

1976 No. 315

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Authorities etc. (Miscellaneous Provision)
Order 1976**

<i>Made</i>	- - -	1st March 1976
<i>Laid before Parliament</i>		10th March 1976
<i>Coming into Operation</i>		31st March 1976

The Secretary of State for the Environment and the Secretary of State for Wales, in exercise of the powers conferred upon them by sections 254(1)(a) and (2)(a) and (c), 255 and 266(2) of the Local Government Act 1972(a), section 84(1)(a) and (2)(c) of the London Government Act 1963(b) and section 34(1) of the Water Act 1973(c) and of all other powers enabling them in that behalf, hereby make the following order:—

Title and commencement

1. This order may be cited as the Local Authorities etc. (Miscellaneous Provision) Order 1976 and shall come into operation on 31st March 1976.

Territorial extent of exercise of powers

2. Subject to articles 5(1) and (2) and 9(1) and (2), this order is made by the Secretary of State for the Environment in relation to England and by the Secretary of State for Wales in relation to Wales.

Interpretation

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

(2) In this order—

- (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, including this order.

(3) Any reference in this order to a numbered article shall, unless the reference is to an article of a specified order, be construed as a reference to the article bearing that number in this order.

(4) Any reference in any article of this order to a numbered paragraph shall, unless the reference is to a paragraph of a specified article, be construed as a reference to the paragraph bearing that number in the first-mentioned article.

(a) 1972 c. 70.
(c) 1973 c. 37.

(b) 1963 c. 33.
(d) 1889 c. 63.

Miscellaneous amendments of public general and other Acts

4.—(1) In the Act for inclosing lands in the borough and parish of Tewkesbury and for vesting the after or latter math of a meadow called Severn Ham in trustees, enacted on 30th June 1808^(a), in section XXXIV (Trustees), for “the Bailiffs, principal Burgesses, High Steward, Recorder, Justices, Town Clerk, Coroner, and Chamberlain of the Borough of Tewkesbury in the County of Gloucester, and their Successors for the Time being” there shall be substituted “the Town Councillors of Tewkesbury”.

(2) In the New Forest Act 1949^(b), in section 1 (constitution of verderers), for “one by the authority which is the local planning authority for the purposes of the Town and Country Planning Act, 1947,” there shall be substituted “one by the county planning authority”.

(3) In the Highways Act 1959^(c), in section 185 (certain highways and canals not to be chargeable with private street works expenses), for subsection (2) there shall be substituted—

“(2) This section shall not apply to a street existing at the date when the Private Street Works Act 1892 or the code of 1892, as the case may be, first became applicable in the area in which the street is situated.”.

(4) In the Land Compensation Act 1961^(d), in section 39(1), in the definition of “authority possessing compulsory purchase powers”—

after “parish council” there shall be inserted “, community council”; and
after “on whose behalf a” there shall be inserted “district council or”.

Miscellaneous amendments of instruments

5.—(1) In the Local Authorities (England) (Property etc.) Order 1973^(e), in article 39 (general provision as to disputes) as amended by article 4(15) of the Local Authorities etc. (England) (Property etc.: Further Provision) Order 1974^(f) and article 4(2) of the Local Authorities (Miscellaneous Provision) Order 1975^(g), in paragraph (2), “before 1st April 1976” shall be omitted.

Where notice that a question exists has been given under the said paragraph (2) as amended by this paragraph, the question shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person (or three persons) agreed on by such authorities or in default of agreement appointed by the Secretary of State for the Environment. Section 31 of the Arbitration Act 1950^(h) shall have effect for the purposes of the determination of the question by any such person or persons as if such determination were an arbitration under any other Act within the meaning of that section.

This paragraph is made by the Secretary of State for the Environment.

(2) In the Local Authorities (Wales) (Property etc.) Order 1973⁽ⁱ⁾, in article 38 (general provision as to disputes) as amended by article 4(11) of the Local Authorities etc. (Wales) (Property etc.: Further Provision) Order 1974^(j) and article 4(3) of the Local Authorities (Miscellaneous Provision) Order 1975, in paragraph (2), “before 1st April 1976” shall be omitted.

