raised as soon as may be and in any case not later than the expiration of 2 months (or such longer period as may be agreed by the authority) from the notification under paragraph (6).
  - (c) Where any question described in sub-paragraph (a) has been determined before the appointed day in such manner that no transfer of the officer is appropriate the officer shall not be transferred by this regulation.
  - (d) Where any such question is so determined in such manner that a transfer of the officer otherwise than in accordance with the provisions of paragraphs (1) to (3) is appropriate the officer shall be transferred on the appointed day in accordance with the determination.
  - (e) Where any such question is determined on or after the appointed day in such manner that a transfer or further transfer of the officer is appropriate the officer shall be transferred in accordance with the determination at the expiration of 28 days from the date thereof or such other date as may be agreed by the authorities concerned and the officer.
  - (f) Where it is determined that an officer will sustain or has sustained hardship in consequence of his transfer (and sub-paragraph (c), (d) or (e) is not applicable) the authority to whom he will be or has been transferred shall in consultation with the officer and representatives of their employees seek a remedy and, not later than the expiration of one month (or such longer period as may be agreed by the officer) following the notification of the determination, notify the officer of any remedy which they are able to offer him or that they are unable to offer him any remedy but that an allowance would be paid to him in respect of the hardship.

- (g) In either event, the officer shall be informed that he may, subject to sub-paragraph (j), request that his employment be terminated and of his entitlements if it is so terminated.
- (h) Any remedy offered under sub-paragraph (f) may be accepted by the officer within the 2 months following the notification thereof, or within such longer period as may be agreed by the authority.
- (i) An allowance in respect of hardship shall be by periodic payments of such amount as may be determined by agreement between the officer and the authority or failing such agreement in accordance with the arrangements applicable to the determination of disputes as to employment and terms and conditions thereof between them.
- (j) No such request as is described in sub-paragraph (g) shall be made after the expiration of 2 months from the determination of the amount of the periodic payments of the allowance.
- (k) Regulation 77 shall not apply to any officer to whom an allowance is payable under this paragraph.
- (l) If the remedy offered is, with the agreement of the authority from whose employment the officer was transferred, transfer back to the employment of that authority, and that remedy is accepted by the officer and he is so transferred, paragraph (12) of regulation 71, and regulations 72 to 78, shall cease to apply to him. Otherwise, such provisions shall apply to any officer transferred under sub-paragraph (f) as they apply to officers transferred by this regulation.

### **Protection of officers transferred**

**71.**—(1) Every officer transferred by or under regulation 70 to the employment of any body (other than an officer transferred under paragraph (7)(f) of that regulation back to the employment of the authority from whose employment he was transferred) shall, so long as he continues in that employment by virtue of the transfer and until he is served with a statement in writing referring to these regulations and specifying new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those which he enjoyed immediately before the appointed day.

(2) A statement of new terms and conditions of employment shall not be served on any officer in relation to whom a question has been referred under regulation 70(7) until the determination of the question has been notified.

A statement of new terms and conditions of employment shall not be served on any officer to whom sub-paragraphs (f) to (l) of regulation 70(7) apply until the remedy offered under the said sub-paragraph (f) or the allowance there referred to has been accepted by the officer.

(3) Subject to paragraph (2), a statement of new terms and conditions of employment may be served before the appointed day.

(4) Subject to paragraph (2), a statement of new terms and conditions of employment shall be served before the expiry of 12 months after the appointed day.

(5) If after service of a statement of new terms and conditions of employment upon any officer (whether before the appointed day or otherwise) a question is referred under regulation 70(7), the statement shall cease to have effect and paragraphs (1) and (2) shall have effect as if the statement had not been served.

(6) The new terms and conditions of employment shall be such that—

- (a) so long as the officer is engaged in duties reasonably comparable to those in which he was engaged immediately before the appointed day, the scale of his salary or remuneration is not less favourable than that which he enjoyed immediately before the appointed day; and
- (b) the other terms and conditions of his employment are not less favourable than those which he enjoyed immediately before the appointed day.

(7) Where between the appointed day and the service of the statement of new terms and conditions of employment upon any officer the scale of the salary or remuneration which such officer enjoyed immediately before the appointed day is improved, paragraph (6)(a) shall have effect as if the scale as improved has been so enjoyed.

(8) Where the new terms and conditions of employment involve any diminution of the scale of the salary or remuneration of an officer they shall not come into effect until the date, not earlier than the expiration of 3 months from the service of the statement thereof, specified in that statement.

(9) Any question by an officer of any authority—  
whether duties are reasonably comparable within the meaning of paragraph (6);  
whether the scale of his salary or remuneration is such as is required by paragraphs (6) and (7); or  
whether the other terms and conditions of his employment are not less favourable than those which he enjoyed immediately before the appointed day,  
shall be determined in accordance with the arrangements applicable to the determination of disputes as to employment and terms and conditions thereof between the officer and the authority.

(10) In this regulation, “terms and conditions of employment” includes any restriction arising under any Act or any instrument made under any Act on the termination of the employment of any officer.

(11) A written statement given in accordance with section 4(1) of the Contracts of Employment Act 1972 shall not be regarded as a statement of new terms and conditions of employment for the purposes of this regulation unless the statement so indicates.

(12) A notice to terminate the contract of employment of any officer transferred by regulation 70, given by reason of the fact that the officer to whom it is given has become redundant in consequence of the order, shall, unless such officer otherwise agrees, not come into operation earlier than the expiration of 3 months from the service thereof.

### **Secondary transfers**

**72.** Any officer transferred by regulation 70 to the employment of any authority may, within the 2 years following the appointed day, be transferred by the said authority, with the agreement of any other authority, and of the officer, to the employment of that other authority, and regulation 71 shall thereupon apply to such officer as it applies to officers transferred by regulation 70.

### **Apprenticeships**

**73.** Any contract of apprenticeship entered into between any person and a dissolved authority shall have effect as a contract entered into between such person and the authority to whose employment he is transferred by regulation 70 or under regulation 72 or would have been so transferred if he had been in the employment of such dissolved authority.

### **Saving for training arrangements**

**74.** Where any officer transferred by regulation 70 or under regulation 72 is undergoing training under arrangements which have not been discharged before the appointed day, those arrangements shall continue to apply with the substitution, for the authority in whose employment the officer was prior to the commencement of the training, of the authority to whose employment he has been transferred as aforesaid.

### **Saving for dispensations**

75. Any dispensation from the requirements of any Act or of any instrument made under any Act granted to the authority from whom any officer is transferred by regulation 70 or under regulation 72 shall have effect, in relation to such officer, as if it had been granted to the authority to whose employment he has been transferred as aforesaid.

### **Saving for extensions of service**

76. Any extension of service under regulation L.15 of the Local Government Superannuation Regulations 1974 effective on the appointed day in relation to an officer transferred by regulation 70 or under regulation 72 shall continue to have effect as if it had been made by the authority to whose employment he has been transferred as aforesaid.

### **Travelling and removal expenses**

77. Any additional travelling expenses, and any removal or incidental expenses, reasonably incurred by any officer in consequence of the order shall be reimbursed by the authority to whose employment he is transferred by regulation 70 or under regulation 72.

### **Commencing points on scales**

78. Where in relation to any officer—

- (a) on the scale of salary or remuneration applicable to him immediately before the appointed day he would have become entitled to an increment on that day; and
- (b) by reason of any appointment effective as from the appointed day made by the authority to whose employment he is transferred by regulation 70 or under regulation 72, any other scale of salary or remuneration becomes applicable to him as from that day,

any term of his employment as to his commencing point on such other scale shall be applicable as if his employment before, and on and after, the said day were one continuous employment under one authority.

