
STATUTORY INSTRUMENTS

1974 No. 482

The Local Authorities etc. (Miscellaneous Provision) Order 1974

Title and commencement

1.—(1) This order may be cited as the Local Authorities etc. (Miscellaneous Provision) Order 1974.

(2) Articles 1, 2, 3, 9, 20, 29 and 30 of this order shall come into operation on 22nd March and the remaining provisions shall come into operation on 1st April 1974.

Territorial extent of exercise of powers

2.—(1) Articles 4 to 8, 14 to 21, 26 to 28 and 30 are made by the Secretary State for the Environment in relation to England and by the Secretary of State for Wales in relation to Wales.

(2) Articles 9, 22 and 29 and article 24 in so far as it relates to article 22 are made by the Secretary of State for the Environment as regards byelaws, compulsory purchase orders or other instruments made by, or the minutes of, or of any committee or sub-committee of, any authority whose area is wholly in England, the Severn River Authority, the Clywedog Reservoir Joint Authority, the Association of River Authorities, the British Waterworks Association and the Lancashire and Western Sea Fisheries Committee and by the Secretary of State for Wales as regards such matters made by, or any such minutes of, or of any committee or sub-committee of, any authority whose area is wholly in Wales, the Dee and Clwyd and Wye River Authorities, the Gwent Water Board, the Presteigne Joint Burial Committee, the Chester Port Health Authority and the Gloucester (Chepstow Division) Port Health Authority. Article 29 is made by the Secretary of State for the Environment or the Secretary of State for Wales as regards joint committees of bodies as regards whom he makes that article and by both Secretaries of State as regards any other joint committee.

(3) Articles 10 to 13 are made by the Secretary of State for the Environment.

(4) Article 23 and article 24 in so far as it relates thereto are made by the Secretary of State for the Environment as regards any instrument which relates to an area wholly in England, by the Secretary of State for Wales as regards any instrument which relates to an area wholly in Wales, and by both Secretaries of State as regards any other instrument.

(5) Article 25 is made by the Secretary of State for the Environment as regards any authority whose area is wholly in England, the Severn-Trent Water Authority, the National Water Council and the committees of any such body and by the Secretary of State for Wales as regards any authority whose area is wholly in Wales and the Welsh National Water Development Authority and the committees of any such body.

Interpretation

3.—(1) The Interpretation Act 1889 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; and

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“Wales” means the area consisting of the counties established by section 20 of the Act (new local government areas in Wales), and “England” does not include any area included in any of those counties.

(3) In this order, unless the context otherwise requires, references to any enactment or instrument shall be construed as references to that enactment or instrument as amended, extended or applied by or under any other enactment or instrument.

(4) Any reference in this order to a numbered article or schedule shall, unless the reference is to an article or schedule of a specified order, be construed as a reference to the article or schedule 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.

General continuance of rules orders, and regulations

4.—(1) Subject to the following paragraphs, any order, rule or regulation made under any enactment repealed by the Act and not constituting local statutory provision within the meaning of section 270(1) of the Act shall, notwithstanding the repeal of that enactment, continue in force subject to any necessary modifications.

(2) If any such order, rule or regulation is of such a nature that it could have been made under any enactment as it has effect on or after 1st April 1974 it may be amended, varied, repealed or revoked under such enactment.

(3) If any such order, rule or regulation cannot be amended as mentioned in paragraph (2) it may be amended or revoked by an order made under section 254 of the Act.

(4) This article shall have effect subject to the provisions of the Act or to the express provision of this or any other order made (whether before or after this order) under the Act.

(5) The Local Government (Allowances to Members) (Prescribed Bodies) Regulations 1967(1) shall continue in force only in respect of the prescription of the bodies set out in Parts I and II of Schedule 1 to this order.

References to repealed enactments in Local Acts, etc

5. Where by or under the Act—

(a) a provision of an enactment or instrument has been repealed or revoked in respect of any area; and

(b) a corresponding provision has been applied to that area or to any part thereof,

any reference in any local Act or in any instrument made under any Act to the provision mentioned in (a) shall, in the application of such Act or instrument to the area or such part, as the case may be, unless the contrary intention appears, be construed as a reference to the provision mentioned in (b).