Where notice that a question exists has been given under the said paragraph (2) as amended by this paragraph, the question shall be determined by agreement between the authorities concerned or failing such agreement by the decision

(a) 1808 c. cliii.

(c) 1959 c. 25.

(e) S.I. 1973/1861 (1973 III, p. 6401).

(g) S.I. 1975/244 (1975 I, p. 616).

(i) S.I. 1973/1863 (1973 III, p. 6452).

(b) 1949 c. 69.

(d) 1961 c. 33.

(f) S.I. 1974/406 (1974 I, p. 1276).

(h) 1950 c. 27.

(j) S.I. 1974/404 (1974 I, p. 1264).

of a person (or three persons) agreed on by such authorities or in default of agreement appointed by the Secretary of State for Wales. Section 31 of the Arbitration Act 1950 shall have effect for the purposes of the determination of the question by any such person or persons as if such determination were an arbitration under any other Act within the meaning of that section.

This paragraph is made by the Secretary of State for Wales.

(3) In the Local Authorities etc. (Staff Transfer and Protection) Order 1974(a), in article 14 (secondary transfers) as amended by article 4(4) of the Local Authorities etc. (Miscellaneous Provision) (No. 5) Order 1974(b) and article 6(2) of the Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1975(c), for "before 1st April 1976" there shall be substituted "before 1st October 1976".

Sodbury Commons

6. In the provisional order for the regulation of Sodbury Commons issued by the Board of Agriculture in 1902(d), in Part II, and in the award made thereunder on 1st April 1908, in paragraph 1 (both of which provisions provide for conservators), for "one by the Rural District Council of Chipping Sodbury three by the parish meeting of the parish of Chipping Sodbury three by the parish meeting of the parish of Old Sodbury and two by the parish meeting of the parish of Little Sodbury" there shall be substituted "one by the District Council of Northavon, six by the Parish Meeting of Sodbury and two by the Parish Meeting of Little Sodbury". In the said award, in paragraph 3, "Rural", where secondly occurring, shall be omitted, and in paragraph 4, for "The Rural District Council of Chipping Sodbury and the Parish Meetings of Chipping Sodbury Old Sodbury and Little Sodbury" there shall be substituted "The District Council of Northavon and the Parish Meetings of Sodbury and Little Sodbury".

Franchise and prescriptive rights

7. The power to maintain the Waltham Abbey market exercisable immediately before 1st April 1974 by the urban district council of Waltham Holy Cross shall be exercisable by the Town Council of Waltham Abbey, and the said Town Council shall have the same powers in relation to the said market as were exercisable immediately before 1st April 1974 by the said urban district council.

Temporary use of labour

8. The Borough Council of Bolton may until 31st March 1977 enter into agreements with any local authority for the construction of buildings or works wholly or substantially so in the area of the former county borough of Bolton which will engage the services of officers of the said Borough Council, including the holders of any offices or employments under it.

Property, liabilities, contracts etc., notices and proceedings

9.—(1) Paragraph (3), in so far as it relates to Part I of the Schedule to this order, and paragraph (4), are made by the Secretary of State for the Environment.

(2) Paragraph (3), in so far as it relates to Part II of the Schedule to this order, and paragraph (5), are made by the Secretary of State for Wales.

(a) S.I. 1974/483 (1974 I, p. 1709).
(c) S.I. 1975/944 (1975 II, p. 3286).

(b) S.I. 1974/2044 (1974 III, p. 7981).
(d) Confirmed by 1902 c. cxcix.

