



# Local Government Act 1972

## 1972 CHAPTER 70

### PART VII **E+W**

#### MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

##### **Modifications etc. (not altering text)**

- C1** Pt. VII (ss. 111–146) extended by [Water Act 1989](#) (c. 15, SIF 130), s. 164(2), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- C2** Pt. VII (ss. 111–146) extended by [Water Industry Act 1991](#) (c. 56, SIF 130), ss. **83(2)**, 219(3)

#### *Subsidiary powers*

### **111 Subsidiary powers of local authorities. **E+W****

- (1) Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.
- (2) For the purposes of this section, transacting the business of a parish or community meeting or any other parish or community business shall be treated as a function of the parish or community council.
- (3) A local authority shall not by virtue of this section raise money, whether by means of rates, precepts or borrowing, or lend money except in accordance with the enactments relating to those matters respectively.
- (4) In this section “local authority” includes the Common Council.

*Status: Point in time view as at 14/11/2005.*

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**Modifications etc. (not altering text)**

- C3** S. 111 extended by [Housing Act 1974 \(c. 44\), s. 126\(1\)](#)
- C4** S. 111 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 57\(7\), Sch. 13 para. 12\(a\)](#)
- C5** S. 111 applied (07.08.1991) by [S.I. 1991/1773, arts. 6, 8, Sch. 1](#).  
S. 111: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773, arts. 6, 8, Sch. 1](#).
- C6** S. 111 applied (10.01.1992) by [S.I. 1991/2913, arts. 6, 8, Sch.1](#).  
S. 111: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913, arts. 6, 8, Sch. 1](#).  
S. 111 modified (1.4.1995) by [S.I. 1995/401, art. 18, Sch. para. 1\(a\)](#)  
S. 111: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042, art. 3\(3\)](#)  
S. 111 applied (4.3.1996) by [S.I. 1996/263, reg. 16\(3\)](#)  
S. 111: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50, s. 44\(1\), Sch. 4\(a\)\(v\)](#); [S.I. 1997/1930, art. 2\(1\)\(2\)\(m\)](#)
- C7** S. 111 applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\), reg. 14\(1\)](#)
- C8** S. 111(1)(3) extended (5.7.1994) by [1994 c. 19, ss. 39\(2\), 66\(2\)\(a\)\(b\), Sch. 13 para. 19\(a\)](#) (with [ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)](#))
- C9** S. 111(3) excluded (18.11.2003) by [Local Government Act 2003 \(c. 26\), ss. {93\(7\)\(a\)}, 128](#)

*Staff*

**112 Appointment of staff. E+W**

- (1) Without prejudice to section 111 above but subject to the provisions of this Act, a local authority shall appoint such officers as they think necessary for the proper discharge by the authority of such of their or another authority’s functions as fall to be discharged by them and the carrying out of any obligations incurred by them in connection with an agreement made by them in pursuance of section 113 below.
- (2) An officer appointed under subsection (1) above shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit.
- (3) Subject to subsection (4) below, any enactment or instrument made under an enactment which requires or empowers all local authorities or local authorities of any description or committees of local authorities to appoint a specified officer shall, to the extent that it makes any such provision, cease to have effect.

The reference in this section to committees of local authorities does not include a reference to any committee of which some members are required to be appointed by a body or person other than a local authority.

- (4) Subsection (3) above does not apply to the following officers, that is to say—
  - <sup>F1</sup>(a) .....
  - (b) chief education officers appointed under [<sup>F2</sup>section 532 of the Education Act 1996];
  - (c) <sup>F3</sup> .....
  - <sup>F4</sup>(d) .....
  - <sup>F1</sup>(e) .....

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- (f) agricultural analysts and deputy agricultural analysts appointed under section 67(3) of the <sup>M1</sup>Agriculture Act 1970; and
- (g) directors of social services appointed under section 6 of the <sup>M2</sup>Local Authority Social Services Act 1970;

and it is hereby declared that subsection (3) above does not apply . . . <sup>F5</sup> to any other person appointed by a local authority to perform a specified function.

- (5) Without prejudice to the provisions of subsection (1) above, a parish or community council may appoint one or more persons from among their number to be officers of the council, without remuneration.
- (6) Nothing in this section affects the operation of section 5 of the 1963 Act or the <sup>M3</sup>Local Authorities (Goods and Services) Act 1970.

