1957 No. 1315

The Isles of Scilly Order, 1957

Made - - - - 25*th July*, 1957
Coming into Operation 1*st August*, 1957

The Minister of Housing and Local Government, upon the application of the Council of the Isles of Scilly and in exercise of his powers under section 292 of the Local Government Act, 1933(**a**), and of all other powers enabling him in that behalf, hereby makes the following order:—

1.—(1) This order may be cited as the Isles of Scilly Order, 1957, and shall come into operation on the first day of August, 1957.

(2) The Isles of Scilly Order, 1943(**b**), and this order may be cited together as the Isles of Scilly Orders, 1943 and 1957.

2. Articles 4, 5 and 6 of this order shall be read and construed as one with the Isles of Scilly Order, 1943.

3. The Isles of Scilly Order, 1943, shall have effect as if—

(*a*) the words "The number of elected councillors shall, until altered under section 11 of the Act of 1933, be twenty-one" were substituted for the words "The number of elected councillors shall be twenty" in paragraph (2) of article 5;

(*b*) the following sub-paragraph, namely—

"(*a*) Subject to any order made by the Secretary of State under section 11 of the Act of 1933 each of the five parishes shall for the purposes of the election of councillors be an electoral division and the number of councillors to be elected for the electoral divisions shall be as follows:—

For the parish of Bryher	Two
For the parish of Saint Agnes	Two
For the parish of Saint Martin's	Two
For the parish of Saint Mary's	Twelve
For the parish of Tresco	Three"

were substituted for sub-paragraph (*a*) in paragraph (1) of article 6;

(*c*) the words "subsection (3) of section 6" were substituted for the words "subsections (2) and (3) of section 6" in paragraph (2) of article 6;

(*d*) the words "sub-paragraph (*c*) of paragraph (1) of article 6" and the word "sub-paragraph" were substituted for the words "paragraph (*c*) of article 6" and the word "paragraph" in the proviso to article 8;

(*e*) the following entries, namely—

"The words from "either on the receipt of proposals" to "any such proposals" in subsection (1), the words "making the representation" in subsection (4) and the words "from any local authority in or for the county or" in proviso (i) to subsection (5) shall be omitted.

(**a**) 23 & 24 Geo. 5. c. 51. (**b**) S.R. & O. 1943/107 (Rev. XII, p. 558: 1943 I, p. 602).

The words from " of the county ", where first occurring, to the end of subsection (1) shall be omitted and the words " of the Isles, or of the number of councillors or of the number of councillors to be elected for the several electoral divisions " substituted."

were substituted for the first entry in the second column to Part III of the Schedule;

(*f*) the following entries, namely—

" Subsection (3), other than the proviso, and subsections (4) and (5) of section 190.	The words " a rural district council " and " that council " in subsection (3) shall be read as " the Council " and the words " the district " as " the Isles ". The words " of a rural district council " in subsection (4) and the words " rural district " in subsection (5) shall be omitted."

were substituted for the entries relating to subsections (3) to (5) of section 190 of the Local Government Act, 1933, in Part VII of the Schedule;

(*g*) the following entry, namely—

" The words " and of the parish meeting for every rural parish not having a separate parish council " in subsection (1), the words " or of any special rate " in subsection (2), the words " parish meeting " in subsection (3) (*b*) (i), and subsection (3) (*c*) (ii), shall be omitted."

were substituted for the entries in the second column to Part VII of the Schedule relating to section 244 of the Local Government Act, 1933; and

(*h*) the words " the Isles of Scilly Order, 1943 " were substituted for the words " the Isles of Scilly Order, 1942 " wherever occurring.

4. The expenditure of the Cornwall County Council in any financial year under the provisions of the Justices of the Peace Act, 1949(**a**), as reduced by any sums receivable from the Secretary of State under section 27 of the said Act (being expenditure benefiting areas including the Isles) shall be apportioned between the Cornwall County Council and the Council in the proportions of the expenditure directly attributable to the petty sessional divisions in the administrative county of Cornwall and the expenditure directly attributable to the Isles, and the amount so apportioned to the Council, as reduced by the amount of any sums receivable by the Cornwall County Council otherwise than under the said section which are directly attributable to the Isles, shall be payable by the Council to the Cornwall County Council.

5. There shall be payable by the Council to the Cornwall County Council—

(*a*) the amount of any expenditure incurred by the probation committee for the Cornwall probation area directly in respect of the Isles (being expenditure benefiting the Isles) and defrayed by the Cornwall County Council under the provisions of sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Criminal Justice Act, 1948(**b**), and

(*b*) so much of the expenditure incurred by the said committee otherwise than directly in respect of the Isles, any petty sessional division in the administrative county of Cornwall or the borough of Penzance (being expenditure benefiting the said areas) and defrayed by the Cornwall County Council as aforesaid as may from time to time be agreed

(a) 12, 13 & 14 Geo. 6. c. 101. (b) 11 & 12 Geo. 6. c. 58.

between the Council and the Cornwall County Council or, in default of agreement, determined by the Secretary of State.

6.—(1) In the application of the Local Government (Miscellaneous Provisions) Act, 1953(a), to the Isles, references to a county council shall be read as references to the Council and references to the county fund as references to the General Fund of the Council.

(2) The Council shall exercise and perform the functions conferred or imposed—

(*a*) on county councils by the Adoption Act, 1950(b);

(*b*) on local authorities by—

The War Memorials (Local Authorities' Powers) Act, 1923(c); and

The Diseases of Animals Act, 1950(d); and

(*c*) on rural district councils and county councils as "local authorities" and "Food and Drugs authorities" respectively by the Food and Drugs Act, 1955(e).

7. The Isles of Scilly Order, 1947(f), and the Isles of Scilly (Diseases of Animals Acts) Order, 1948(g) (which provide for matters now provided for in paragraphs (*a*), (*b*) and (*e*) of article 3 and in article 6 of this order) shall cease to have effect.

Given under the official seal of the Minister of Housing and Local Government this twenty-fifth day of July, nineteen hundred and fifty-seven.

(L.S.)

D. P. Walsh,
Under Secretary,
Ministry of Housing and Local Government.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

The Order—

(*a*) provides for the payment by the Council of the Isles of Scilly to the Cornwall County Council of parts of the expenditures of the Cornwall County Council under the Justices of the Peace Act, 1949, and of the probation committee for the Cornwall probation area, both of which expenditures cover the Isles (Articles 4 and 5).

(*b*) provides for the exercise and performance in the Isles of the functions conferred or imposed by the War Memorials (Local Authorities' Powers) Act, 1923, the Adoption Act, 1950, the Diseases of Animals Act, 1950, the Local Government (Miscellaneous Provisions) Act, 1953, and the Food and Drugs Act, 1955 (Article 6).

(*c*) makes minor revisions in the Isles of Scilly Order, 1943, and in the amendments to that order made by the Isles of Scilly Order, 1947 (Article 3).

(*d*) consequentially on (*b*), in so far as it covers the Diseases of Animals Act, 1950, and (*c*), revokes two earlier orders (Article 7).

(a) 1 & 2 Eliz. 2. c. 26. (b) 14 Geo. 6. c. 26. (c) 13 & 14 Geo. 5. c. 18.
(d) 14 Geo. 6. c. 36. (e) 4 & 5 Eliz. 2. c. 16.
(f) S.R. & O. 1947/804 (Rev. XII, p. 573: 1947 I, p. 1249).
(g) S.I. 1948/2022 (Rev. XII, p. 574: 1948 I, p. 1728).