**3.** These Rules may be cited as the Licensing Rules, 1958, and shall come into operation on the first day of October, 1958.

*R. A. Butler,*
One of Her Majesty's Principal Secretaries of State

Home Office,
Whitehall.
9th August, 1958.

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EXPLANATORY NOTE

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

Rule 35 of the Licensing Rules, 1910, as amended by the Licensing Rules, 1949, contains, in addition to the requirements included in the new Rule hereby substituted, a requirement that the cheques by which shares of the compensation money are paid out shall have thereon a form of receipt such that the due signing thereof will constitute a sufficient endorsement of the cheque. This requirement is now omitted.

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# LOCAL GOVERNMENT, ENGLAND AND WALES

## LOCAL GOVERNMENT AREAS

## 1958 No. 2115

## The Local Government Commission Regulations, 1958

*Made* - - - - 21*st November*, 1958
*Coming into Operation* 12*th December*, 1958

The Minister of Housing and Local Government, in exercise of his powers under section 36 of the Local Government Act, 1958(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

*Citation, commencement and interpretation*

**1.** These regulations may be cited as the Local Government Commission Regulations, 1958, and shall come into operation on the day following the day on which they have been approved by a resolution of each House of Parliament.

**2.**—(1) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations—

" the Act " means the Local Government Act, 1958;

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(a) 6 & 7 Eliz. 2. c. 55. (b) 52 & 53 Vict. c. 63.

"the Commission" means the Local Government Commission for England in relation to England, and the Local Government Commission for Wales in relation to Wales; and

"review area" means a special review area under Part II of the Act, including any area treated under subsection (2) of section 25 of the Act as comprised therein, or, outside special review areas, any area for which a review is held by the Commission under the said Part II.

MATTERS TO WHICH THE COMMISSION ARE TO HAVE REGARD IN ALL AREAS

*General*

**3.** The Commission's examination of a review area shall be directed (regard being had also to the circumstances and needs of related review areas) to effective and convenient local government throughout the whole of the review area and not merely in individual areas of local government.

**4.** The circumstances taken into account shall include not only those existing at the time of examination but also those which in the Commission's opinion are likely to come into existence within such period as they think it right to consider in the circumstances of the particular area.

**5.** In assessing the effectiveness of any local government organisation of a review area the Commission shall have regard to, inter alia, the extent to which the size and distribution of population and rateable value and the boundaries of administration of the various local services provide adequate resources and allow adequate scope for the efficient and economical discharge, over suitable areas, of all the functions exercisable by the local authorities concerned.

**6.** In assessing the convenience of any local government organisation of a review area the Commission shall have regard to, inter alia, the number, size, shape and boundaries of the areas of local government, the travelling facilities within and between them, and the way in which these may affect the administration of local services and the access of council members and the general public to their local administrative centres.

**7.** The following (placed in alphabetical order) are to be included among the factors taken into account by the Commission on the holding of a review:—

(*a*) Community of interest;

(*b*) Development and expected development;

(*c*) Economic and industrial characteristics;

(*d*) Financial resources measured in relation to financial need;

(*e*) Physical features, including suitable boundaries, means of communication and accessibility to administrative centres and centres of business and social life;

(*f*) Population—size, distribution and characteristics;

(*g*) Record of administration of the local authorities concerned;

(*h*) Size and shape of the areas of local government;

(*i*) Wishes of the inhabitants.

*Creation of county boroughs*

**8.** When considering whether to propose the constitution of a new county borough the Commission shall take into account any increase or decrease of population which is in their opinion probable within such period as they think it right to consider in the circumstances of the particular case.

**9.** The existence or early prospect of a population of 100,000 shall not be regarded as an indispensable requirement for the constitution of a new county borough, but the Commission shall not propose such a change for an area having, or expected to have, a smaller population unless they are satisfied that there are special circumstances which make it desirable to consider such a change in that case.

**10.** The Commission shall not in any case propose the constitution of a new county borough in an area forming part of one or more administrative counties unless they are satisfied, taking into account any related proposals that they may intend to make, that the change is on balance desirable, regard being had not only to the circumstances of the area of the proposed county borough but also to those of the remaining parts of the administrative county or counties.

