
 STATUTORY INSTRUMENTS

1979 No. 1123

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Miscellaneous Provisions) Order 1979

Made - - - - 4th September 1979
Laid before Parliament 14th September 1979
Coming into Operation 5th October 1979

The Secretary of State for the Environment and the Secretary of State for Wales, in exercise of the powers conferred upon them by section 254(1)(a) and (2)(a), (b) and (c) of the Local Government Act 1972(a) 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 (Miscellaneous Provisions) Order 1979 and shall come into operation on 5th October 1979.

Territorial extent of exercise of powers

2.—(1) Articles 6, 7 and 8 below are made by the Secretary of State for the Environment.

(2) Subject to paragraph (1) above, 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.

Amendment of public general Acts

3.—(1) In the Local Government Act 1894(b), the following provisions, namely—

section 16
 section 19(8)
 section 63,

are hereby repealed.

(2) In the Mineral Workings Act 1951(c), in section 19, in subsection (3) (arrangements for repayment of grants payable in respect of the acquisition of land by local authorities), the words “under section one hundred and sixty-three of the Local Government Act, 1933,” shall be omitted.

(a) 1972 c. 70.

(b) 1894 c. 73 (56 & 57 Vict.).

(c) 1951 c. 60.

Variation of orders for grouping parishes or communities

4.—(1) This article applies to any order made under section 45 of the Local Government Act 1933(a), or under any enactment replaced by that provision, by virtue of which any parishes or communities are grouped under a common parish council or common community council, and in this article “the relevant council or councils” means the council of the district in which such parishes or communities are situated, or if they are situated in different districts the councils of such districts acting jointly.

(2) Any provision of an order to which this article applies which cannot be deleted or otherwise varied under section 9 or 11, or section 29, of the Local Government Act 1972, may be deleted or otherwise varied under the provisions of the said Act by the relevant council or councils as if such order had been made under such Act.

Copies of and extracts from maps

5.—(1) This article applies where, if the Local Government Act 1972 had not been passed, a copy of or an extract from any map would, under the provisions of any local Act or of any order made under any Act, if certified in the manner provided for in such Act or order, have been received in any court of justice or elsewhere as prima facie evidence of the contents of the map as regards any changes of areas made by the Act or order.

(2) The following, namely—

any copy or extract certified before 1st April 1974 in the manner provided for in the Act or order; and

any copy or extract certified on or after 1st April 1974 by the officer appointed for the purpose by the authority having the custody of the map to be a true copy or extract,

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 Act or order.

Clifton Suspension Bridge Trustees

6.—(1) In the Clifton Suspension Bridge Act 1952(b)—

in section 3 (interpretation), in subsection (1), for the definitions of “the appointing local authority”, “the city”, “the corporation”, “the county” and “the representative Trustees” there shall be substituted—

““the appointing local authority” means in relation to a representative Trustee the council who appointed him and “the appointing local authorities” means the city council and the county council;”

““the city” means the city of Bristol;

““the city council” means the council of the city;”

““the county” means the county of Avon;” and

““the representative Trustees” means the two Trustees one of whom is to be appointed by the county council and the other by the city council in accordance with the provision of this Act and “representative Trustee” means either of the said two Trustees;”;

(a) 1933 c. 51.

(b) 1952 c. xli.

in section 26 (remuneration of resident Trustees and payment of expenses of Trustees), subsection (2) (which provides for the application of Part VI of the Local Government Act 1948(a)) shall be omitted;

in section 46 (byelaws), in subsection (2), for the words preceding "shall" there shall be substituted "The provisions of subsections (3) to (8) of section 236 and sections 237 and 238 of the Local Government Act 1972";

in section 61 (inquiries), for "section 290 (Powers of government departments to direct inquiries) of the Local Government Act 1933" there shall be substituted "section 250 (Powers to direct inquiries) of the Local Government Act 1972";

in section 65 (application of certain provisions) the words "of the Local Government Act 1933 and" and the entry relating to section 278 of the said Act shall be omitted; and

in section 67 (saving), for "the corporation" there shall be substituted "the city council".

(2) For the purposes of sections 13(4), 14, 15(1) and 17(3) (vacancies in the office of representative Trustee, failure to appoint such Trustee, substitute for such Trustee and removal of such Trustee) of the said Act of 1952—

a representative Trustee appointed by the corporation within the meaning of such Act shall be deemed to have been appointed by the City Council of Bristol; and

such a Trustee appointed by the county council within such meaning shall be deemed to have been appointed by the County Council of Avon.