### **Continuity of employment**

79. Where, apart from this regulation, a person's continuity of employment would be broken by any transfer referred to in (a) or (b) then nevertheless, for the purposes of the Redundancy Payments Act 1965, section 28 of the Industrial Relations Act 1971 as re-enacted in paragraph 10 of Schedule 1 to the Trade Union and Labour Relations Act 1974 (qualifying period for protection from unfair dismissal), sections 1 and 2 of the Contracts of Employment Act 1972 (minimum periods of notice) and section 61 of the Employment Protection Act 1975—

- (a) the period of his employment in the employment from which he is transferred by paragraph (1), (2), (3) or (7)(d) or (e) of regulation 70 and the period of his employment in the employment to which he is transferred by such provision shall in the case of an officer further transferred by or under paragraph (7)(e) or (f) of the said regulation or under regulation 72 count as a period of employment in the employment to which he is so further transferred;
- (b) the period of his employment in the employment from which he is transferred by paragraph (1), (2), (3) or (7)(d) or (e) of regulation 70 shall in the case of any other officer so transferred count as a period of employment in the employment to which he is so transferred; and
- (c) no change of employment covered by (a) or (b) shall break the continuity of the period of employment.

### **Appointment of officers before appointed day**

**80.**—(1) Where before the appointed day the local authority for any area established or altered by the order appoint to hold any office or employment before or as from that day any person (hereinafter referred to as “the officer”) who is in the employment of the local authority for any area so altered or abolished, the appointment shall be on such terms and conditions that—

- (a) so long as the officer is engaged in duties reasonably comparable to those in which he was engaged immediately before the appointment, the scale of his salary or remuneration; and
- (b) the other terms and conditions of his employment,

are not less favourable than those he enjoyed immediately before the appointment.

Any question by the officer—

whether duties are reasonably comparable as aforesaid; or

whether the scale of his salary or remuneration or the other terms and conditions of his employment are not less favourable than those which he enjoyed immediately before the appointment,

shall be determined in accordance with the arrangements applicable to the determination of disputes as to employment and terms and conditions thereof between the officer and the first-mentioned authority.

In this paragraph, “terms and conditions of employment” includes any restriction arising under any Act or any instrument made under any Act on the termination of the employment of any officer.

(2) This paragraph may be applied by the order in respect of any authority (hereinafter referred to as “the new employing authority”) and of any authority specified in relation thereto (hereinafter referred to as “the existing employing authority”) and in this paragraph “the officer” means a person appointed as mentioned in paragraph (1).

The appointment of an officer to hold any office or employment before the appointed day shall not result in his employment by the new employing authority until that day, and his employment by the existing employing authority shall continue to that day, unless determined otherwise than by reason of the said appointment; and—

- (a) the existing employing authority shall place the services of the officer at the disposal of the new employing authority to such extent as may be agreed between the said authorities;
- (b) the salary or remuneration payable by the existing employing authority to the officer at any time shall be the aggregate of the following amounts, namely—
  - (i) the amount of the salary or remuneration which would have been payable by the existing employing authority apart from their action under (a) hereof which is for the time being agreed between the existing employing authority and the officer to be appropriate having regard to such action; and
  - (ii) the amount for the time being agreed between the new employing authority and the officer in respect of the office or employment; and
- (c) the new employing authority shall reimburse to the existing employing authority—
  - (i) the amounts described in (b)(ii) hereof paid by the existing employing authority; and
  - (ii) such proportion of all other payments to or in respect of the officer as may be agreed between the said authorities or, failing such agreement, as may be determined by a person agreed on by them or in default of agreement appointed by the Secretary of State:

Provided that the said authorities may, in any particular case, agree that no reimbursement shall be made.

(3) Paragraphs (1) and (2) shall apply, where an officer appointed by the new employing authority is in the employment of two or more existing employing authorities, and paragraph (1) shall apply,

where the officer is in two or more employments of one such authority, as if he were only in the employment in respect of which there is paid to him the highest salary or remuneration, or if two or more salaries or remunerations are equal such employment as the new employing authority shall determine.

(4) Where an adjustment of superannuation funds is required to be made in respect of any person to whom paragraphs (1) to (3) apply and in consequence of action taken under those paragraphs his remuneration is higher or lower than it would have been if those paragraphs had not applied to him, no account shall be taken of that increase or decrease in determining his remuneration for the purposes of calculating the amount payable by way of adjustment but the said amount shall be increased or decreased as the case may be by a sum equivalent to the aggregate of the contributions payable or which would have been payable by the employing authority and the employee in respect of the amount by which his remuneration was increased or decreased during the period for which the said paragraphs apply to him.

### **Gratuities and pensions**

**81.**—(1) Where at any time before the appointed day a gratuity or allowance, by way of periodical payment or an annuity—

- (a) has been granted to any person by any authority on his ceasing to be employed by them; or
- (b) has been granted to the widow or other dependant of a person who died while in or after leaving the employment of any authority,

and, if payment in respect of the gratuity or allowance had continued in accordance with the terms of the grant or any subsequent increase, one or more payments would have been made on or after the appointed day (whether under legal obligation or otherwise) by a dissolved authority, those payments shall be made by the specified authority.

(2) Without prejudice to paragraph (1), where, if the order had not been made, any dissolved authority would for the purposes of any statutory provision relating to pensions have been the employing authority or former employing authority in relation to a person who died before the appointed day while in the employment of, or otherwise ceased to be employed by, any authority, or the widow or other dependant of such a person, the specified authority shall be treated as being at that time the employing authority or former employing authority for those purposes in relation to that person, his widow or other dependant.

(3) In paragraphs (1) and (2), “the specified authority” means —

- (a) if the person described in (a) or (b) of paragraph (1) or in paragraph (2) was—
  - (i) in the case of a person who died while in the employment of the authority, last employed before he died; or
  - (ii) otherwise, last employed before he ceased to hold the employment referred to, exclusively in the discharge of functions in relation to any area transferred by the order and those functions are, on and after the appointed day, exercisable in relation to that area by an authority other than the residuary successor of the dissolved authority, that other authority; and

(b) otherwise, the residuary successor of the dissolved authority.

### **Inspection of documents**

**82.**—(1) This regulation shall apply in the circumstances set out in the entries in column (1) of the following table and in this regulation “transferred area” means an area described in any such entry, and—



“transferor authority”, in relation to any transferred area, means an authority specified in respect of the area in column (2) in whose area the transferred area is comprised before the appointed day; and

“transferee authority”, in relation to any transferred area, means an authority specified in respect of the transferor authority in column (3) in whose area the transferred area is comprised on and after the appointed day.

**TABLE**

(1)	(2)	(3)
Where an area is transferred from a metropolitan county and district to a non-metropolitan county and district	The county council	The county council
	The district council	The county council The district council
Where an area is transferred from a non-metropolitan county and district to a metropolitan county and district	The county council	The county council
	The district council	The district council The district council
Where an area is otherwise transferred from a county and district to another county and district	The county council	The county council
	The district council	The district council
Where an area is transferred from a district to another district in the same county	The district council	The district council
Where an area is transferred from a county and district to Greater London and a London borough	The county council	The Greater London Council
	The district council	The London borough council
Where an area is transferred from Greater London and a London borough to a county and district	The Greater London Council	The county council
	The London borough council	The district council
Where an area is transferred from a London borough to another such borough	The London borough council	The London borough council
Where an area is transferred from a London borough to the City, the Inner Temple or the Middle Temple	The London borough council	The Common Council The Sub-Treasurer The Under Treasurer
	The Common Council	The Greater London Council
	The Sub-Treasurer The Under Treasurer	The London borough council

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(1)	(2)	(3)
Where an area is transferred from the City to the Inner Temple or the Middle Temple	The Common Council	The Sub-Treasurer The Under Treasurer
Where an area is transferred from the Inner Temple or the Middle Temple to the City	The Sub-Treasurer The Under Treasurer	The Common Council
Where an area is transferred from a parish or community to another such area	The parish authority or community council or where in Wales there is no community council the district council	The parish authority or community council or where in Wales there is no community council the district council
Where an area in England becomes or becomes part of a parish	The district council	The parish authority
Where an area in England ceases to be part of any parish	The parish authority	The district council

(2) As from the coming into operation of the order any officer of a transferee authority, duly authorised in that behalf, shall for the purposes of the functions of the authority by whom he is employed, be entitled during ordinary office hours to inspect and take copies of or extracts from any books or documents of a transferor authority relating to the transferred area not in the custody of the transferee authority, and a transferor authority shall supply such information and afford such assistance in relation to such books and documents as a transferee authority may reasonably require.

