STATUTORY INSTRUMENTS

# 1975 No. 944

# LOCAL GOVERNMENT, ENGLAND AND WALES

## The Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1975

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| *Made* - - - - | 4*th June* 1975 |
| *Laid before Parliament* | 9*th June* 1975 |
| *Coming into Operation* | 30*th June* 1975 |

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*), (*b*) and (*c*) and 266(2) of the Local Government Act 1972**(a)** and section 34(1) of the Water Act 1973**(b)** 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) (No. 2) Order 1975 and shall come into operation on 30th June 1975.

*Territorial extent of exercise of powers*

**2.**—(1) Article 13, in so far as it relates to the Lancashire and Western Sea Fisheries Committee, is made by the Secretary of State for the Environment.

(2) Subject to paragraph (1), 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**(c)** shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order "the Act" means the Local Government Act 1972.

(3) 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.

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**(a)** 1972 c. 70.
**(b)** 1973 c. 37.
**(c)** 1889 c. 63.

(4) 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.

(5) 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.

*Miscellaneous amendment of public general and other Acts*

**4.**—(1) The following provisions, namely—

section 178 of the Leeds Corporation (Consolidation) Act 1905**(a)** (corporation to kerb and sewer private streets);

section 109 of the Leeds Corporation Act 1956**(b)** (separate sewers for foul water and surface water); and

section 7 of the Leeds Corporation Act 1966**(c)** (amendment of the said section 178)

are hereby repealed.

(2) In the Pensions (Increase) Act 1971**(d)**, in Schedule 3, in paragraph 6(2)(*c*) (passenger transport executives) there shall be added "or under section 202(4) of the Local Government Act 1972".

(3) In the Essex County Council Act 1971**(e)**—

in section 3(1) (interpretation) the definition of "police authority" shall cease to have effect; and

in section 49 (authorisation of officers of the county council or the police authority to appear on behalf of the police authority or officers or constables)—

in subsection (1), for "Essex and Southend-on-Sea joint constabulary" there shall be substituted "Essex police force";

and

in subsection (3), "committee or" shall be omitted.

*Provisions of public general Acts modified or excluded by local statutory provision*

**5.**—(1) Where—

(*a*) any provision of a public general Act is modified or excluded in its application to any area by any local statutory provision to which subsection (9) of section 262 of the Act applies;

(*b*) such local statutory provision ceases to have effect in its application to such area under the said subsection or is repealed before it so ceases to have effect by any local Act enacted to repeal provisions falling within the said subsection; and

(*c*) no corresponding or different provision is made in relation to the first-mentioned provision in its application to such area in any local Act,

the first-mentioned provision shall have effect in relation to the area as if it had not been modified or excluded by the local statutory provision.

(2) Paragraph (1) shall have effect whether a provision of a public general Act is directly referred to in the local statutory provision or falls to be substituted for a provision so referred to by virtue of section 38(1) of the Interpretation Act 1889 or any other provision of a public general Act.

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**(a)** 1905 c. i. **(b)** 1956 c. lxxv. **(c)** 1966 c. xxx.
**(d)** 1971 c. 56. **(e)** 1971 c. xix.

*Amendment of instruments*

**6.**—(1) In the District Registries Order 1971**(a)**, in the Schedule, in the first column, for "Newport (Monmouthshire)" there shall be substituted "Newport (Gwent)".

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

(3) In the Local Authorities etc. (Staff Transfer and Protection) Order 1974, in article 21 (notices to terminate contracts of employment), paragraph (3) shall have effect, in relation to notices given on and after 1st August 1975, with the substitution for the first 13 words of—

"A notice to terminate any contract of employment to which this article applies, given by reason of the fact that the officer to whom it is given has become redundant in consequence of the reorganisations effected by the Act or the Water Act 1973 on 1st April 1974,".

(4) In the Local Authorities (Miscellaneous Provision) Order 1975**(d)**, in the Schedule, in Part I, for the first entries in columns (2) and (3) there shall be substituted—

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|---|---|
| "Child Health Clinic, Cape Road, Warwick and Medical Equipment Store, Priory Road, Warwick | The Secretary of State for Social Services" |

*Chichester Harbour Conservancy Act* 1971

**7.**—(1) The amendments set out in the following paragraphs shall be made in the Chichester Harbour Conservancy Act 1971**(e)**.