In this article, “local Act” includes an Act confirming a provisional order.

Enforcement, and amendment, etc. of instruments notwithstanding repeal of enactments, etc

6.—(1) Any provision of any enactment which imposes fines on persons offending against any instrument which by virtue of paragraph (a) of section 262(1) of the Act or this order or any other order made under section 254 or 262 of the Act applies to any area, things or persons shall continue

(1) (1967 III, p. 5093).

to have effect in relation to offences against the instrument notwithstanding the repeal (whether by the Act or by such an order) of the enactment.

(2) Any instrument constituting local statutory provision within the meaning of section 270(1) of the Act (not being byelaws in relation to which article 29(1) of the Local Authorities (England) (Property etc.) Order 1973⁽²⁾ or article 28(1) of the Local Authorities (Wales) (Property etc.) Order 1973⁽³⁾ makes provision) which by virtue of paragraph (a) of section 262(1) of the Act or an order made under section 254 or 262 of the Act applies, notwithstanding the changes of administrative areas and local authorities effected by or under the Act and notwithstanding the repeal of the enactment under which it was made, to any area, things or persons may be amended or revoked—

- (a) in the case of an instrument made by a Minister, by any appropriate Minister;
- (b) in the case of byelaws for good rule and government and the prevention and suppression of nuisances, as regards any area within a district, by the council of the district;
- (c) in any other case, as respects any county council, district council or community council substituted in references by section 262(3), (4) or (5) or an order made under section 262(6) of the Act, by the county council, district council or community council, as the case may be.

Section 236(3) to (10) of the Act shall apply to byelaws for such amendment or revocation, and the Secretary of State or any appropriate Minister shall be the confirming authority for the purposes of such subsections.

In this paragraph, “the appropriate Minister”, in relation to any provision, means the Minister in charge of any government department concerned with the subject matter of the provision; but the validity of any action shall not be affected by any question as to whether or not any Minister was the appropriate Minister for the purpose.

Protective provision, and requirements for consent, in local Acts, orders, etc

7.—(1) Any protective provision in any local Act or in any order made under or confirmed by any Act for the benefit of an authority abolished by section 1(10) or 20(6) of the Act or their predecessors shall enure—

- (a) if the protection relates to a highway, for the benefit of the highway authority for the highway;
- (b) if the protection relates to any other matter transferred by or under the Act to any authority, for the benefit of that authority;
- (c) in any other case, for the benefit of the council of the district in which the matter to which the protection relates is situated,

and shall be construed as if a reference to the authority specified in (a), (b) or (c) were substituted for any reference to the authority named in the protective provision.

(2) Any provision in any local Act or in any order made under or confirmed by any Act which requires the consent (whether it empowers the requirement of conditions or otherwise) of an authority abolished by section 1(10) or 20(6) of the Act or their predecessors shall have effect as if it had required the consent of (and in that event empowered the requirement of conditions by) the following authority, namely—

- (a) where the matter in respect of which the consent is required is a highway, the highway authority for the highway;
- (b) where the matter in respect of which the consent is required is any other matter transferred by or under the Act to any authority, that authority;

(2) (1973 III, p. 6401).

(3) (1963 III, p. 6452).

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(c) in any other case, the council of the district in which the matter in respect of which the consent is required is situated.

(3) Paragraphs (1) and (2) shall not apply to any provision in any local Act or in any order made under or confirmed by any Act in respect of which provision is made under section 254, as extended by section 262(8), or under section 262(8), of the Act.

References to specified officers in local statutory provisions

8.—(1) Subject to paragraphs (2) and (3), in any local statutory provision (within the meaning of section 270(1) of the Act) which remains in force after 1st April 1974 in any area—

- (a) any reference to a specified officer of a specified county council which ceases to exist by virtue of section 1 or 20 of the Act shall be construed as a reference to the proper officer of the council of the county in which the area is comprised;
- (b) any reference to a specified officer of a specified county borough or county district which so ceases to exist shall be construed as a reference to the proper officer of the council of the district in which the area is comprised; and
- (c) any reference to a specified officer of a rural parish which so ceases to exist shall be construed as a reference to the proper officer of the council of the parish or community in which the area is comprised.

