STATUTORY INSTRUMENTS

1975 No. 244

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Miscellaneous Provision) Order 1975

Made - - - -	*25th February* 1975
Laid before Parliament	*6th March* 1975
Coming into Operation	*27th March* 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), (c) and (i) and 266(2) 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 Provision) Order 1975 and shall come into operation on 27th March 1975.

Territorial extent of exercise of powers

2.—(1) Article 4(2), article 9(1) in so far as it relates to Part I of the Schedule to this order and article 9(2) are made by the Secretary of State for the Environment.

(2) Article 4(3), article 9(1) in so far as it relates to Part II of the Schedule to this order and article 9(3) are made by the Secretary of State for Wales.

(3) Subject to paragraphs (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(b) 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.

(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.

(a) 1972 c. 70.

(b) 1889 c. 63.

(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 instruments

4.—(1) In the County Courts Districts Order 1970**(a)** in Schedule 1, in column (1), for "Newport (Mon.)" there shall be substituted "Newport (Gwent)".

(2) In the Local Authorities (England) (Property etc.) Order 1973**(b)**, in article 23(5) (questions as to user rights) and in article 39(2) and (3) (general provision as to disputes), for "1st April 1975" there shall be substituted "1st April 1976".

(3) In the Local Authorities (Wales) (Property etc.) Order 1973**(c)**, in article 23(5) (questions as to user rights) and in article 38(2) and (3) (general provision as to disputes), for "1st April 1975" there shall be substituted "1st April 1976".

(4) In the Porthmadog Harbour Revision Order 1974**(d)**, in article 6(2) (constitution of Harbour Committee) for "Porthmadog Urban District Council" there shall be substituted "District Council of Dwyfor".

Alteration of local boundaries consequent on alteration of water-course

5. Subsections (2) and (3) of section 73 of the Act (alteration of local boundaries consequent on alteration of water-courses) shall apply where, in exercise of any power conferred by the Land Drainage Act 1930**(e)** or any other enactment, water-courses forming boundary lines between two or more areas of local government had been straightened, widened or otherwise altered, so as to affect their character as boundary lines, before 1st April 1974.

In the application of the said subsection (2), "in the notice" shall be omitted.

Cinque ports

6.—(1) Subject to the provisions of paragraph (8) this article applies—

to the areas of the boroughs of Deal and Dover as existing at 31st March 1974 as from any conferment on the District of Dover of the status of a borough;

to the area of the borough of Folkestone as so existing as from any such conferment on the District of Shepway;

to the areas of the boroughs of Margate and Ramsgate as so existing as from any such conferment on the District of Thanet,

and the dissolution under subsection (7) of section 246 of the Act of the charter trustees for the areas.

(2) For the exercise of the functions in relation to the Confederation of the Cinque Ports which were immediately before 1st April 1974 exercised by the corporation of the borough of Deal, Dover, Folkestone, Margate or Ramsgate there shall be a body corporate for the area of the borough by the name—

(*a*) in the case of Dover, of "the Cinque Port Trustees";

(*b*) in the case of Deal, Folkestone, Margate or Ramsgate, of "the Corporate Trustees",

(a) S.I. 1970/16 (1970 I, p. 17).
(b) S.I. 1973/1861 (1973 III, p. 6401).
(c) S.I. 1973/1863 (1973 III, p. 6452).
(d) S.I. 1974/1345.
(e) 1930 c. 44.

with the addition of the name of the borough, consisting of the district councillors for the wards wholly or partly comprising the area or, if the number of those councillors is less than three, consisting of those councillors and such number of local government electors for the area appointed by the district council as will make the number of trustees up to three.

(3) The trustees for any area may in every year appoint one of their number to be town mayor and another to be deputy town mayor. Any town mayor or deputy town mayor appointed by the charter trustees for the area under paragraph (*b*) of subsection (4) of section 246 of the Act shall hold office as if he had been appointed by the cinque port trustees or corporate trustees.

(4) Subsections (10) to (16) of section 246 of the Act and the Charter Trustees Order 1974**(a)** shall apply to cinque port trustees and corporate trustees as they apply to charter trustees.

(5) All property and liabilities vested in or attaching to the charter trustees for the area shall by virtue of this order be transferred to and vest in or attach to the cinque port trustees or corporate trustees.

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 against, such charter trustees shall be of full force and effect in favour of, or against, the cinque port trustees or corporate trustees.

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

(6) 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 any sum certified by a district auditor as due from any person shall be paid to the cinque port trustees or corporate trustees.

(7) Any officer of the charter trustees shall be transferred to the employment of the cinque port trustees or corporate trustees, and paragraphs (1), (6), (8) and (13) of article 13 of the Local Authorities etc. (Staff Transfer and Protection) Order 1974**(b)** shall apply to such officer as they apply to officers transferred by an article, scheme or determination mentioned in the said paragraph (1).

(8) If any area to which this article applies becomes, or becomes comprised in, a parish, this article shall cease to apply to the area or part and accordingly the cinque port trustees or corporate trustees shall cease to act therefor.

Corporate land of London boroughs

7. Any corporate land (within the meaning of the Local Government Act 1933**(c)**) vested in the corporation of a London borough shall be held as if it had been acquired under section 120(1)(*b*) of the Act.