(2) In section 3(1)—

after the definition of "the Act of 1965" there shall be inserted—

" "the Act of 1972" means the Local Government Act 1972;";

the definition of "the West Sussex County Council" shall be omitted.

(3) For section 5(2) there shall be substituted—

"(2) The Conservancy shall consist of 15 members who shall be appointed as follows—

4 by the West Sussex County Council;

4 by the Hampshire County Council;

2 by the Chichester District Council;

2 by the Havant Borough Council;

3 by the Chichester Harbour Conservancy Advisory Committee.".

(4) In section 6(4)—

for "sections 58, 59, 60, 63, 76 and 95 of the Act of 1933" there shall be substituted "sections 80 to 82, 85, 94 to 98 and 105 of the Act of 1972";

proviso (i) shall be omitted;

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**(a)** S.I. 1971/392 (1971 I, p. 1189).
**(b)** S.I. 1974/483 (1974 I, p. 1709).
**(c)** S.I. 1974/2044 (1974 III, p. 7981).
**(d)** S.I. 1975/244 (1975 I, p. 616).
**(e)** 1971 c. lxx.

in proviso (ii) for "sections 76 and 95" there shall be substituted "sections 94 to 98 and 105"; and

in proviso (iii) for "sections 58, 59 and 60" there shall be substituted "sections 80 to 82".

(5) In section 11(3)(*j*), for "the urban district of Havant and Waterloo" there shall be substituted "the Borough of Havant".

(6) For section 51(3) there shall be substituted—

"(3) The Conservancy shall not, without the consent of the Borough Council, exercise the powers of this section at Emsworth Mill Pond in the Borough of Havant.".

(7) In section 52(1), for the words following "give notice to the Conservancy" there shall be substituted "that the person discharging such functions for them is willing to accept the appointment, the Conservancy shall appoint such person; and if both the county councils so give notice the Conservancy shall appoint such one of such persons as to the Conservancy seems fit".

(8) In section 52(4), for "Section 119 of the Act of 1933" there shall be substituted "Section 114 of the Act of 1972".

(9) In section 52(5), for "Section 120 of the Act of 1933" there shall be substituted "Section 115 of the Act of 1972".

(10) In section 52(6)—

for "Section 123 of the Act of 1933" there shall be substituted "Section 117 of the Act of 1972"; and

for "subsections (2) and (3) of section 76 of that Act were a reference to these subsections" there shall be substituted "section 95 of that Act were a reference to that section".

(11) For section 62 there shall be substituted—

"Loans fund

62. The provisions of paragraph 15 of Schedule 13 to the Act of 1972 shall apply to the Conservancy as if they were a local authority.".

(12) In section 63(8), for "expenses for general county purposes" there shall be substituted "general expenses of the county councils".

(13) In section 67(2)(*c*), for "the provisions of Part IX of the Act of 1933 shall extend to money borrowed by a local authority under this subsection as if it were borrowed under the said Part IX" there shall be substituted "the provisions of Part I of Schedule 13 to the Act of 1972 shall extend to money borrowed by a local authority under this subsection as if it were borrowed under the said Part I".

(14) In section 67(3)(*b*), for "the council of any borough or urban or rural district in the county of Hampshire or the administrative county of West Sussex" there shall be substituted "the council of any district in the county of Hampshire or West Sussex".

(15) Section 69(4) and (6) shall be omitted.

(16) In section 69(5)—

for the words preceding "so far" there shall be substituted "Paragraphs 2, 7 to 11 and 20 of Schedule 13 to the Act of 1972, paragraph 22 of that Schedule in so far as applicable to such paragraphs and any regulations made under paragraph 4 thereof"; and

for "the clerk" there shall be substituted "the proper officer".

(17) In section 83(4), for "Subsections (2) to (7) of section 250 and section 252 of the Act of 1933" there shall be substituted "Subsections (3) to (8) of section 236 and section 238 of the Act of 1972".

(18) In section 93(2), in the definition of "local authority" for the words following "West Sussex County Council" there shall be substituted "or the council of any county bordering the county of Hampshire or West Sussex, or the council of any district or parish, or the parish meeting of any parish not having a parish council, whether separate or common, within any of the counties aforesaid".

(19) For section 94(1) there shall be substituted—

"(1) Sections 173 to 175 of the Act of 1972 (which make provision for the payment of allowances to members of local authorities and other bodies) shall apply to the Conservancy.".