(2) The council of the county, district, parish or community in which any area is comprised may, with the agreement of any other local authority, by resolution provide that that authority shall be substituted for such council in item (a), (b) or (c), as the case may be, of paragraph (1).

(3) Paragraph (1) does not apply to any reference to any officer specified in section 112(4) of the Act.

Byelaws

9.—(1) Any byelaw made—

- (a) by an authority abolished by section 1(10) or 20(6) of the Act or section 33 of the Water Act 1973, or
- (b) by any other authority who, immediately before 1st April 1974, were exercising the functions in respect of which the byelaw was made,

which has not been submitted for confirmation before 1st April 1974 may be submitted for confirmation as respects its area by any authority who could on and after that date have made the byelaw, and any action which requires to be taken prior to the submission of the byelaw which has not already been taken shall be taken by such authority.

(2) In confirming any byelaw submitted for confirmation before 1st April 1974 but not confirmed at that date, or submitted under paragraph (1), the confirming authority may make any modification in the byelaw which may be necessary as the result of the changes of areas and authorities effected by or under the Act or the Water Act 1973.

- (a) (3) (a) The provisions of this paragraph shall have effect in relation to byelaws made by the council of an administrative county which would, on and after 1st April 1974, fall to be made by a district council.
- (b) The council of any administrative county shall before 1st April 1974 supply printed copies of all byelaws made by them and in force to the councils of the districts in which the whole or parts of the county are comprised.
- (c) The production of a printed copy of a byelaw made by the council of an administrative county upon which is endorsed a certificate purporting to be signed by the proper officer of a district council to whom copies have been supplied under (b) stating—

- (i) that the byelaw was made by the council of the administrative county;
- (ii) the matters set out in (b), (c) and (d) of section 238 of the Act

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.

(4) The production of a printed copy of any byelaw to which paragraph (3) does not apply made by any authority described in column (1) of Part I or II of Schedule 4 to the Local Authorities (England) (Property etc.) Order 1973 or the Local Authorities (Wales) (Property etc.) Order 1973 upon which is endorsed a certificate purporting to be signed by the proper officer of the authority specified in respect of such authority in column (2) stating—

- (a) that the byelaw was made by the first-mentioned authority;
- (b) the matters set out in (b), (c) and (d) of section 238 of the Act

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.

Byelaws made by the Greater London Council and London borough councils

10.—(1) The proper officer of the Greater London Council shall send a copy of every byelaw made by the Council, and confirmed, to the council of every London borough.

(2) The proper officer of the council of a London borough shall send a copy of every byelaw made by the council, and confirmed, to the Greater London Council.

Metropolitan police district

11. In section 76(1) of the London Government Act 1963 (which defines the metropolitan police district) for sub-paragraphs (b) to (d) there shall be substituted—

- “(b) in the county of Essex, in the district of Epping Forest—
 - the area of the former urban district of Chigwell
 - the parish of Waltham Abbey;
- (c) in the county of Hertfordshire—
 - in the borough of Broxbourne, the area of the former urban district of Cheshunt
 - the district of Hertsmere
 - in the district of Welwyn Hatfield, the parish of Northaw;
- (d) in the county of Surrey—
 - in the borough of Elmbridge, the area of the former urban district of Esher
 - the boroughs of Epsom and Ewell and Spelthorne
 - in the district of Reigate and Banstead, the area of the former urban district of Banstead;”

Ironstone district

12. For Schedule 1 to the Mineral Workings Act 1951 there shall be substituted the Schedule set out in Schedule 2 to this order.

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Office development: metropolitan region

13. For Schedule 13 to the Town and Country Planning Act 1971 there shall be substituted the Schedule set out in Schedule 3 to this order.

Clean air

14. Any order under section 11 of the Clean Air Act 1956 shall, in so far as it extends to an area comprised in any district—

- if not already confirmed, be considered and if confirmed, have effect; or
- if already confirmed, have effect

as if it had been made by the council of such district.

Places of burial

15.—(1) In paragraphs (2) to (4) “burial ground” means a burial ground maintained under the Burial Acts 1852 to 1906.