(3) In relation to any highways in an area transferred from a district to another district in the same county—

- (a) if such highways are immediately before the appointed day being maintained by the district council by virtue of section 187(2)(a) of the Local Government Act 1972 but will on and after that day be maintained by the county council, paragraph (2) shall apply as if the county council were a transferee authority; and
- (b) if such highways are immediately before the appointed day being maintained by the county council but will on and after that day be maintained by the district council by virtue of the said section 187(2)(a), paragraph (2) shall apply as if the county council were a transferor authority.

### Minutes of last meetings

**83.**—(1) This regulation shall apply to any dissolved authority other than parish trustees and to the committees and sub-committees thereof.

(2) The minutes of the last meeting of any body to whom this regulation applies shall if practicable be signed at such meeting.

(3) If it is not practicable for the minutes to be so signed they may be signed by the person who presided at the meeting in accordance with paragraph (4), (5) or (6), and—

- (a) any minute purporting to be so signed shall be received in evidence without further proof; and
- (b) until the contrary is proved, the meeting in respect of the proceedings whereof a minute has been made and so signed shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are the proceedings of a committee or sub-committee the committee or

sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

(4) Minutes of the proceedings of the last meeting of any body to whom this regulation applies other than a committee or sub-committee or a parish meeting may be signed as aforesaid on or after the 7th day following the transmission to every member of the body of a copy of the minutes and of a notification of the purport of paragraph (3) and this paragraph. The person who presided at the meeting shall take into consideration any representations made by any such member.

(5) Minutes of the proceedings of the last meeting of a committee or sub-committee may be signed as aforesaid on or after the 7th day following the transmission to every member of the committee or sub-committee of a notification of the purport of paragraph (3) and this paragraph, with a copy of the minutes or information as to the availability of a copy for inspection. The person who presided at the meeting shall take into consideration any representations made by any such member.

(6) Minutes of the proceedings of the last meeting of a parish meeting may be signed as aforesaid after such consultation as the person presiding at the meeting shall think appropriate.

(7) If the person who presided at the meeting is not able to sign the minutes in accordance with paragraph (4), (5) or (6), paragraph (3) and such paragraph shall have effect with the substitution for any reference to the person who presided at the meeting of a reference to such person as the Secretary of State may direct.

### **General provision as to disputes**

**84.**—(1) Any question as to the interpretation of these regulations (other than regulation 24) or of the order may be determined by the decision of a person agreed on by the authorities concerned or in default of agreement appointed by the Secretary of State.

(2) Where a determination required by any provision in Part II of Schedule 6 has not been made by the transferor authority before the appointed day notice that a question exists may be given within the 12 months following the appointed day by any authority concerned.

(3) Where—

(a) at the appointed day—

(i) notice has been given by any authority under any provision in Part II of Schedule 6;  
or

(ii) notice has been given by any authority that the interpretation of any provision made by paragraphs (2) or (3) of regulation 62 is in dispute;

and the question has not been determined; or

(b) thereafter, but within the 12 months following the appointed day—

(i) notice is given by any authority under any provision in Part II of Schedule 6;

(ii) notice is so given under paragraph (2); or

(iii) notice is so given that the interpretation of any provision made by paragraphs (2) or (3) of regulation 62 is in dispute,

then from the appointed day or from the later day on which the notice is given, as the case may be—

(k) paragraph (2) of regulation 62 shall cease to have effect in relation to the property;

(l) where the transferor authority is dissolved by the order, paragraph (3) of that regulation shall apply to the property and to any liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, as temporary provision pending the determination of the question:

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Provided that the authorities concerned may by instrument in writing agree that any authority may in such application be substituted for the residuary successor of the dissolved authority;

- (m) where notice has been given under paragraph (2), the question shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State; and
- (n) on the determination of the question whether under (m) or otherwise—
  - (x) the determination shall specify the authority to whom the property is to be transferred; and
  - (y) if paragraph (3) of regulation 62 has been applied by (l) it shall cease to have effect; and
  - (z) the property shall by virtue of the determination be transferred to and vest in the authority specified in the determination, and the provisions of these regulations which would have applied to the property if the transfer had been effected by paragraph (2) of regulation 62 shall apply to it.

(4) Any reference in any provision of these regulations for the decision of any question by a person shall be construed as including a reference to three persons.

(5) Section 31 of the Arbitration Act 1950 shall have effect for the purposes of the determination of any question by any person or persons under any provision of these regulations as if such determination were an arbitration under any other Act within the meaning of that section.

#### **General savings**

- 85.**—(1) Nothing in these regulations or the order shall affect—
- (a) the definition of any parliamentary constituency, the division of any parliamentary constituency into polling districts or the designation of polling places;
  - (b) any ecclesiastical parish or district;
  - (c) the area for the supply of electricity of any Area Electricity Board;
  - (d) the area for any purposes of any water authority;
  - (e) the area for the supply of water of any company;
  - (f) the functions of the conservators of any common;
  - (g) any order in force under the Shops Act 1950;
  - (h) any inquest begun before the appointed day;
  - (i) any right or interest under any inclosure award.
- (2) Save as provided in the order, nothing in these regulations or the order shall affect—
- (a) any electoral area;
  - (b) any petty sessions area or coroner's district;
  - (c) the trusts of any charity.

12th February 1976

*Anthony Crosland*  
Secretary of State for the Environment

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16th February 1976

*John Morris*  
Secretary of State for Wales

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## SCHEDULE 1

Regulation 19

### PETTY SESSIONS AREAS

#### PART I

##### PROVISIONS APPLYING WHERE AN AREA IS TRANSFERRED FROM ONE PETTY SESSIONS AREA TO ANOTHER SUCH AREA

1. In this Part, “transferred area” means an area transferred from one petty sessions area to another such area, and—

“community service order” means an order made under section 14 of the Powers of Criminal Courts Act 1973;

“probation order” means a probation order made or having effect as if made under section 2 of that Act;

“supervision order” means any of the following orders, namely— a supervision order within the meaning of section 11 of the Children and Young Persons Act 1969 or to which paragraph 12 of Schedule 4 to that Act applies; an order under section 2(1)(f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960; an order under section 2(2)(a) of the Guardianship Act 1973; a supervision order within the meaning of section 26 of the Powers of Criminal Courts Act 1973;

“the transferor area” means the petty sessions area from which the transferred area is transferred, and “the transferor justices” means the justices who ordinarily act for such petty sessions area; and

“the transferee area” means the petty sessions area to which the transferred area is transferred, and “the transferee justices” means the justices who will, on and after the appointed day, ordinarily act for such petty sessions area.

2. Subject to the following paragraphs, any process issued, order made, sentence passed, appeal brought, case stated, licence granted, recognizance entered into, proceeding begun, appointment made or other thing done before the appointed day by, from, to or before any of the transferor justices in relation to any matter arising in or concerning the transferred area, shall, on and after that day, be deemed to have been issued, made, passed, brought, stated, granted, entered into, begun or done by, from, to or before the transferee justices or their clerk, as the case may be.