(3) Any property described in column (2) of Part I or II of the Schedule to this order of an authority named in column (1) and all liabilities attaching to the said authority in respect of any such property shall by virtue of this order be transferred to and vest in or attach to the authority specified in respect of such property in column (3), and—

- (i) 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 named in the said column (1) in respect of such property or liabilities shall be of full force and effect in favour of, or against, the authority specified in column (3); and
- (ii) any action or proceeding or any cause of action or proceeding, pending or existing immediately before the coming into operation of this order, by, or against, the authority named in the said column (1) in respect of such property or liabilities shall not be prejudicially affected by reason of this article, and may be continued, prosecuted and enforced by, or against, the authority specified in column (3).

(4) Articles 11, 17, 23, 28, 29, 32, 33, 34(2), 35, 38 and 39 of the Local Authorities (England) (Property etc.) Order 1973 and articles 7 and 8 of the Local Authorities etc. (England) (Property etc.: Further Provision) Order 1974 shall apply as if paragraph (3) and Part I of the Schedule to this order were contained in the said order of 1973.

(5) Articles 11, 17, 23, 27, 28, 31, 32, 33(2), 34, 37 and 38 of the Local Authorities (Wales) (Property etc.) Order 1973 and articles 6 and 8 of the Local Authorities etc. (Wales) (Property etc.: Further Provision) Order 1974 shall apply as if paragraph (3) and Part II of the Schedule to this order were contained in the said order of 1973.

(6) The North of England Open-Air Museum shall be held by the County Council of Durham for the joint use and benefit of themselves and the County Councils of Cleveland, Northumberland and Tyne and Wear.

SCHEDULE

Article 9

TRANSFER OF PARTICULAR PROPERTIES

PART I

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The County Council of Kent	Cramptons Road Depot, Sevenoaks amounting to 2.042 acres	The District Council of Sevenoaks
do	Part of 113-115 Brook, Chatham, amounting to 240 square metres	The Southern Water Authority
The County Council of West Yorkshire	Any interest of the transferor authority in the cleansing depot, offices and adjoining land on the easterly side of Hammerton Street Bradford together with the dwelling house number 171 Hammerton Street	The City Council of Bradford
The City Council of Bradford	Any interest of the transferor authority in the refuse disposal plant and adjoining land on the westerly side of Birksland Street, Bradford	The County Council of West Yorkshire

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The Borough Council of Derby	New Normanton Infants School, Blackmore Street, together with the Caretaker's Bungalow	The County Council of Derbyshire
do	Coleridge House Residential Home, Caxton Street, Derby	do
do	Redwood Junior and Infants School together with playing field, corner of Redwood Road and Sinfin Lane, Sinfin	do
do	Sinfin Community School and playing fields, Arleston Road and Farmhouse Road, Sinfin	do
The Borough Council of Medway	Part of 117-119 Brook, Chatham, amounting to 145 square metres	The County Council of Kent
The Borough Council of Northampton	That part of the Old People's Home/ Elderly persons flatlets complex at Briar Hill, Northampton comprising the Old People's Home	The County Council of Northamptonshire
do	9 Witham Walk, Kings Heath, Northampton	do
do	23 Sandringham Road, Northampton	do
do	69 Chestnut Road, Northampton	do
The District Council of North Kesteven	Messuages, dwelling houses, cottages or tenements together with outbuildings, premises, yards, gardens and appurtenances thereto adjoining and belonging, known as 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 Nags Head Passage and No. 1 Station Road, and 417 square yards of land at the rear of Nos. 13 and 14 Nags Head Passage, Sleaford	The Town Council of Sleaford
do	5 acres 3 roods of land at No. 7 Sleaford, known as Woodside Playing field	do
do	14.168 acres of land at OS Nos. 64, 65 and 66 Sleaford, known as the Boston Road Recreation Ground	do
do	0.95 acre of land at OS No. 30 Sleaford, together with twenty-eight and two-thirds square yards of land adjoining No. 59 Meadow Field, Sleaford, known as Meadowfield Playing Field	do
do	2.25 acres of land at OS No. 150 Sleaford, known as Quarrington Playing Field	do
do	Parcel of land at the corner of Boston Road and Southgate, Sleaford, known as Monument Gardens, together with the public conveniences erected thereon	do
do	54 square yards of land in Church Lane Passage, Sleaford, together with the public conveniences erected thereon	do