- (a) (2) (a) In relation to a burial ground or crematorium maintained immediately before 1st April 1974 by the parish council of Birtley, Blagdon, Brafield-on-the Green, Burrington, Great Houghton, Harworth, Milton Malsor, Rothersthorpe, Shifnal or Sopley, the functions conferred by section 214 of and Schedule 26 to the Act shall be exercised by the parish councils of the parishes, or where there is no parish the council of the district, in which parts of the area of the parish are comprised.
- (b) Where by virtue of sub-paragraph (a) the functions therein described become exercisable by two or more councils, then, unless a joint board is established under section 6 of the Public Health Act 1936 to exercise those functions, it shall be the duty of the said councils to make arrangements under Part VI of the Act for the discharge of those functions by a joint committee of those councils, and paragraph 4 of Schedule 26 to the Act shall apply to any such arrangements as they apply to arrangements made in pursuance of paragraph 2 of such Schedule.

(3) In relation to a burial ground or crematorium maintained immediately before 1st April 1974 by a burial board or committee which ceases to exist by virtue of section 214 of the Act and which is named in column (1) of the following table, the functions conferred by the said section 214 of, and Schedule 26 to, the Act shall be exercised by the authority specified in respect of the burial board or committee in column (2).

TABLE

| (1) | (2) |
|-----------------------------------------------------------------------|------------------------------------|
| The Bognor Regis, Bersted and Middleton-on-Sea joint burial committee | The District Council of Arun |
| The Cardigan burial board | The District Council of Ceredigion |
| The Newland and Coleford joint burial committee | The Parish Council of Coleford |

- (a) (4) (a) Any burial ground transferred by the Local Authorities (England) (Property etc.) Order 1973 or the Local Authorities (Wales) (Property etc.) Order 1973 to any authority shall be held by them as a cemetery within the meaning of section 214 of the Act.
- (b) Any other burial ground maintained by the parish council or parish meeting of a parish in England shall be held by them as such a cemetery.

(5) Nothing in the Act, in the orders referred to in paragraph (4) or in this order shall affect any right of burial or of constructing a place of burial which any person may have acquired prior to 1st April 1974 or prejudicially affect the amount of any fee, payment or sum in respect of interment in, or the right of erecting or placing any monument, gravestone, tablet or monumental inscription on, any grave or place of burial in respect of which any such right has been so acquired.

Maintenance of closed churchyards

16. Where, outside the area in which the Church of England was disestablished by the Welsh Church Act 1914 the functions and liabilities of the parochial church council of a parish with respect to the maintenance and repair of a churchyard have under section 269(2) of the Local Government Act 1933 before 1st April 1974 been transferred to the council of the borough or urban district, or to the parish council, the authority on whom a request under section 215(2) of the Act would fall to be served shall maintain the churchyard by keeping it in decent order and its walls and fences in good repair.

Franchise and prescriptive rights

17.—(1) This article applies to the following matters, namely—

- (a) any powers to appoint local officers other than—
 - (i) local officers of dignity within the meaning of section 246 of the Act; and
 - (ii) mayors and deputy mayors;
- (b) any powers to hold courts other than courts abolished by section 221 of the Act;
- (c) any powers to maintain markets;
- (d) any powers to hold fairs;
- (e) any other powers to maintain any undertakings or events;
- (f) any rights to take tolls; and
- (g) any other rights or liabilities,

exercisable by or attaching to the corporation or council of a city or borough (including a borough included in a rural district) or the council of an urban or rural district immediately before 1st April 1974 under any franchise or by virtue of prescription.

(2) Subject to paragraph (3) and to the provisions of any other order made under section 254 of the Act, any such matter shall be exercisable by or attach to—

- (a) in the case of a borough included in a rural district, the parish council of the parish replacing the borough;
- (b) in the case of any other area wholly comprised in a district, the council of the district; and
- (c) in the case of any other area, the council of the district specified in respect of the area in column (2) of Part I or II of Schedule 4 (Residual transfer of Property etc) to the Local Authorities (England) (Property etc.) Order 1973 or the Local Authorities (Wales) (Property etc.) Order 1973.