3. Any order made, licence granted or other thing done under the Licensing Act 1964 by the transferor justices in relation to any premises in the transferred area, being an order or licence in force or other thing having effect immediately before the appointed day, shall continue to have like effect on and after that day as if the order had not been made but shall be treated as if it had been made, granted or done by the transferee justices.

4. Anything done under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968 by or in relation to the betting licensing committee for the transferor area in relation to any matter arising in or concerning the transferred area, being a thing having effect immediately before the appointed day, shall continue to have effect on or after that day as if the order had not been made but shall be treated as if it had been done by or in relation to the betting licensing committee for the transferee area; and anything done under either of those Acts by or in relation to any other person or body shall have effect accordingly.

5.—(1) Any order made by a magistrates' court directing the payment of money to the clerk or any other officer of a magistrates' court acting for the transferor area, in relation to any matter arising

in or concerning the transferred area, shall have effect as if it had directed payment to be made to the clerk to the justices for the transferee area.

(2) Where on the appointed day periodical payments are by virtue of sub-paragraph (1) payable under section 52 of the Magistrates' Courts Act 1952 through the clerk to the justices for the transferor area to a person who resides outside that area, in relation to any matter arising in or concerning the transferred area, the said clerk may amend the order so as to require payments to be made through the clerk to the justices for the transferee area and, if he does so, shall give notice of the amendment to the person entitled to the payments, to the person required to make the payments and to the justices' clerk for the transferee area.

6. Where the transferor area is named in a community service order, probation order or supervision order, and the person named in the order is immediately before the appointed day residing in the transferred area, the powers and functions of the transferor justices in relation to the order shall vest in and be discharged by the transferee justices, and the order, unless amended in regard to the petty sessions area named therein, shall have effect in all respects as if the transferee area were named therein.

7. Any process, records or other document in relation to any matter arising in or concerning the transferred area in the custody, by virtue of his office as such, of the clerk to the justices for the transferor area shall—

- (a) if such clerk is the clerk to the justices for the transferee area, be retained by him in that capacity;
- (b) otherwise, be transferred by him to the clerk to the justices for the transferee area.

Copies of or extracts from any such record or document made or certified by the clerk to the justices for the transferee area shall be of the same effect as if they had been made or certified by the clerk to the justices for the transferor area.

## PART II

### PROVISION APPLYING WHERE A PETTY SESSIONS AREA CEASES TO EXIST

Where a community service order, probation order or supervision order (within the meanings set out in paragraph 1 of Part I) is in force, and the offender, probationer or person under supervision is residing outside any area transferred by the order, the justices for any petty sessions area may amend the order in regard to the petty sessions area named therein as if the offender, probationer or person under supervision, as the case may be, had changed his residence.

## PART III

### PROVISIONS APPLYING WHERE A PETTY SESSIONS AREA IS CONSTITUTED

1. The justices for the area shall appoint, in the prescribed manner, so far as may be applicable, and for the prescribed term, to take office on the appointed day—

- (a) a chairman and one or more deputy chairmen;
- (b) a juvenile court panel;
- (c) one or more case committees;
- (d) a justice or justices to serve as member of the magistrates' courts committee for the county or London commission area;

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- (e) a divisional licensing committee; and
- (f) a betting licensing committee.

In this paragraph, “the prescribed manner” and “the prescribed term” mean respectively—

- (i) in relation to the election of a chairman or deputy chairman, the manner prescribed by rules made under section 13 of the Justices of the Peace Act 1949 and a term ending at the expiration of the month of December next following the appointed day;
  - (ii) in relation to the election of the juvenile court panel, the manner prescribed by rules made under section 15 of that Act and a term ending at the expiration of the month of October in 1976, 1979 or a third year thereafter;
  - (iii) in relation to the appointment of a case committee, the manner prescribed by rules made or having effect as if made under Schedule 3 to the Powers of Criminal Courts Act 1973 and a term ending at the expiration of the month of December next following the appointed day;
  - (iv) in relation to the appointment of a member of the magistrates' courts committee, the manner prescribed by regulations made under Schedule 4 to the Justices of the Peace Act 1949 and a term ending at the expiration of the month of November next following the appointed day;
  - (v) in relation to the appointment of the divisional licensing committee, the manner prescribed by Part I of Schedule 1 to the Licensing Act 1964 and a term ending at the expiration of the month of December next following the appointed day; and
  - (vi) in relation to the appointment of the betting licensing committee, the manner prescribed by the Betting (Licensing) Regulations 1960<sup>(12)</sup> and a term ending at the expiration of the month of December next following the appointed day.
2. In relation to the appointment of a justices' clerk for the area, any consultation with the justices for the area required by section 19(9) of the Justices of the Peace Act 1949 may take place before the appointed day.

## SCHEDULE 2

Regulation 28

### FAMILY PRACTITIONER SERVICES

1. In this Schedule “the transferred area” means the area transferred from the area of one area health authority (hereinafter referred to as “the transferor authority”) to the area of another such authority (hereinafter referred to as “the transferee authority”), and—

“the Secretary of State” means the Secretary of State for Social Services or the Secretary of State for Wales;

“the transferor area” means the area of the transferor authority and “the transferor committee” means the family practitioner committee established for that area; and

“the transferee area” means the area of the transferee authority and “the transferee committee” means the family practitioner committee established for that area.

2. Subject to the following paragraphs—

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(12) (1960 I, p. 363).



- (a) all arrangements for the provision of general medical services, general dental services, general ophthalmic services and pharmaceutical services made by the transferor committee shall, so far as they relate to the transferred area, remain of full force and effect as if made on behalf of the transferee authority by the transferee committee;
- (b) any decision given before the appointed day by the local medical committee, local dental committee, local optical committee or local pharmaceutical committee for the transferor area shall, in so far as it relates to the transferred area, have effect as if it had been given by the corresponding committee for the transferee area; and
- (c) any reference in any instrument to the local medical committee, local dental committee, local optical committee or local pharmaceutical committee for the transferor area shall, in so far as it relates to the transferred area, have effect as if it had been a reference to the corresponding committee for the transferee area.

3. Any services provided as part of general medical services, general dental services, general ophthalmic services or pharmaceutical services which have been commenced in the transferred area but not completed before the appointed day, and any matters arising in consequence of such services completed before that day, may be continued with the substitution for the transferor committee, as regards any responsibility for the administration (including payment) of those services, of the transferee committee.

4. Any proceedings under Part II of the National Health Service (Service Committees and Tribunal) Regulations 1974(13) in relation to services provided before the appointed day in the transferred area may be instituted and carried on, or as the case may be, continued in all respects as if the order had not been made. Any direction for the withholding of remuneration following such proceedings may be given to such family practitioner committee as the Secretary of State may think fit.

5. Any proceedings before the transferor committee instituted before the appointed day for determining whether the replacement or repair of an appliance is necessitated—

- (a) in the case of an optical appliance, by lack of care on the part of the person supplied; or
- (b) in the case of a dental appliance, by an act or omission of the person supplied or (if it occurred when such person was under 16 years of age) of him or of the person having charge of him when it occurred;

shall where the practice premises given on the application for the replacement or repair of the appliance are situated in the transferred area be continued with the substitution for the transferor committee of the transferee committee.

6. Any medical practitioner who immediately before the appointed day is included in the medical list of the transferor committee and who at that date—

- (a) has a surgery in the transferred area, or
- (b) has on his list any patient permanently residing in such area,

shall be entitled to be included in the medical list of the transferee committee for the provision of services in those parts of the transferred area in which he was entitled to provide services immediately before the appointed day.

7. Any practitioner who immediately before the appointed day is providing services under section 38(1) of the National Health Service Act 1946 as set out in section 42 of the National Health Service Reorganisation Act 1973 or under section 40 or 41 of the said Act of 1946 from premises within the transferred area shall be included in the dental, ophthalmic or pharmaceutical list, as appropriate, of the transferee committee.

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(13) (1974 I, p. 1511).