#### Textual Amendments

- F1** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F2** Words in s. 112(4)(b) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 23** (with ss. 1(4), 561, 562, **Sch. 39** paras. 30, 36, 19)
- F3** S. 112(4)(c) repealed (1.10.2004 for E. and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), ss. 53, 54, 61, **Sch. 1** para. 40, **Sch. 2**; S.I. 2004/2304, **art. 2(2)** (subject to art. 3); S.I. 2004/2917, **art. 2**
- F4** S. 112(4)(d) repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98, **Sch. 13 Pt. I**
- F5** Words repealed by virtue of [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. XI**

#### Modifications etc. (not altering text)

- C10** S. 112 extended by [City of London \(Various Powers\) Act 1977 \(c. xv\)](#), **s. 19**
- C11** S. 112 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C12** S. 112 modified (07.08.1991) by S.I. 1991/1773, **art. 8(2)**, **Sch. 2**.  
S. 112: certain functions transferred (07.08.1991) by S.I. 1991/1773, **art. 8**, **Sch. 2**.
- C13** S. 112 modified (10.01.1992) by S.I. 1991/2913, **art. 8(2)**, **Sch. 2**.  
S. 112: certain functions transferred (10.01.1992) by S.I. 1991/2913, **art. 8(1)(3)**, **Sch. 2**.  
S. 112 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2))  
S. 112: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 112 modified (1.4.1995) by S.I. 1995/401, **art. 18**, **Sch. para. 1(b)**  
S. 112 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117, **Sch. 8** para. 7)  
S. 112: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1)**, **Sch. 1**
- C14** S. 112 applied (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 17(6)**  
S. 112 applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 17(6)**
- C15** S. 112(1)(2)(5) applied (with modifications) (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), **reg. 10(1)**
- C16** S. 112(2)(5) applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**

#### Marginal Citations

- M1** 1970 c. 40.
- M2** 1970 c. 42.
- M3** 1970 c. 39.

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### 113 Placing of staff of local authorities at disposal of other local authorities. **E+W**

- (1) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him.
- <sup>F6</sup>(1A) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with <sup>F7</sup>the Health Protection Agency,] a <sup>F8</sup>Strategic Health Authority,]<sup>F9</sup>Health Authority, Special Health Authority, PrimaryCare Trust]<sup>F10</sup>, NHS trust or NHS foundation trust]—
- (a) for the placing at the disposal of <sup>F11</sup>the Health Protection Agency,] the <sup>F8</sup>Strategic Health Authority,]<sup>F12</sup>Health Authority, Special Health Authority]<sup>F10</sup>, NHS trust or NHS foundation trust] for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the local authority;
- (b) for the placing at the disposal of the local authority for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by <sup>F13</sup>the Health Protection Agency,] the <sup>F8</sup>Strategic Health Authority,]<sup>F14</sup>Health Authority, Special Health Authority]<sup>F10</sup>, NHS trust or NHS foundation trust];
- but a local authority shall not enter into an agreement in pursuance of paragraph (a) of this subsection in respect of any officer without consulting him.]
- (2) For superannuation purposes service rendered by an officer of a local authority whose services are placed at the disposal of another local authority in pursuance of this section is service rendered to the authority by whom he is employed, but any such officer shall be treated for the purposes of any enactment relating to the discharge of local authorities' functions as an officer of that other local authority.
- <sup>F15</sup>(3) An officer whose services are placed at the disposal of a local authority in pursuance of subsection (1A) of this section shall be treated as an officer of the authority for the purposes of any enactment relating to the discharge of local authorities' functions.]
- <sup>F16</sup>(4) In subsection (1A) above “NHS trust” means a National Health Service trust established under Part I of the National Health Service and Community Care Act 1990.]<sup>F17</sup>and “Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977]

#### Textual Amendments

- F6** S. 113(1A) added by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Sch. 4 para. 151\(1\)](#)
- F7** Words in s. 113(1A) inserted (1.4.2005) by [Health Protection Agency Act 2004 \(c. 17\)](#), ss. 11, 12, [Sch. 3 para. 4\(a\)](#); S.I. 2005/121, [art. 2\(2\)](#)
- F8** Words in s. 113(1A) inserted (1.10.2002) by [The National Health Service Reform and Health Care Professions Act 2002 \(Supplementary, Consequential etc. Provisions\) Regulations 2002 \(S.I. 2002/2469\)](#), reg. 4, [Sch. 1 para. 7](#)
- F9** Words in s. 113(1A) substituted (8.2.2000) by virtue of S.I. 2000/90, art. 3(1), [Sch. 1 para. 10\(a\)](#)
- F10** Words in s. 113(1A) substituted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 34, 199, [Sch. 4 para. 18](#); S.I. 2004/759, [art. 2](#)
- F11** Words in s. 113(1A)(a) inserted (1.4.2005) by [Health Protection Agency Act 2004 \(c. 17\)](#), ss. 11, 12, [Sch. 3 para. 4\(b\)](#); S.I. 2005/121, [art. 2\(2\)](#)