(3) The power to maintain the Richmond market shall be exercisable by the Parish Council of Richmond.

(4) Any council to whom any matter is transferred by paragraph (2) or (3) shall have the same powers in relation thereto as were exercisable immediately before 1st April 1974 by the corporation or council from whom the matter is transferred.

Honorary freedoms

18.—(1) Subject to paragraphs (2) and (3) nothing in the Act shall affect the status of any person who is immediately before 1st April 1974 an honorary freeman of any place which is an existing borough within the meaning of the Local Government Act 1933 or of any body which at such time enjoys privileges of similar nature to honorary freedom of any such place.

(2) In relation to the existing borough of Whitley Bay, paragraph (1) shall have effect in relation only to that part of the borough which is comprised in the district of North Tyneside.

(3) Paragraph (1) shall not extend to the county borough of Teesside but—

- (a) any person admitted to be an honorary freeman of, or any body enjoying privileges of similar nature to honorary freedom of, the borough of Middlesbrough, Redcar, Stockton-on-Tees or Thornaby-on-Tees shall be an honorary freeman of, or enjoy privileges of similar nature to honorary freedom of, the area of such borough as existing immediately before 1st April 1968;
- (b) any person admitted to be an honorary freeman of, or any body enjoying privileges of similar nature to honorary freedom of, the borough of Teesside shall be an honorary freeman of, or enjoy privileges of similar nature to honorary freedom of, the area of the borough.

Agreements in relation to excise and licensing functions

19.—(1) This article has effect in relation to agreements made, by virtue of section 2(5) of the Vehicle and Driving Licences Act 1969, between the Secretary of State for the Environment (in this article referred to as “the Secretary of State”) and the council of a county or county borough, being an agreement in force immediately before 1st April 1974, under which the council exercise, on behalf of the Secretary of State, his functions under the Vehicles (Excise) Act 1971 and Part III of the Road Traffic Act 1972 of levying excise duty on vehicles, of the licensing and registration of vehicles and of the licensing of drivers.

(2) Where by virtue of paragraph (3) any agreement in relation to which this article has effect comes to have effect as an agreement between the Secretary of State and the council of a county or district that council is hereby empowered to act in relation to the area in respect of which the agreement has effect notwithstanding that that area is in part outside the county or district.

(3) Any agreement in relation to which this article has effect made between the Secretary of State and a council described in column (1) of the following table shall be of full force and effect as if made between the Secretary of State and the council specified in respect of such council in column (2).

TABLE

| (1) | (2) |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| The county council of Brecon | The District Council of Brecknock |
| The county council of Montgomeryshire | The District Council of Montgomery |
| The county council of Radnorshire | The District Council of Radnor |
| The county council of Rutland | The District Council of Rutland |
| The council of the county borough of Ipswich | The County Council of Suffolk |
| The council of any other county or county borough | The council specified in respect of such council in column (2) of Part I or II of Schedule 4 to the Local Authorities (England) |

| | |
|-----|------------------------------------------------------------------------------------------------|
| (1) | (2) (Property etc.) Order 1973 or the Local Authorities (Wales) (Property etc.) Order 1973. |
|-----|------------------------------------------------------------------------------------------------|

Joint boards

20.—(1) Subject to the express provision of this or any other order made (whether before or after this order) under the Act, paragraphs (2) and (3) shall have effect where by section 263(1) of the Act a joint board continues in existence on and after 1st April 1974.

(2) Any council who on the application of section 262(4) of the Act will be a constituent member of the joint board may appoint the number of members of the board which on such application they are empowered to appoint, to hold office until the dates on which the existing members of the board who on the application of that provision and the following sub-paragraph would otherwise have been the representatives of the council would normally have retired, and if new members are so appointed the said existing members shall retire.

Subject to the preceding sub-paragraph, no provision in the order constituting the joint board for the retirement of members of the joint board if they cease to be members of the authority by whom they were appointed shall apply to an existing member of the joint board who ceases to be a member of the authority by whom he was appointed by reason only of the abolition of that authority by section 1(10) or 20(6) of the Act.