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**8.** Anything duly done by, and any application duly made, or direction, authorisation or notice duly given to—

- (a) the Secretary of State;
- (b) the transferor committee;
- (c) the Prescription Pricing Authority;
- (d) the Welsh Health Technical Services Organisation;
- (e) the Dental Estimates Board; or
- (f) any other body dealing with family practitioner services,

in connection with the exercise, by such body, of any function which, by virtue of directions given under section 7 of the National Health Service Reorganisation Act 1973 or of any other provision of that Act, is a function exercisable by an area health authority or family practitioner committee, shall, in so far as it relates to the transferred area, be deemed to have been duly done by, or made or given to, the body exercising such function on the appointed day in place of the body by which such thing was done or to which such application was made, or such direction, authorisation or notice was given.

**9.** Any instrument made by any of the bodies specified in paragraph 8, in so far as it was made in the exercise of any function referred to in that paragraph, shall continue in force until it is varied or revoked by the body exercising such function in place of the body by which such instrument was made.

**10.** Any form supplied by any of the bodies specified in paragraph 8 in the exercise, by such body, of a function which by virtue of any directions given under section 7 of the National Health Service Reorganisation Act 1973 or of any other provision of that Act is a function exercisable by an area health authority or a family practitioner committee shall continue to be a valid form in connection with the exercise of any function until it is cancelled or withdrawn by the Secretary of State or by the body exercising the function in place of the body by which the form was supplied, and as if any reference contained, in such a form to a body by which the function was exercisable before the appointed day was a reference to the body exercising that function on and after that day.

## SCHEDULE 3

Regulation 37

### ROAD TRAFFIC AND HIGHWAYS

#### *Road traffic orders and schemes*

**1.** Any order or scheme made or having effect as if made under any provision of the Road Traffic Regulation Act 1967 or section 31 of the Road Traffic Act 1972 by any authority shall, so far as it relates to any road in any area transferred by the order from the area of that authority, have effect as if it had been made by the authority empowered to make such an order or scheme for the road on and after the appointed day and if the power under which the order or scheme would have been made by that authority is one different from the power under which it was made as if it had been made under the power first mentioned.

**2.—(1)** Sub-paragraphs (2) to (4) shall apply in relation to—  
parts of roads authorised for use as parking places under section 28 of the Road Traffic Regulation Act 1967; and  
parking places on highways designated under section 35 (parking places where charges made) of that Act.

(2) In relation to such parking places in any area transferred to a county and district in Wales the reference in paragraph 1 to the authority empowered to make such an order or scheme shall be construed—

in the case of an order made by a county council, as a reference to the council of the county to which the area is transferred;

in the case of an order made by a district council, as a reference to the council of the district to which the area is transferred.

(3) In relation to such parking places in any other area transferred to a district in Wales the said reference shall be construed, in the case of an order made by a district council, as a reference to the council of the district to which the area is transferred.

(4) In relation to such parking places in any area transferred to Greater London the said reference shall be construed as a reference to the Greater London Council.

3. Paragraphs 1 and 2 shall have effect subject to the provision of paragraph 4.

#### *Division of instruments affecting highways*

4. Where provision as respects any length of highway is contained in an instrument made, submitted or published in draft before the appointed day under any enactment and on and after that day parts of that length are situated in the areas of two or more authorities so that, if provision had been made on or after that day as respects that length, separate instruments made, submitted or published in draft by each of those authorities would have been required, then—

- (a) the instrument shall have effect on and after the appointed day as such number of separate instruments as would then be required for that provision, each instrument relating to the part of that length of highway situated in the area of one authority and containing references to that authority instead of references to the authority by whom it was made, submitted or published in draft, and
- (b) if the instrument is an order or scheme in relation to which some, but not all, of the necessary procedural steps have been taken before the appointed day—
  - (i) any notice given or published and any other document made or issued in connection with the order or scheme before that day shall similarly have effect on and after that day as such number of separate notices and documents (each containing references to the authority first mentioned in (a)) as may be requisite;
  - (ii) any remaining procedural steps required to be taken by the authority by whom the scheme was made, submitted or published in draft may be carried out separately by the several authorities concerned; and
  - (iii) the orders and schemes as made, confirmed or approved shall (so far as practicable) reflect the division into separate instruments.

#### *General provisions relating to highways*

5.—(1) This paragraph shall apply where—

- (a) an area is transferred from the area of one highway authority to the area of another such authority; or
- (b) an area is transferred from one district to another district in the same county, and in this paragraph “transferred area” means an area so transferred, and “the transferee district”, in relation to any transferred area, means the district council to whose area the transferred area is transferred.

In the application of (a) to a county, district or London borough regulation 3(4) shall apply.

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(2) Where, at the appointed day, in relation to any highway in a transferred area, under the provisions of any enactment or otherwise, any act has been done by, any notice or payment has been given or made to, or any right or duty has been conferred or imposed on—

- (a) the highway authority in their capacity as highway authority for the highway; or
- (b) the district council in their maintenance of the highway undertaken under section 187(2) (a) of the Local Government Act 1972,

then, on and after the appointed day, that act shall be deemed to have been done, that notice or payment shall be deemed to have been given or made, and that right or duty shall be deemed to have been conferred or imposed—

- (i) if the act, notice, payment, right or duty relates to the maintenance of a highway which under regulation 36 or otherwise under section 187(2) of the Act the transferee district council are entitled to maintain, by, to or on that council;
- (ii) otherwise, by, to or on the highway authority,

and accordingly any document comprising or relating to the act, notice, payment, right or duty shall have effect on and after the appointed day as if for any reference therein to the highway authority or district council mentioned in (a) or (b) there were substituted a reference to the district council or highway authority specified in (i) or (ii).

(3) Where, at the appointed day, in relation to any highway in a transferred area, under the provisions of any enactment, any act has been done by, any notice or payment has been given or made to, or any right or duty has been conferred or imposed on, a local authority (other than a parish council or community council) otherwise than as highway authority, then, subject to sub-paragraph (4), on and after the appointed day that act shall be deemed to have been done by, that notice or payment shall be deemed to have been given or made to, or that right or duty shall be deemed to have been conferred or imposed on, the specified authority, and accordingly any document comprising or relating to the act, notice, payment, right or duty shall have effect on and after the appointed day as if for any reference therein to the said local authority there were substituted a reference to the specified authority.

In this paragraph, “the specified authority” means the council of the county, district or London borough in which the highway is situated, or in the case of a highway situated in Greater London or the City the Greater London Council or the Common Council, by whom the function in connection with which the act was done, the notice was given, the payment was made or the right or duty was conferred or imposed becomes exercisable on and after the appointed day.

(4) In a case where the function referred to in sub-paragraph (3) is exercisable on and after the appointed day either by the council of the county or the council of the district in which the highway is situated, that function shall be regarded for the purposes of that sub-paragraph as becoming exercisable—

- (a) by the district council alone, where the act was done by, the notice or payment was given or made to, or the right or duty was conferred or imposed on, a district council or a London borough council;
- (b) by the county council alone, where the act was done by, the notice or payment was given or made to, or the right or duty was conferred or imposed on, a county council or the Greater London Council.

This sub-paragraph shall apply to any act, notice, payment, right or duty which by virtue of article 6(2) and (3) of the Local Government (Road Traffic and Highways) (Transitional Provisions) Order 1974 is deemed to have been done by, given or made to, or conferred or imposed on a county council or district council as if it had been done by, made or given to or conferred or imposed on such council.

(5) Sub-paragraphs (2) to (4) shall have effect subject to the provision of paragraph 4.