*Areas of county boroughs*

**11.** Before proposing the inclusion in a county borough of an area comprising or forming part of a county district (whether as an extension of an existing county borough or in connection with the constitution of a new one) the Commission shall consider, inter alia, the following matters :—

(*a*) The question whether the area, if already built-up, is not only substantially a continuation of the town area of the existing or proposed county borough but also has closer and more special links with it than those which necessarily arise from mere proximity ;

(*b*) The question whether, if the area is not already built-up, the use of the land in accordance with the development plan or in the manner authorised by permission to develop land granted on application in that behalf is likely to lead to its development into such a continuation of a town area as is indicated in paragraph (*a*) within such period as the Commission think it right to consider in the circumstances of the particular case ;

(*c*) The question whether (after taking into account any related proposals which may be in contemplation) there would be a balance of advantage in the change, having regard to the interests of the inhabitants of the county borough and the county district, and to the effect on the local government organisation of the county in which the county district is comprised and of the county districts remaining within it.

FURTHER MATTERS TO WHICH THE COMMISSION ARE TO HAVE REGARD IN SPECIAL REVIEW AREAS

**12.** As soon as practicable after entering on the review of a special review area the Commission shall consider whether there is need for any variation of the special review area under subsection (1) of section 25 of the Act or for the taking of action under subsection (2) of the said section.

**13.** In the course of their review of a special review area the Commission shall include the following among the matters they examine :—

(*a*) The suitability of the number, variety, distribution and boundaries of the existing local authorities in relation to the nature and local government needs of the review area as a whole ;

(*b*) Where the review area includes county boroughs, the effect of the division of the area, on the one hand into county boroughs wholly situate within the area, and on the other into parts of one or more administrative counties whose councils have responsibilities for other areas as well;

(*c*) The question whether local government functions in general would be likely to be discharged better by a smaller number of authorities;

(*d*) The extent to which the fully effective discharge of any particular function appears to be hampered by lack of unified or co-ordinated exercise of that function over the whole or a substantial part of the review area.

**14.** Before finally formulating any proposals for a special review area which includes only part of an administrative county the Commission shall complete at least the initial stages of their review of any review area which includes another part of that county.

**15.** If the Commission are considering the making of proposals involving the continuance or creation, in any part of a special review area, of county districts, they shall have regard to the nature of the opportunities (including those provided by the provisions of Part III of the Act) for the delegation of county functions.

**16.** If the Commission are considering the making of proposals for the constitution or extension of county boroughs over the whole or part of a special review area, they shall as regards the size of such boroughs take into account the extent of the need for avoiding a multiplicity of autonomous local authorities.

**17.** If the Commission are considering the making of proposals under section 20 of the Act for the constitution of a continuous county and the redistribution of county and district functions, they shall have regard to the desirability of securing an adequate range of responsibilities both to the county council and to the county district councils concerned.

**18.** If the Commission on their review of a special review area are satisfied that there is need for unification or co-ordination of the exercise of any local government function, and that it cannot suitably be secured fully by any other changes within their power to propose, they shall, when considering such changes, have regard also to the provisions of section 26 of the Act which relate to the establishment of joint boards.

## Procedure

*Programme of reviews*

**19.** The Commission shall keep the Minister informed of their programme of reviews.

*Notices of reviews*

**20.** The public notice required under paragraph (*a*) of subsection (5) of section 21 of the Act before the Commission enter on their review of any area should be given by them not less than eight weeks before entering on that review, and a copy of each such notice shall be sent to the Minister at the time of publication.

*Notices as to draft proposals, etc.*

**21.** The time specified under subsection (3) of section 21 of the Act for the making of representations with respect to draft proposals or as to the desirability of proposals being put forward should not be less than eight weeks.

*Directions as to Commission's reports*

**22.** Before submitting their report on their review of any area in relation to which the Minister has not given any direction under subsection (2) or subsection (3) of section 22 of the Act requiring observations, or a separate report, on any specified matter, the Commission shall enquire whether the Minister proposes to give any such direction, and the Minister shall give any direction he desires to give within four weeks of such enquiry.

Given under the official seal of the Minister of Housing and Local Government this twenty-first day of November, nineteen hundred and fifty-eight

(L.S.) *Henry Brooke,*
Minister of Housing and Local Government.

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EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations set out matters to which the Local Government Commissions established under Part II of the Local Government Act, 1958, are to have regard in the exercise of their functions, and make provision as to their procedure in certain matters.

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## POWERS AND DUTIES OF LOCAL AUTHORITIES

## 1958 No. 2140

# The Health and Welfare Functions (Delegation Scheme Notices) Regulations, 1958

*Made* - - - - 16*th December,* 1958
*Coming into Operation* 1*st January,* 1959

The Minister of Health, in exercise of the powers conferred upon him by sections 47 and 48 of the Local Government Act, 1958(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

**1.**—(1) These regulations may be cited as the Health and Welfare Functions (Delegation Scheme Notices) Regulations, 1958, and shall come into operation on the first day of January, 1959.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 6 & 7 Eliz. 2. c. 55. (b) 52 & 53 Vict. c. 63.