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- F12** Words in s. 113(1A)(a) substituted (28.6.1995 for certain purposes otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. III para. 97(2)(b)** (with Sch. 2 paras. 6, 16)
- F13** Words in s. 113(1A)(b) inserted (1.4.2005) by Health Protection Agency Act 2004 (c. 17), ss. 11, 12, **Sch. 3 para. 4(c)**; S.I. 2005/121, **art. 2(2)**
- F14** Words in s. 113(1A)(b) substituted (28.6.1995 for certain purposes otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. III para. 97(2)(c)** (with Sch. 2 paras. 6, 16)
- F15** S. 113(3) added by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 151(2)**
- F16** S. 113(4) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 13(b)**
- F17** Words in s. 113(4) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 10(b)**

#### **Modifications etc. (not altering text)**

- C17** S. 113 extended by City of London (Various Powers) Act 1977 (c. xv), **s. 19**
- C18** S. 113 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C19** S. 113 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**  
S. 113: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C20** S. 113 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**  
S. 113: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**  
S. 113 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 113: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 113 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**  
S. 113 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
S. 113: power to make provisions about matters of the kind dealt with in this section conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C21** S. 113 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**  
S. 113 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C22** S. 113(1) restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 91, **Sch. 15 para. 1(2)(a)**

## **114 Security to be taken in relation to officers. E+W**

- (1) A local authority shall, in the case of an officer employed by them, whether under this or any other enactment, who by reason of his office or employment is likely to be entrusted with the custody or control of money, and may in the case of any other officer employed by them, take such security, for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him, as the local authority consider sufficient.
- (2) A local authority may, in the case of a person not employed by them but who is likely to be entrusted with the custody or control of money or property belonging to the local authority, take such security as they think sufficient for the person duly accounting for all such money or property.
- (3) A local authority shall defray the cost of any security taken under this section, and every such security shall be produced to the auditor at the audit of the accounts of the local authority.

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#### Modifications etc. (not altering text)

- C23** S. 114 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), **Sch. 3 para. 12**
- C24** Ss. 114, 115 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C25** S. 114 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8(2), **Sch. 2**  
S. 114: certain functions transferred (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch. 2**  
S. 114: applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), **art. 4(1)**  
S. 114 extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
S. 114 modified (1.4.1995) by [S.I. 1995/401](#), art. 18, **Sch. para. 1(b)**  
S. 114 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))  
S. 114 applied (with modifications) (5.12.1995) by [S.I. 1995/3127](#), art. 2, **Sch. para. 24**; [S.I. 1995/3131](#), art. 2, **Sch. para. 24**; [S.I. 1995/3132](#), art. 2, **Sch. para. 24**; [S.I. 1995/3133](#), art. 2, **Sch. para. 24**  
S. 114 applied (with modifications) (11.12.1995) by [S.I. 1995/3218](#), art. 2, **Sch. para. 25**; [S.I. 1995/3229](#), art. 2, **Sch. para. 25**; [S.I. 1995/3230](#), art. Sch. para. 25  
S. 114 applied (4.3.1996) by [S.I. 1996/263](#), **reg. 10(1)**  
S. 114 applied (with modifications) (20.11.1996) by [S.I. 1996/2912](#), art. 2, **Sch. para. 24**; [S.I. 1996/2916](#), art. 2, **Sch. para. 24**; [S.I. 1996/2917](#), art. 2, **Sch. para. 24**; [S.I. 1996/2918](#), art. 2, **Sch. para. 24**; [S.I. 1996/2919](#), art. 2, **Sch. para. 24**; [S.I. 1996/2920](#), art. 2, **Sch. para. 24**; [S.I. 1996/2921](#), art. 2, **Sch. para. 24**; [S.I. 1996/2922](#), art. 2, **Sch. para. 24**; [S.I. 1996/2923](#), art. 2, **Sch. para. 24**; [S.I. 1996/2924](#), art. 2, **Sch. para. 24**  
S. 114: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50](#), s. 44(1), **Sch. 4(a)(vi)**; [S.I. 1997/1930](#), **art. 2(1)(2)(m)**
- C26** S. 114 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8(2), **Sch. 2**  
S. 114: certain functions transferred (7.8.1991) by [S.I. 1991/1773](#), art. 8, **Sch. 2**
- C27** S. 114 applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 17(6)**  
S. 114 applied (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 17(6)**
- C28** S. 114 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), art. 2, **Sch. para. 19**
- C29** Ss. 114-117 applied (with modifications) (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), **reg. 10(1)**

#### 115 Accountability of officers. **E+W**

- (1) Every officer employed by a local authority, whether under this Act or any other enactment, shall at such times during the continuance of his office or within three months after ceasing to hold it, and in such manner as the local authority direct, make out and deliver to the authority, or in accordance with their directions, a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein, and a list of persons from whom or to whom money is due in connection with his office, showing the amount due from or to each.
- (2) Every such officer shall pay all money due from him to the proper officer of the local authority or in accordance with their directions.