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The District Council of North Kesteven	2.384 acres of land at Eastgate, Sleaford, known as Eastgate Car Park, together with ten lock-up garages and the public conveniences erected thereon	The Town Council of Sleaford
The District Council of Sedgefield	Shildon Civic Hall, Main Street, Shildon	The Town Council of Shildon
do	Rest House, Redworth Road, Shildon	do
do	Burke Street Offices and Council Chamber, Shildon (excluding depot and single storey office block)	do
do	Recreation Ground off Central Parade, Shildon including Sports Ground at Surtees Avenue	do
do	Recreation Area off Princes Street, Shildon	do
do	Play Area, Jubilee Fields, Shildon	do
do	Play Area, Double Row, Eldon	do
do	St John's (Closed) Churchyard, Shildon	do
do	Land at Middleton Road, Shildon, 5.19 acres approximately	do
do	St Paul's (Closed) Churchyard	The Town Council of Spennymoor
do	Holy Innocents (Closed) Churchyard	do
do	Playing Field, Kirk Merrington (including Summerson's Building)	do
do	Recreation Ground, Wood Street, Middlestone Moor	do
do	Playground Byers Green (North of Rectory)	do
do	Victoria Jubilee Park (excluding Horticultural Nursery and Depot)	do
do	Brewery Football Field	do
do	Tudhoe Cricket Field	do
do	Playing Field, The Garth, Clyde Terrace	do
do	Open Space, Cow Plantation including Valley Burn east of Stream	do
do	Village Hall, Byers Green	do
do	Youth Centre and Play Area, Middlestone Moor (excluding site of Memorial Homes)	do
do	The Dene (between Dene Side and Ox Close Crescent)	do

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The District Council of Sedgfield	Open Space and Play Area, Mount Pleasant (Salvin Street to Upper Church Street)	The Town Council of Spennymoor
do	Play Area, Oval Park, Spennymoor	do
do	Play Area (hard paved), Parkside, Greenways (Ex Yuill's)	do
The District Council of South Bedfordshire	Mill Road Open Space, Leighton Buzzard, bounded by Mill Road, Chapel Path, an area of land of varying width and Barrow Path, except land to a depth of 15 ft	The Town Council of Leighton Linlade
The Borough Council of Southend	Site bounded by West Street, North Road and Howards Chase and comprising the properties formerly described as 43 to 75 (odd numbers) West Street, 182 and 184 North Road and 1 to 10 West Cottages	The County Council of Essex
The District Council of Suffolk Coastal	The Moot Hall	The Town Council of Aldeburgh
do	The sea front greens adjoining the Moot Hall (stretching from the car park to Moot Green House) with the Model Yacht Pond and War Memorial	do
do	The Kings Field Playing Field and playground and cottages attached together with the public shelter situate thereon	do
do	The Tennis Courts, Bowling Green and Pavilion at Park Road	do
do	The Town Marshes	do
The District Council of West Dorset	Municipal Buildings, High East Street including the Corn Exchange, women's and men's public conveniences adjoining but excluding Municipal offices, North Square	The Town Council of Dorchester
do	19 North Square	do
do	Borough Gardens	do
do	The Walks (South Walk (including War Memorial), Chestnut Walk, Salisbury Walk, Colliton Walk (including Thomas Hardy Statue), Short Walk (including the Roman Wall), West Walk and Bowling Alley Walk)	do
do	Salisbury Field	do
do	Maumbury Rings	do
do	Weymouth Avenue Recreation Grounds	do
do	The Kings Road, Syward Close, Bridport Road, Mellstock Avenue and Poundbury Crescent playing fields	do