Oakham cemetery

8.—(1) In relation to the Oakham Cemetery the functions conferred by section 214 of, and Schedule 26 to, the Act shall be exercised by the District Council of Rutland.

(a) S.I. 1974/176 (1974 I, p. 610). **(b)** S.I. 1974/483 (1974 I, p. 1709).
(c) 1933 c. 51.

(2) All property and liabilities vested in the Town Council of Oakham and the Parish Meetings of Barleythorpe and Gunthorpe 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 Meetings 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 Meetings 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 said District Council.

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

9.—(1) 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).

(2) 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**(a)** shall apply as if paragraph (1) above and Part I of the Schedule to this order were contained in the said order of 1973.

(3) 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**(b)** shall apply as if paragraph (1) above and Part II of the Schedule to this order were contained in the said order of 1973.

(a) S.I. 1974/406 (1974 I, p. 1276). **(b)** S.I. 1974/404 (1974 I, p. 1264).

SCHEDULE

TRANSFER OF PARTICULAR PROPERTIES

Article 9

PART I

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The County Council of Warwickshire.	Child Welfare Clinic and Store, Priory Estate.	The Secretary of State for Health and Social Security.
The City Council of Bradford.	Approximately 8½ acres generally bounded by Nelson Street, Croft Street, Britannia Street and Bridge Street, Bradford (excluding the hotel and multi-storey car park), subject to a right of way, with or without vehicles, over Greenwood Court in favour of the transferor authority and all persons claiming under them.	The West Yorkshire Passenger Transport Executive.
The District Council of Holderness.	The piece of land known as Elim Lodge, Hornsea, together with the building, known as the Town Hall, thereon and all other buildings and structures thereon which were in the ownership of the former Hornsea Urban District Council.	The Town Council of Hornsea.
The District Council of North East Derbyshire.	Offices at No. 95 High Street, Clay Cross.	The Parish Council of Clay Cross.
do.	Clay Cross Social Centre, Derby Road, Clay Cross.	do.
do.	Approximately 5,025 sq. yds. of land fronting Riber Crescent, Clay Cross.	do.
do.	Approximately 1·06 acres of land adjacent to allotments at Clay Lane, Clay Cross.	do.
do.	Land situate at the junction of High Street and Clay Lane, Clay Cross.	do.
do.	Areas of landscaped land on the west side of High Street, Clay Cross, leased from the Clay Cross Company.	do.
do.	Land at Pilsley Road, Clay Cross, used as an omnibus turning point.	do.
The District Council of Richmondshire.	The Harmby and Spennithorne Cemetery.	The Parish Council of Urevale.
The Borough Council of St. Helens.	17/19 Victoria Road, Newton-le-Willows.	The County Council of Lancashire.
The Borough Council of Southend-on-Sea.	Site approximately 0·53 acres in extent to the north of Smith Street, Shoeburyness, bounded on the west by Hinguar Street and on the east by Nos. 9 to 15 High Street.	The County Council of Essex.

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The District Council of West Oxfordshire.	Bampton Cemetery, Bampton.	The Parish Council of Bampton.
do.	Burford Cemetery, Burford.	The Parish Council of Burford and Upton and Signet.
do.	Hanborough Cemetery, Hanborough.	The Parish Council of Hanborough.
do.	Ramsden Cemetery, Ramsden.	The Parish Council of Ramsden.
do.	Stanton Harcourt Cemetery, Stanton Harcourt.	The Parish Council of Stanton Harcourt.
The Parish Council of Berkhamsted.	Cemetery at Brickhill Green, Kingshill.	The District Council of Dacorum.
The Town Council of Denholme.	Parish matters comprised in item No. 13 of the table in Schedule 2 to the Local Authorities (England) (Property etc.) Order 1973, other than shelters.	The City Council of Bradford.
The Parish Council of Portland.	Portland Cemetery.	The Borough Council of Weymouth and Portland.
do.	All town and village greens, shelters, public clocks, war memorials, bicycle parking places and rights in commons.	do.
The Parish Council of Silsden.	Parish matters comprised in item No. 13 of the table in Schedule 2 of the Local Authorities (England) (Property etc.) Order 1973, other than bus shelters.	The City Council of Bradford.
The Town Council of Tring.	Cemetery on the north side of Aylesbury Road, Tring.	The District Council of Dacorum.

PART II

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The County Council of Mid Glamorgan.	Glamorgan Residential Nursery for the Deaf, Heoldon, Whitchurch, Cardiff.	The County Council of South Glamorgan.
The Borough Council of Ynys Môn—Isle of Anglesey.	Amlwch Institute.	The Town Council of Amlwch.
The Town Council of Glynneath.	Land and swimming baths comprising approximately 0·25 hectare at Lancaster Close, Glynneath.	The Borough Council of Neath.

Anthony Crosland,
Secretary of State for the Environment.

25th February 1975.

John Morris,
Secretary of State for Wales.

25th February 1975.

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 instruments;

(*b*) water-courses forming boundaries altered before 1st April 1974;

(*c*) the constitution of trustees in certain cinque ports etc. on the grant of charters to the districts;

(*d*) the corporate land of London boroughs;

(*e*) the Oakham Cemetery; and

(*f*) the transfer of certain property, etc.

SI 1975/244
ISBN 0-11-050244-2