Franchise and prescriptive rights

7.—(1) The power to maintain the Ampthill market exercisable immediately before 1st April 1974 by the urban district council of Ampthill shall be exercisable by the Town Council of Ampthill.

(2) Any powers to hold fairs exercisable immediately before 1st April 1974 by the urban district council of Ampthill under any franchise or by virtue of prescription shall be exercisable by the Town Council of Ampthill.

(3) Any powers to maintain markets exercisable immediately before 1st April 1974 by the corporation or council of the borough of Droitwich under any franchise or by virtue of prescription shall be exercisable by the Town Council of Droitwich.

(4) Any powers to hold fairs exercisable immediately before 1st April 1974 by the corporation or council of the borough of Droitwich under any franchise or by virtue of prescription shall be exercisable by the Town Council of Droitwich.

(5) Any powers to maintain markets exercisable immediately before 1st April 1974 by the corporation or council of the borough of Evesham under any franchise or by virtue of prescription shall be exercisable by the Town Council of Evesham.

(6) Any powers to hold fairs exercisable immediately before 1st April 1974 by the corporation or council of the borough of Evesham under any franchise or by virtue of prescription shall be exercisable by the Town Council of Evesham.

(7) Any powers to maintain markets exercisable immediately before 1st April 1974 by the corporation or council of the borough of Saffron Walden under any franchise or by virtue of prescription shall be exercisable by the Town Council of Saffron Walden.

(8) Any powers to hold fairs exercisable immediately before 1st April 1974 by the corporation or council of the borough of Saffron Walden under any franchise or by virtue of prescription shall be exercisable by the Town Council of Saffron Walden.

(9) The power to maintain the Sudbury market exercisable immediately before 1st April 1974 by the corporation or council of the borough of Sudbury shall be exercisable by the Town Council of Sudbury.

(10) Subject to paragraph (11) below, any town council to whom any matter is transferred by any paragraph of this article shall have the same powers in relation thereto as were exercisable immediately before 1st April 1974 by the corporation or council, or the council, named in such paragraph.

(11) Paragraph (10) above shall not extend to the powers of market authorities or local authorities under Part III of the Food and Drugs Act 1955(a).

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

8.—(1) Any property described in column (2) 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).

(2) Articles 11, 17, 23, 28, 29, 32, 33, 34(2), 35, 38 and 39 of the Local Authorities (England) (Property etc.) Order 1973(b) and articles 7 and 8 of the Local Authorities etc. (England) (Property etc.: Further Provision) Order 1974(c) shall apply as if paragraph (1) above and the Schedule to this order were contained in the said order of 1973.

(a) 1955 c. 16 (4 & 5 Eliz. 2).

(b) S.I. 1973/1861.

(c) S.I. 1974/406.

SCHEDULE
TRANSFER OF PARTICULAR PROPERTIES *Article 8*

(1) Transferor authority	(2) Property	(3) Transferee authority
The District Council of Chiltern	Barn Meadow, Amersham	The Town Council of Amersham
The District Council of Kennet	25, The Brittox	The Town Council of Devizes
The District Council of South Norfolk	The following lands situated in the Town of Diss—	The Town Council of Diss
do.	Land to the north and west of Church Hall used as a car park	do.
do.	Land in front of the former UDC offices used as a car park	do.
do.	Triangular plot between Bobby's Shop and Market Hill used as a car park	do.
do.	Land leading to Market Place known as the Buttermarket	do.
do.	Land in front of Gipson's Shop, Market Hill	do.
do.	Land north of Brame's Shop used as a car park	do.
do.	Triangular plot between Barclays Bank and Chapman's Shop used as a car park	do.
The District Council of Woodspring	Playing fields at Harbour Road, Victoria Square and Bristol Road, Portishead	The Town Council of Portishead
do.	The Adventure Playground, Slade Road, Portishead	do.
do.	The Folk Hall and the Hall car park, High Street, Portishead	do.

Michael R. D. Heseltine,
Secretary of State for the Environment.

23rd August 1979.

Nicholas Edwards,
Secretary of State for Wales.

4th September 1979.

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, relating to—

- (a) the amendment of certain Acts;
- (b) the variation of orders for grouping parishes and communities;
- (c) the admissibility as prima facie evidence of copies of or extracts from maps relating to changes of areas;
- (d) the updating of the Act relating to the Clifton Suspension Bridge Trustees;
- (e) certain franchise and prescriptive rights; and
- (f) the transfer of certain property, etc.

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