(6) In this paragraph—

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any reference to any act done by an authority shall include a reference to any scheme, order (other than any order to which regulation 44 applies), regulation, byelaw, agreement, requirement, application, apportionment or demand for payment made, resolution passed, charge conferred, authorisation granted, notice, direction, consent, approval, licence, permit or certificate given, building line or improvement line prescribed, or other thing done by that authority;

any reference to any notice given to an authority shall include a reference to any direction, consent or approval given to that authority; and

any reference to any right or duty conferred or imposed on an authority shall include a reference to an obligation assumed by or a requirement made upon or a deposit or lodgement made with that authority, a transfer of a highway to that authority or a provision for that authority to become the highway authority for a highway.

(7) In so far as provision is made by paragraphs 1, 2, 4 or 6 for any matter, the provisions of this paragraph shall not apply in relation to that matter.

*Adaptation of certain agreements between Secretaries of State and local authorities*

6.—(1) This paragraph applies to agreements made under section 10(1) and (4) of the Highways Act 1959, section 30(1) and (4) of the Local Government Act 1966 and section 27(1) and (3) of the Highways Act 1971 made before the appointed day between the Secretary of State for the Environment or the Secretary of State for Wales and a council described in column (1) of the following table and in force at the appointed day.

**TABLE**

(1)	(2)
The council of a county or the Greater London Council	The councils of counties and the Greater London Council
The council of a district or a London borough or the Common Council	The councils of districts and London boroughs and the Common Council

(2) Where the matter to which the agreement applies is situated in a single transferred area, an agreement made between a Secretary of State and a council described in column (1) of the said table shall on and after the appointed day have effect as an agreement made between the Secretary of State and the authority specified in respect of the said council in column (2) to whose area the transferred area is transferred and as if for references therein to the said council there were substituted references to such authority, and any rights or liabilities of the said council under any such agreement which immediately before the appointed day are subsisting against or, as the case may be, are enforceable by, the Secretary of State shall on and after the appointed day be rights and liabilities of such authority.

(3) Where the matter to which the agreement applies is not so situated, an agreement made between a Secretary of State and a council described in column (1) of the said table shall have effect as separate agreements between the Secretary of State and—

- (a) if the matter remains in part situated in the area of the said council, that council, and
- (b) the councils specified in respect of the said council in column (2) in whose areas parts of the matter are situated,

each such agreement referring to the authority described in (a) or (b) and relating to so much of the matter as is situated in the area of such authority, and any rights or liabilities of the council described in column (1) under the agreement as in force at the appointed day shall be divided between the said

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authorities in a manner which has regard to the nature of such rights and liabilities and also to the extent of the matter in the area of each such authority.

(4) Where any action, measure or procedure has been begun before the appointed day by the council described in column (1) of the said table in pursuance of an agreement to which subparagraph (2) or (3) applies but has not been completed at the appointed day, that action, measure or procedure may be continued and completed by the authority or authorities specified in subparagraph (2) or (3), and any notice given or published and any other document made or issued by or to the said council before the appointed day for the purpose of, or in connection with, that action, measure or procedure shall have effect on and after that day as if for references therein to the said council there were substituted references to such authority or authorities.

SCHEDULE 4

Regulations 42 and 43

LOCAL ACTS AND ORDERS—PROTECTIVE PROVISIONS  
PROCEEDINGS FOR THE ENFORCEMENT OF BYELAWS

PART I

(1)	(2)	(3)
The council of a county or district	Any area transferred to a county and a district	The council of the county or district, as may be appropriate
	Any area transferred to Greater London and a London borough	The Greater London Council or the council of the borough, as may be appropriate
The council of a district	Any area transferred to another district in the same county	The council of the district, or, if appropriate, the county council
The Greater London Council or the council of a London borough	Any area transferred to a county and a district	The council of the county or district, as may be appropriate
The council of a London borough or the Common Council	Any area transferred to a London borough or the City	The council of the London borough or the Common Council
The Council of the City of Westminster or the Common Council	Any area transferred to the Inner Temple or the Middle Temple	The Sub-Treasurer or the Under Treasurer
The Sub-Treasurer or the Under Treasurer	Any area transferred to the City of Westminster or the City	The Council of the City of Westminster or the Common Council

## PART II

(1)	(2)	(3)
The council of a county	Any area transferred from a district to another district in the same county	The council of the district
The Greater London Council	Any area transferred to a London borough, the City, the Inner Temple or the Middle Temple	The council of the London borough, the Common Council, the Sub-Treasurer or the Under Treasurer

### SCHEDULE 5

Regulation 55

#### RATING OF BRITISH GAS CORPORATION AND ELECTRICITY BOARDS

**1.** In this Schedule—

any reference to Schedule 6 of the General Rate Act 1967 is a reference to that Schedule as set out in Schedule 5 to the Gas Act 1972;

any reference to 1st April, 31st May, 1st November, 15th November, 16th November, 31st December or 1st January is a reference to such date last preceding the appointed day; and

the reference to the end of the month of October is a reference to the end of such month last preceding the appointed day.

#### *RATING OF BRITISH GAS CORPORATION*

**2.** Where the order comes into operation for the purposes mentioned in regulation 4(1) between 31st May and 1st November, then as soon as may be after the coming into operation of the order the British Gas Corporation shall, whether or not they have already transmitted the statements which would have been required by paragraph 7 of Schedule 6 to the General Rate Act 1967 to have been transmitted before the end of the month of October if the order had not been made, transmit to the rating authorities of the rating areas and to the valuation officer for such areas the statements which would have been required by such paragraph to have been so transmitted if the order had come into operation on 1st April, and—

- (i) paragraph 8 of the said Schedule 6 shall have effect as if the statements had been transmitted under the said paragraph 7 but with the substitution for the words following “rating authority” of “as soon as may be”; and
- (ii) any statements already transmitted as aforesaid shall cease to have effect.

**3.** Where the order comes into operation for the said purposes between 31st October and 1st January, then as soon as may be after the coming into operation of the order, and in any case before the expiration of 28 days, the British Gas Corporation shall transmit to the rating authorities of the rating areas and to the valuation officer for such areas the statements which would have been required by paragraph 7 of the said Schedule 6 to have been transmitted before 31st October if the order had come into operation on 1st April, and as soon as may be after receiving such statements the valuation officer shall calculate the rateable values of any hereditaments which the Corporation are to be treated as occupying in the rating areas during any rate period consisting or forming part of the year commencing on the appointed day, and shall notify the amounts so calculated to the rating authorities aforesaid, and—

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- (i) paragraph 10 of the said Schedule 6 shall apply as if the said notifications had been made under paragraph 8 thereof; and
- (ii) the statements transmitted in accordance with the said paragraph 7 and any notifications under the said paragraph 8 shall cease to have effect.

4. Where the order comes into operation for the said purposes after 31st December, then as soon as may be after the coming into operation of the order, and in any case before the expiration of 28 days, the British Gas Corporation shall transmit to the rating authorities of the rating areas and to the valuation officer for such areas the statements which would have been required by paragraph 7 of the said Schedule 6 to have been transmitted before 31st October if the order had come into operation on 1st April, and as soon as may be after receiving such statements the valuation officer shall calculate the rateable values of any hereditaments which the Corporation are to be treated as occupying in the rating areas during any rate period consisting or forming part of the year commencing on the appointed day, and shall notify the amounts so calculated to the rating authorities aforesaid, and—

- (i) paragraph 10 of the said Schedule 6 shall apply as if the said notifications had been made under paragraph 8 thereof; and
- (ii) the notifications under the said paragraph 8 shall cease to have effect.

#### *RATING OF ELECTRICITY BOARDS*

5. Where the order comes into operation for the purposes mentioned in regulation 4(1) between 31st May and 16th November, then as soon as may be after the coming into operation of the order, the Commissioners of Inland Revenue shall, whether or not they have already transmitted and notified the particulars which would have been required by paragraphs 11 and 12 of Schedule 7 to the General Rate Act 1967 to have been transmitted and notified before 15th November if the order had not been made, transmit and notify the particulars which would have been required by such paragraphs to have been so transmitted and notified if the order had come into operation on 1st April; and—

- (i) any particulars already transmitted and notified shall cease to have effect; and
- (ii) paragraph 13 of the said Schedule shall have effect with the substitution for the words following “rating authority” of “as soon as may be”.