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The District Council of West Dorset	Amenity space on the north side of Celtic Crescent, Castle Park	The Town Council of Dorchester
do	Land opposite Frome Terrace	do
The Town Council of Aldeburgh	Aldeburgh Cemetery	The District Council of Suffolk Coastal
do	All town and village greens except the sea front greens adjoining the Moot Hall	do
do	All public shelters (except that at the Kings Field Playing Field), public clocks and bicycle parking places	do
The Town Council of Denby Dale	Allotment site at Bilham Road, Clayton West, Skelmanthorpe	The Borough Council of Kirklees
do	Allotment site at Cumberworth Road, Skelmanthorpe	do
The Town Council of Meltham	Land at Meltham Hall Estate comprising field nos 843 and 555 containing 2.538 and 0.819 acres respectively	do
do	Cottages known as 142 and 175 Huddersfield Road, Meltham	do

PART II

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The City Council of Swansea	Glanmor School, Glanmor Road, Uplands, Swansea	The County Council of West Glamorgan
do	Old Guildhall, Somerset Place, Swansea	do
do	Cambrian Yard, Cambrian Place, Swansea	do
The Borough Council of Ynys Môn—Isle of Anglesey	All those allotments gardens fronting Plas Road, Holyhead in the community of Holyhead Rural containing an area of 4.564 acres or thereabouts comprising enclosure number 1123 on Anglesey Ordnance Sheet X1.2 (1924 Edition)	The Town Council of Holyhead
do	Holyhead Town Hall	do
do	All that piece or parcel of land situate in Newry Street, Holyhead together with the messuage or dwelling house erected thereon or on some part thereof and known as Epworth, 25 Newry Street, Holyhead	do
do	Land situate at Kingsland, Holyhead, containing an area of 22,014 square metres used and occupied as children's playing fields	do

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The Borough Council of Ynys Môn—Isle of Anglesey	Land situate adjacent to Llanfawr Road, Holyhead, containing an area of 9,429 square metres used and occupied as children's playing fields	The Town Council of Holyhead
do	Cemetery known as Mynwent Menai, Holyhead Road, Menai Bridge and containing an area of one acre or thereabouts together with rights of access thereto	The Town Council of Menai Bridge
do	Porth y Wrach Gardens and Slipway situate at Porth y Wrach, Menai Bridge	do
do	The area of woodland known as Coed Cynol situate off Holyhead Road, Menai Bridge	do
do	Bowling Green, situate at Beach Road, Menai Bridge (but excluding the part thereof on which public conveniences have been erected)	do
do	Pleasure grounds situate at Beach Road, Menai Bridge, containing an area of half of an acre or thereabouts	do
do	The pedestrian way known as the Belgian Promenade situate at the foreshore between the suspension bridge and Church Island, Menai Bridge	do
do	The natural rock area known as Boncan Fawr, off Cambria Road, Menai Bridge	do
do	Parc Playing Field containing an area of 1,955 square yards or thereabouts adjacent to Well Street and Quay Street, Amlwch Port, Amlwch	The Town Council of Amlwch
do	All that land situate at Machine Street, Amlwch Port, Amlwch being the site of the Cadet Hut and containing an area of 5,520 square yards or thereabouts	do
The Community Council of Dyffryn Clydach	All those pieces or parcels of land situate at Longford, Neath containing 5.474 acres or thereabouts and known as Longford Playing Fields, excluding the Memorial Hall and the land it stands upon	The Borough Council of Neath
do	All that piece or parcel of land abutting onto a footpath leading from Longford Lane, The Highlands, Neath Abbey and containing 0.07 acre or thereabouts and known as the Highlands Children's Playground	do
do	All that piece or parcel of land situate on the eastern side of Lon Glynfelin, Longford near Neath and containing 1,898 square yards or thereabouts and known as Lon Glynfelin Children's Playground	do

26th February 1976.

Anthony Crosland,
Secretary of State for the Environment.

1st March 1976.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes further provision incidental, consequential, transitional and supplementary to the Local Government Act 1972 and the Water Act 1973, relating to—

- (a) the amendment of certain Acts and instruments;
- (b) the Waltham Abbey market;
- (c) agreements by the Bolton Borough Council which will engage its direct labour force; and
- (d) the transfer of certain property etc.

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