(3) Where a part only of the area of a constituent council of the joint board (being a county council or a district council) is comprised in the area of the joint board, the expenses of the joint board shall be special expenses chargeable only on that part.

Provisional orders

21.—(1) Where an authority abolished by section 1(10) or 20(6) of the Act have applied for a provisional order and no order has been submitted to Parliament, the Minister by whom the order was made or by whom it falls to be made may—

- (a) treat the application as if it had been made by such one or more local authorities as may be appropriate; and
- (b) in the case of an application made under an enactment repealed by or under the Act, treat the application as if it had been made under any other enactment in force on 1st April 1974,

and thereafter—

- (i) if the order has been made, the Minister may amend it accordingly; or
- (ii) if the order has not been made, anything done by or in relation to the authority in connection with the application shall be deemed to have been done by or in relation to such one or more local authorities as aforesaid and the Minister may deal with the application accordingly.

(2) In this article, “provisional order” includes any order which by reason of objections or otherwise may become subject to provisional order procedure during the course of any application.

Compulsory purchase orders and other instruments

22.—(1) Any order authorising the compulsory acquisition of land (hereinafter referred to as a “compulsory purchase order”) by an authority abolished by section 1(10) or 20(6) of the Act or section 33 of the Water Act 1973 (whether confirmed before the coming into operation of this order or submitted for confirmation before or after such coming into operation) may be amended by the Minister by whom it was confirmed, or by whom it falls to be confirmed, by the substitution—

as the authority to be authorised to acquire the land comprised therein, of one or more county councils, district councils or water authorities;

as the Act under which the compulsory acquisition is authorised, in the case of any enactment repealed by or under the Act or the Water Act 1973, of any other enactment, and thereafter the order shall have effect, or be considered and if confirmed have effect, accordingly.

(2) Any compulsory purchase order made by such an authority as is first described in paragraph (1) which has not been submitted to a Minister for confirmation before 1st April 1974 may be so submitted by a county council, district council or water authority, and any action which requires to be taken prior to the submission of the order which has not already been taken shall be taken by such body.

(3) Any instrument other than a compulsory purchase order or byelaw which has been submitted to a Minister for confirmation before 1st April 1974 by such an authority as is first described in paragraph (1) may be amended by such Minister by the substitution of references to the whole or parts of one or more counties, districts, water authority areas or passenger transport areas, or of references to one or more county councils, district councils, water authorities or Passenger Transport Executives, and thereafter the instrument may be considered and if confirmed have effect accordingly.

(4) Any such instrument made by such an authority as is first described in paragraph (1) which has not been submitted to a Minister for confirmation before 1st April 1974 may be so submitted by a county council, district council, water authority or Passenger Transport Executive, and

- (a) any action which requires to be taken prior to the submission of the instrument which has not already been taken shall be taken by such body; and
- (b) paragraph (3) shall apply to such instrument as it applies to the instruments therein described.

(5) Paragraphs (1) and (2) shall apply to compulsory purchase orders made by combined police authorities and combined fire authorities as they apply to the compulsory purchase orders described therein, and such authorities existing on and after 1st April 1974 shall be included amongst the authorities who may be authorised to acquire the land comprised in the order or who may submit the order for confirmation or take the other action described in paragraph (2).

(6) Paragraphs (1) and (2) shall extend to compulsory purchase orders made by the Greater London Council, the council of any London borough or the Common Council of the City of London as they apply to the compulsory purchase orders described therein.

(7) In paragraphs (3) and (4) “instrument” includes a draft scheme under section 30 of the Land Drainage Act 1961.

Instruments made by Ministers

23. Any instrument which has been made by a Minister before 1st April 1974 may be amended by the appropriate Minister by the substitution of references to—

- the whole or parts of one or more counties, districts, water authority areas or passenger transport areas, or
- one or more county councils, district councils, water authorities or Passenger Transport Executives,

and thereafter the instrument shall have effect, or be proceeded with, accordingly.

In this article, “the appropriate Minister”, in relation to any instrument, means the Minister in charge of any government department concerned with the subject matter of the instrument, but the validity of any action shall not be affected by any question as to whether or not any Minister was the appropriate Minister for the purpose.