6. Where the order comes into operation for the said purposes between 15th November and 1st January, then as soon as may be after the coming into operation of the order the Commissioners of Inland Revenue shall transmit and notify the particulars which would have been required by paragraphs 11 and 12 of the said Schedule 7 to have been transmitted and notified before 15th November if the order had come into operation on 1st April, and as soon as may be thereafter the Commissioners shall calculate the rateable values of any hereditaments which the Central Electricity Generating Board or any Area Board are to be treated as occupying in the rating areas during any rate period consisting or forming part of the year commencing on the appointed day, and shall notify the amounts so calculated to the rating authorities of the rating areas, and—

- (i) paragraph 14 of the said Schedule 7 shall apply as if the said notifications had been made under paragraph 13 thereof; and
- (ii) the particulars transmitted and notified under the said paragraphs 11 and 12 and any notifications under the said paragraph 13 shall cease to have effect.

7. Where the order comes into operation for the said purposes after 31st December, then as soon as may be after the coming into operation of the order the Commissioners of Inland Revenue shall transmit and notify the particulars which would have been required by paragraphs 11 and 12 of the said Schedule 7 to have been transmitted and notified before 15th November if the order had come into operation on 1st April, and as soon as may be thereafter the Commissioners shall calculate the rateable values of any hereditaments which the Central Electricity Generating Board or any Area Board are to be treated as occupying in the rating areas during any rate period consisting or forming



part of the year commencing on the appointed day, and shall notify the amounts so calculated to the rating authorities of the rating areas, and—

- (i) paragraph 14 of the said Schedule 7 shall apply as if the said notifications had been made under paragraph 13 thereof; and
- (ii) the notifications under the said paragraph 13 shall cease to have effect.

## SCHEDULE 6

Regulation 62

### TRANSFER OF SPECIFIED CLASSES OF PROPERTY, ETC

#### PART I

1. “Local matters”, in relation to any area, means —

- (a) in the case of property—
  - (i) sited property situated in the area;
  - (ii) specified property in relation to buildings or other land constituting local matters in relation to the area, except in so far as such property is excluded by the agreement of the transferee authority; and
  - (iii) other property held exclusively in respect of the area;
- (b) in the case of liabilities, liabilities incurred exclusively in respect of the area;
- (c) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given exclusively in respect of the area;
- (d) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing exclusively in respect of the area.

In this paragraph—

“sited property” means— land, including any interest in land and any easement in, to or over land; buildings not within the meaning of the term “land”; fittings, furniture, equipment and stores supplied in respect of a voluntary school or a controlled community home; lamps, lamp posts and other apparatus forming part of a system not constituting highway matters under paragraph 3;

“specified property”, in relation to any building, means— the fittings, furniture, equipment and records of the building; any stores in the building which have been provided for the discharge of functions therein; any vehicle or other mobile equipment used wholly or mainly in the performance of the functions carried out in the building;

and in the case of any other land means any vehicle or other mobile equipment used wholly or mainly in the performance of the functions carried out on the land.

2. “County matters”, “district matters”, “parish matters”, “community matters”, “Greater London matters” and “borough matters”, in relation to any area, mean the following classes of local matters—

- (a) in the case of property, property held for the purposes of functions not exercisable in the area on and after the appointed day by the transferor authority or the authority of the relevant class in relation to the transferor authority but so exercisable by the authority specified in respect of the matters transferred in column (3) of the table;

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- (b) in the case of liabilities, liabilities incurred in relation to such functions;
- (c) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to such functions;
- (d) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions.

In this paragraph, the relevant class of authorities, in relation to any transferor authority described in column (1) below, means the class specified in respect thereof in column (2).

(1)	(2)
A county council or the Greater London Council	County councils and the Greater London Council
A district council or a London borough council	District councils and London borough councils
A parish authority or a community council	Parish authorities and community councils

3. “Highway matters”, in relation to any highway, means —
- (a) the interest of the former highway authority, as such, in the highway, in so far as such interest is not vested in a county council, the Greater London Council or a London borough council by virtue of section 226 of the Highways Act 1959;
  - (b) any land held by the former highway authority, as such, for the purposes of their functions in relation to the highway or which has been acquired by them as highway authority for the highway and not appropriated for any other purpose;
  - (c) any equipment on or near the highway belonging to the former highway authority as such, including any road lighting system within the meaning of Part III of the Local Government Act 1966 and any other lighting system belonging to the former highway authority as highway authority for the highway; and
  - (d) any traffic sign (in the meaning attached to that expression in section 54(1) of the Road Traffic Regulation Act 1967) on or near the highway, belonging to the former highway authority and not comprised in (c).

4. “Magistrates' court matters”, “police matters” and “probation and after-care matters” mean the following classes of local matters—

- (i) in the case of property, property held for the purposes of the relevant functions;
- (ii) in the case of liabilities, liabilities incurred in relation to such functions;
- (iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instrument subsisting and notices given in relation to such functions; and
- (iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions,

and for the purposes of the foregoing definitions “the relevant functions” means —

- (a) in the case of magistrates' court matters, functions exercisable for the purposes of the Magistrates' Courts Acts 1952 and 1957;

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(b) in the case of police matters, functions exercisable for police purposes, including the purposes of section 81 of the Road Traffic Regulation Act 1967; and

(c) in the case of probation and after-care matters, functions exercisable in relation to the probation and after-care service.

5. “The appropriate authority” means — in the case of an area transferred to a county for which there is a combined police authority, that authority; in the case of an area transferred to the Metropolitan Police District, the Receiver for that District; in the case of any other area, the county council of, or the police committee for, the county to which the area is transferred.

6. No entry in column (2) of the table in this Part of this Schedule shall extend to any property included in any extension of the table effected by the order.

7. No entry other than the first in the said table shall extend to any property described in such first entry.

**TABLE**

<i>(1)</i> <i>Transferor authority</i>	<i>(2)</i> <i>Matters transferred</i>	<i>(3)</i> <i>Transferee authority</i>
The council of a county or a London borough or the Greater London Council	Highway matters in relation to any highway in an area transferred from a county or Greater London to another such area	The highway authority in relation to the highway
The council of a county from which any area is transferred to a county and district	District matters in relation to the area	The council of the district to which the area is transferred
	Police matters in relation to the area	The appropriate authority in relation to the area
	Other local matters in relation to the area	The council of the county to which the area is transferred
The council of a county from which any area is transferred to Greater London and a London borough	Borough matters in relation to the area	The corporation or council of the London borough to which the area is transferred
	Police matters in relation to the area	The Receiver for the Metropolitan Police District
	Other local matters in relation to the area	The Greater London Council
The council of a county within which any area is transferred from one district to another	District matters in relation to the area	The council of the district to which the area is transferred
The council of a district from which any area is transferred to a county and district or to another district in the same county	County matters in relation to the area	The council of the county in which the area is comprised on and after the appointed day

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(1) <i>Transferor authority</i>	(2) <i>Matters transferred</i>	(3) <i>Transferee authority</i>
	If the area is transferred to a parish, parish matters in relation to the area	The parish authority for the parish
	If the area is transferred to a community with a community council, community matters in relation to the area	The community council
	Other local matters in relation to the area	The council of the district to which the area is transferred
The council of a district within which any area is transferred from one parish or community to a parish or a community with a community council	Parish or community matters in relation to the area	The parish authority for the parish or the community council for the community
The council of a district in England	Parish matters in relation to any area which becomes or becomes part of a parish	The parish authority for the parish
The council of a district or the parish authority of a parish from which any area is transferred to Greater London and a London borough	Greater London matters in relation to the area	The Greater London Council
	Other local matters in relation to the area	The corporation or council of the London borough to which the area is transferred
The parish authority for a parish, or the community council for a community, from which any area is transferred otherwise than to Greater London and a London borough	District matters in relation to the area	The council of the district in which the area is comprised on and after the appointed day
	Other local matters in relation to the area	<p>In England, the parish authority for the parish, or if the area is not transferred to a parish, the council of the district, to which the area is transferred</p> <p>In Wales, the community council for the community, or if there is no community council the council of the district, to which the area is transferred</p>