(20) In section 99, for "western division of the county of West Sussex nominated from time to time by the chairman of quarter sessions for the said county" there shall be substituted "Chichester petty sessional division of the county of West Sussex".

(21) In section 107, for "section 290 of the Act of 1933" there shall be substituted "section 250 of the Act of 1972".

(22) In the Schedule, in paragraph 10 for "Section 277 of the Act of 1933 there shall be substituted "Section 223 of the Act of 1972".

*Temporary use of labour*

**8.** Any authority named in column (1) of the following table 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 borough specified in respect of such authority in column (2) which will engage the services of the officers of the first-mentioned authority.

TABLE

| (1) | (2) |
|---|---|
| The City Council of Bristol | Bristol |
| The City Council of Kingston upon Hull | Kingston upon Hull |
| The City Council of Lincoln | Lincoln |
| The City Council of Newcastle upon Tyne | Newcastle upon Tyne |
| The Borough Council of North Tyneside | Tynemouth |
| The City Council of Plymouth | Plymouth |
| The Borough Council of Scunthorpe | Scunthorpe |
| The Borough Council of South Tyneside | South Shields |
| The Borough Council of Sunderland | Sunderland |
| The Borough Council of Wigan | Wigan |

In this article, "officers", in relation to any authority, includes the holders of any offices or employments under that authority.

*Byelaws made by certain London authorities*

**9.** Sections 236 to 238 of the Act shall apply in relation to byelaws made under any enactment—

by the Common Council of the City of London, whether acting as a local

authority within the meaning of the enactment in question or as a port health authority;

by the Sub-Treasurer of the Inner Temple; or

by the Under Treasurer of the Middle Temple,

as those sections apply in relation to byelaws made by a local authority within the meaning thereof.

*Accounts of passenger transport executives*

**10.** Any resolution required by paragraph 7(2) or (3) of Schedule 29 to the Act in relation to the accounts of the passenger transport executive for any metropolitan county shall be a resolution of the passenger transport authority for that county.

*Subscriptions to Association of Charter Trustees*

**11.** The following bodies namely—

charter trustees for any area; and

any cinque port trustees or corporate trustees which may be constituted by the operation of article 6 of the Local Authorities (Miscellaneous Provision) Order 1975,

may pay reasonable subscriptions, whether annually or otherwise, to the funds of the Association of Charter Trustees.

*Crediton cemetery*

**12.**—(1) In relation to the Crediton Cemetery the functions conferred by section 214 of, and Schedule 26 to, the Act shall be exercised by the District Council of Tiverton.

(2) All property and liabilities vested in the Town Council of Crediton and the Parish Council of Crediton Hamlets for the purposes of such functions shall by virtue of this order be transferred to and vest in or attach to the said District Council, and—

(*a*) 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 said Town Council and Parish Council in respect of such property or liabilities shall be of full force and effect in favour of, or against, the said District Council; and

(*b*) 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 said Town Council and Parish Council in respect of such property or liabilities shall not be prejudically affected by reason of this article, and may be continued, prosecuted and enforced by, or against, the said District Council.

*Property of local fisheries committees*

**13.** Any property held immediately before 1st April 1974 by a local fisheries committee for a sea fisheries district on behalf of their constituent councils may be held by the committee as reconstituted for the benefit of their constituent councils, and article 16(3) of the Local Government (England) (Property etc.) Order 1973**(a)** and article 16(2) of the Local Government (Wales) (Property etc.) Order 1973**(b)** shall have effect accordingly.

**(a)** S.I. 1973/1861 (1973 III, p. 6401). **(b)** S.I. 1973/1863 (1973 III, p. 6452).

*Anthony Crosland,*
Secretary of State for the Environment.

4th June 1975.

*John Morris,*
Secretary of State for Wales.

4th June 1975.

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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 operation, amendment or repeal of certain Acts and instruments;

(*b*) agreements by certain authorities with other local authorities which will engage the direct labour forces of the first-mentioned authorities;

(*c*) byelaws made by the authorities for the City of London and the Temples;

(*d*) the accounts of passenger transport executives;

(*e*) subscriptions to the Association of Charter Trustees;

(*f*) the Crediton Cemetery;

(*g*) the property of local fisheries committees.

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