Instruments subject to special parliamentary procedure

24.—(1) Articles 22 and 23 shall not apply to any instrument which at 1st April 1974 is subject to the procedure regulated in the Statutory Orders (Special Procedure) Acts 1945 and 1965 until the completion of such procedure.

(2) In any such procedure—

- (a) any notice given by a Minister that he desires that rights and functions conferred on him shall be exercisable by any authority shall have effect; but
- (b) otherwise, the instrument subject to the procedure shall be dealt with as if any authority named therein were still in existence.

Audit of first accounts of new authorities

25. The accounts for the period ending on 31st March 1974 of—

- any county council, district council or community council;
- any parish council constituted by section 9(4) of the Act or article 6(1) of the New Parishes Order 1973;
- the Parish Meeting of Courteenhall;
- any water authority;
- any joint committee of any such bodies;
- the National Water Council; and
- the committees and officers of any such body,

shall be audited with the corresponding accounts for the financial year beginning on 1st April 1974 and shall be treated for all purposes as if they were accounts for that financial year.

Payments in respect of redundancy payments

26.—(1) This article applies in relation to any officer (hereinafter referred to as “the officer”) of an authority abolished by the Act or the Water Act 1973 who is remunerated by periodic payments which take into account the employment of any persons by the officer.

(2) Where in consequence of such abolition a redundancy payment falls to be made by the officer in respect of any person, any local authority or water authority may pay to the officer the amount of such payment or any part thereof.

Security for loans

27. Where under any agreement made under section 68 of the Act as applied by section 254(6) thereof any liability or part of a liability charged indifferently on all the revenues of a public body or on any particular revenues or fund of such body is transferred to another public body, the liability or part of the liability shall be charged indifferently on all the revenues of the public body to whom it is transferred and shall cease to be a charge on any revenues or fund of the public body from whom it is transferred.

Authorisations to enter premises

28. Any authorisation to enter premises issued to any officer transferred by or under an order made under sections 254 and 255 of the Act to the employment of any authority shall have effect as if it had been issued by such authority.

This article shall have effect subject to the express provision of any other order made (whether before or after this order) under the Act and shall not apply in so far as express provision in respect of authorisations to enter premises is made in any such order.

Minutes of last meetings

29.—(1) This article applies to—

- councils and parish meetings abolished by section 1(10) or 20(6) of the Act;
- councils of boroughs included in rural districts;
- parish councils and parish meetings of existing rural parishes mentioned in paragraph 1 of Part IV of Schedule 1 to the Act or in paragraph (2) of article 3 of the New Parishes Order 1973;
- burial boards, joint burial boards and joint committees which cease to exist by virtue of section 214(1)(b) of the Act;
- joint boards which cease to exist by virtue of section 263(2)(b) of the Act;
- joint boards which cease to exist by virtue of section 263(3) of the Act;
- the Lake District Planning Board and the Peak Park Planning Board;
- the Snowdonia Park Joint Advisory Committee;
- the West Monmouthshire Omnibus Board;
- joint boards who are statutory water undertakers other than joint boards within the meaning of the Water Act 1973;
- joint sewerage boards;
- river authorities, the Conservators of the River Thames, the Lee Conservancy Catchment Board and the Isle of Wight River and Water Authority;
- combined police authorities and combined fire authorities;
- the Metropolitan Water Board;
- the Association of River Authorities;
- the British Waterworks Association;
- joint committees established by schemes of combination under section 2 of the Local Government Superannuation Act 1937; and
- committees, sub-committees and joint committees of any such bodies.

(2) The minutes of the last meeting of any body to whom this article applies shall if practicable be signed at such meeting.

(3) If it is not practicable for the minutes to be so signed they may be signed by the person who presided at the meeting in accordance with paragraph (4), (5) or (6) and—

- (a) any minute purporting to be so signed shall be received in evidence without further proof;
- (b) until the contrary is proved, the meeting in respect of the proceedings whereof a minute has been made and so signed shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are the proceedings of a committee, sub-committee or joint committee, the committee, sub-committee or joint committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

(4) Minutes of the proceedings of the last meeting of any body to whom this article applies other than a committee, sub-committee or joint committee or a parish meeting may be signed as aforesaid on or after the 7th day following the transmission to every member of the body of a copy of the

minutes and of a notification of the purport of paragraph (3) and this paragraph. The person who presided at the meeting shall take into consideration any representations made by any such member.