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<i>(1)</i> <i>Transferor authority</i>	<i>(2)</i> <i>Matters transferred</i>	<i>(3)</i> <i>Transferee authority</i>
The Greater London Council	District matters in relation to any area transferred to a county and district	The council of the district to which the area is transferred
	Other local matters in relation to such area	The council of the county to which the area is transferred
	Borough matters in relation to an area transferred from a London borough, the City, the Inner Temple or the Middle Temple to another such area	The corporation or council of the London borough to which the area is transferred, the City Corporation or the Common Council, the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple
	Magistrates' court matters in relation to an area transferred from an outer London borough to an inner London borough	The Receiver for the Metropolitan Police District
The corporation or council of any London borough from which any area is transferred to a county and district	County matters in relation to such area	The council of the county to which the area is transferred
	If the area is transferred to a parish, parish matters in relation to the area	The parish authority for the parish
	Other local matters in relation to such area	The council of the district to which the area is transferred
The corporation or council of any London borough, the City Corporation or the Common Council, the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple	Greater London matters in relation to any area transferred within Greater London	The Greater London Council
	Other local matters in relation to such area	The corporation or council of the London borough to which the area is transferred, the City Corporation or the Common Council, the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple
The police committee for any county, or the combined police authority for any combined police area, from which any area is transferred	Local matters in relation to the area	The appropriate authority

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<i>(1)</i> <i>Transferor authority</i>	<i>(2)</i> <i>Matters transferred</i>	<i>(3)</i> <i>Transferee authority</i>
The Receiver for the Metropolitan Police District	Local matters in relation to any area of the Metropolitan Police District transferred to another police area other than the City and the Temples	The appropriate authority
	Local matters in relation to any such area transferred to the City and the Temples	The City Corporation or the Common Council
	Magistrates' court matters in relation to an area transferred from an inner London borough to an outer London borough	The Greater London Council
	Probation and after-care matters in relation to such an area	The probation and after-care committee for the area to which the area is transferred
The City Corporation or the Common Council	Police matters in relation to any area transferred to the Metropolitan Police District	The Receiver for the Metropolitan Police District
The probation and after-care committee for the area from which any area is transferred	Local matters in relation to any area transferred to an inner London borough	The Receiver for the Metropolitan Police District
	Local matters in relation to any other area	The probation and after-care committee for the area to which the area is transferred

## PART II

- (a) (a) Any question as to the functions for the purposes of which any property is held, any liabilities have been incurred, any contract, deed, bond, agreement or other instrument subsists, any notice has been given or any action or proceeding or cause of action or proceeding relates shall, subject to the provision of sub-paragraph (b), be determined by the transferor authority.
  - (b) If notice is given by any authority that they are dissatisfied with any determination under sub-paragraph (a), the question shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State.
2. The provisions of section 187(2) and (3) of the Local Government Act 1972 shall be disregarded.
- (a) (a) This paragraph applies to—
    - (i) any property held for the purposes of section 132 or 133 of the Local Government Act 1972;
    - (ii) any land acquired under section 112, 114 or 119(1)(a) of the Town and Country Planning Act 1971 or any earlier provision corresponding to any such enactment;

- (iii) any land acquired under section 120(1)(b) of the said Act of 1972, section 124(1)(b) thereof or any other provision empowering the acquisition of land for the benefit, improvement or development of any area and not allocated or appropriated for any statutory purpose; and
  - (iv) any property acquired by a local authority as a gift otherwise than for charitable purposes;
- (b) Where any property to which this paragraph applies is, immediately before the appointed day—
- (i) in the case of property referred to in sub-paragraph (a)(i), used wholly or substantially so for the purposes of a particular function being purposes authorised by enactments other than the said sections 132 and 133;
  - (ii) in the case of property referred to in sub-paragraph (a)(ii), used wholly or mainly for the purposes of a statutory function other than those exercised under the Town and Country Planning Acts 1971 and 1972; or
  - (iii) in the case of property referred to in sub-paragraph (a)(iii) or (iv), used wholly or mainly for the purpose of any statutory function,
- it shall for the purposes of paragraph (2) of regulation 62 be deemed to be held for the purposes of the function for which it is so used.
- (c) In the application of sub-paragraph (b) any temporary use of the property shall be disregarded.
  - (d) Two (but not more) functions shall be treated as a single function in the application of sub-paragraph (b).
  - (e) Any property to which sub-paragraph (b) applies shall be held by the authority to whom it is transferred for the purposes of the function described in (i), (ii) or (iii) of that sub-paragraph or where two functions have been treated as a single function for the purposes of such one of those functions as is determined by the authority to whom the property is transferred.
  - (f) Any question whether any property to which this paragraph applies is, immediately before the appointed day, used as described in (i), (ii) or (iii) of sub-paragraph (b) shall, subject to the provision of sub-paragraph (g), be determined by the authority in whom the property is, before the appointed day, vested.
  - (g) If notice is given by any authority that they are dissatisfied with any such determination the question shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State, and sub-paragraph (e) shall apply accordingly. Sub-paragraphs (c) and (d) shall apply in the application of this sub-paragraph.
- (a) (a) The provisions of this paragraph shall apply where—
- (i) at the appointed day any building or part of a building is to be wholly or substantially so replaced by another building which is completed or in the course of erection or for the erection of which a contract has been entered into, or by part of such building;
  - (ii) it has been resolved by the transferor authority before the coming into operation of the order that the first-mentioned building or part of a building or the site thereof is to be used for some function other than the one for which it is held; and
  - (iii) the nature of the building or the location of its site is such as to make it peculiarly suited for use for the purposes of such function rather than for other local government purposes,

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and apart from the provisions of this paragraph the two buildings or parts of buildings would be transferred to the same authority.

- (b) The transferor authority may determine that for the purposes of paragraph (2) of regulation 62 the land on which the building or part of a building first mentioned in sub-paragraph (a) is erected shall be deemed to be held for the purposes for which by the resolution described in (ii) thereof it is to be used.
- (c) If notice is given by any authority concerned that they question whether (i), (ii) or (iii) in sub-paragraph (a) is satisfied, the determination shall be of no effect and the question of the purpose for which the land is to be deemed to be held shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State.
- (a) (a) The provisions of this paragraph shall have effect in relation to any land appropriate within the 12 months preceding the appointed day and to any financial adjustment made on the appropriation.
- (b) Any such land shall for the purposes of paragraph (2) of regulation 62 be treated as held for the purposes for which it has been appropriated, and any financial adjustment made on the appropriation shall be of full effect, unless an authority give notice that the land falls to be treated for the purposes of the said paragraph as being held for the purpose for which it was held before the appropriation, or that the financial adjustment falls to be varied. If such notice is given the question of the purpose for which the land is held, or as the case may be the adjustment to be made, shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State.

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#### EXPLANATORY NOTE

Part IV of the Local Government Act 1972 makes provision for changes of local government areas, to be effected by orders. Section 67(1) and (2) of the Act of 1972 empowers the making of provision incidental, consequential, transitional or supplementary to the orders by regulations of general application. These Regulations contain such provision. This also extends to the orders made under the provisions of Schedule 10 to the Act of 1972 for the initial review of the communities in Wales.