(5) Minutes of the proceedings of the last meeting of a committee, sub-committee or joint committee above may be signed as aforesaid on or after the 7th day following the transmission to every member of the committee, sub-committee or joint committee of a notification of the purport of paragraph (3) and this paragraph, with a copy of the minutes or information as to the availability of a copy for inspection. The person who presided at the meeting shall take into consideration any representations made by any such member.

(6) Minutes of the proceedings of the last meeting of a parish meeting may be signed as aforesaid after such consultation as the person presiding at the meeting shall think appropriate.

(7) If the person who presided at the meeting is not able to sign the minutes in accordance with paragraph (4), (5) or (6), paragraph (3) and such paragraph shall have effect with the substitution for any reference to the person who presided at the meeting of a reference to such person as the Secretary of State may direct.

(8) This article is without prejudice to any arrangements made by any body as to the signature of the minutes of its last meeting, or of the minutes of the last meeting of any committee, sub-committee or joint committee.

Registration

30.—(1) Subject to paragraph (6), in this article—

“register” means any register under any enactment, rule, order or regulation and includes—

- (a) any list kept for the purposes of the Pharmacy and Poisons Act 1933 under section 21 thereof; and
- (b) any index of local charities maintained under section 10 of the Charities Act 1960;

“registration” means inclusion in any register; and

“exemption” means exemption from any obligation in respect of registration.

(2) Immediately before 1st April 1974 the clerk of any council abolished by section 1(10) or 20(6) of the Act shall deliver any register of the council to the proper officer of the following authority, namely—

- (a) if the register is appropriate for one authority only, that authority;
- (b) in any other case, the authority specified in respect of the said council in column (2) of Part I or II of Schedule 4 to the Local Authorities (England) (Property etc.) Order 1973 or the Local Authorities (Wales) (Property etc.) Order 1973.

(3) As soon as may be after 1st April 1974 the proper officer of any authority shall—

- (a) send to the proper officer of any other authority a copy of every entry in any register received by him under paragraph (2)(b) which is appropriate for a register of that other authority; and
- (b) incorporate or include in the appropriate register of the authority by whom he is employed, with any necessary modifications—
 - (i) the entries in the registers delivered to him under paragraph (2)(b) of which copies have not been sent, under (a), to the proper officer of any other authority; and
 - (ii) the particulars of every entry furnished to him under (a) in its application to the proper officer of any other authority;

and every entry so incorporated or included shall continue in force as fully and effectively as if it had originally been made in the register in which it is incorporated or included.

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Where any register is kept in such manner that the entries therein are separable, (a) may be complied with, as regards any entry, by sending the entry to the proper officer specified therein, and if the entry is so sent (b)(ii) may be complied with, as regards that entry, by the inclusion of the entry in the appropriate register.

(4) Any application made before 1st April 1974 for registration in any register of any council abolished by section 1(10) or 20(6) of the Act or for exemption from any obligation in respect of inclusion in such register shall be treated as having been made to the authority for whose register the application is appropriate.

(5) Any order, decision, notice or certificate made, taken, given or issued before 1st April 1974 by a council abolished by section 1(10) or 20(6) of the Act in relation to—

- any application for registration or exemption;
- any entry in any register of the council,

shall have effect as if it had been made, taken, given or issued by the authority for whose register the application is appropriate or in whose register the entry falls to be incorporated or included.

(6) This article does not extend to—

- any register of parliamentary and local government electors;
- any register of local land charges kept in pursuance of section 15 of the Land Charges Act 1925;
- any register as to which provision is made in any other order made (whether before or after this order) under section 254 of the Act.

(7) Any reference in this article to the proper officer of an authority to which section 270(3) of the Act does not apply shall in relation to any purpose be construed as a reference to an officer appointed by the authority for that purpose.

19th March 1974

Anthony Crosland
Secretary of State for the Environment

19th March 1974

John Morris
Secretary of State for Wales