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#### Modifications etc. (not altering text)

- C30** S. 115 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), **Sch. 3 para. 12**
- C31** Ss. 114, 115 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C32** S. 115 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8(2), **Sch. 2**.  
S. 115: certain functions transferred (7.8.1991) by [S.I. 1991/1773](#), art. 8, **Sch. 2**
- C33** S.115 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8(2), **Sch. 2**.  
S.115: certain functions transferred (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch. 2**.  
S. 115 extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
S. 115 modified (1.4.1995) by [S.I. 1995/401](#), art. 18, **Sch. para. 1(b)**  
S. 115 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))  
S. 115 applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), **art. 4(1)**  
S. 115 applied (with modifications) (5.12.1995) by [S.I. 1995/3132](#), art. 2, **Sch. para. 24**; [S.I. 1995/3133](#), art. 2, **Sch. para. 24**; [S.I. 1995/3127](#), art. 2, **Sch. para. 24**; [S.I. 1995/3131](#), art. 2, **Sch. para. 24**  
S. 115 applied (with modifications) (11.12.1995) by [S.I. 1995/3218](#), art. 2, **Sch. para. 25**; [S.I. 1995/3229](#), art. 2, **Sch. para. 25**; [S.I. 1995/3230](#), art. 2, **Sch. para. 25**  
S. 115 applied (4.3.1996) by [S.I. 1996/263](#), **reg. 10(1)**  
S. 115 applied (with modifications) (20.11.1996) by [S.I. 1996/2912](#), art. 2, **Sch. para. 24**; [S.I. 1996/2916](#), art. 2, **Sch. para. 24**; [S.I. 1996/2917](#), art. 2, **Sch. para. 24**; [S.I. 1996/2918](#), art. 2, **Sch. para. 24**; [S.I. 1996/2919](#), art. 2, **Sch. para. 24**; [S.I. 1996/2920](#), art. 2, **Sch. para. 24**; [S.I. 1996/2921](#), art. 2, **Sch. para. 24**; [S.I. 1996/2922](#), art. 2, **Sch. para. 24**; [S.I. 1996/2923](#), art. 2, **Sch. para. 24**; [S.I. 1996/2924](#), **art. 2 Sch. para. 24**  
S. 115: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50](#), s. 44(1), **Sch. 4(a)(vi)**; [S.I. 1997/1930](#), **art. 2(1)(2)(m)**
- C34** S. 115 applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 17(6)**  
S. 115 applied (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 17(6)**
- C35** S. 115 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), art. 2, **Sch. para. 19**
- C36** Ss. 114-117 applied (with modifications) (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), **reg. 10(1)**

#### 116 Members of local authorities not to be appointed as officers. **E+W**

A person shall, so long as he is, and for twelve months after he ceases to be, a member of a local authority, be disqualified for being appointed [<sup>F18</sup>or elected] by that authority to any paid office, other than to the office of chairman or vice-chairman [<sup>F19</sup>or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive]. . .

#### Textual Amendments

- F18** Words in s. 116 inserted (E.) (11.7.2001) by [S.I. 2001/2237](#), art. 8(a) and (W.) (1.4.2002) by [S.I. 2002/808](#), **art. 8(a)**

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- F19** Words in s. 116 inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 8(b) and (W.) (1.4.2002) by S.I. 2002/808, art. 8(b)

**Modifications etc. (not altering text)**

- C37** S. 116 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**  
S. 116 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 116 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117)
- C38** S. 116 modified by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 175(6)**, 231(7), 235(6)  
S. 116 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**  
S. 116 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**
- C39** S. 116: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**  
S. 116: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**
- C40** S. 116 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 116 applied (with modifications) (5.12.1995) by: S.I. 1995/3132, art. 2, **Sch. para. 24**; S.I. 1995/3133, art. 2, **Sch. para. 24**; S.I. 1995/3127, art. 2, **Sch. para. 24**; S.I. 1995/3131, art. 2, **Sch. para. 24**  
S. 116 applied (with modifications) (11.12.1995) by: S.I. 1995/3218, art. 2, **Sch. para. 25**; S.I. 1995/3229, art. 2, **Sch. para. 25**; S.I. 1995/3230, art. 2, **Sch. para. 25**  
S. 116 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**  
S. 116 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**  
S. 116 applied (with modifications) (20.11.1996) by: S.I. 1996/2912, art. 2, **Sch. para. 24**; S.I. 1996/2916, art. 2, **Sch. para. 24**; S.I. 1996/2917, art. 2, **Sch. para. 24**; S.I. 1996/2918, art. 2, **Sch. para. 24**; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921, art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2, **Sch. para. 24**
- C41** S. 116 restricted (23.11.1995) by S.I. 1995/2803, art. 19(1), **Sch. 6 para. 1**
- C42** S. 116: power to make provisions about matters of the kind dealt with in this section conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C43** S. 116 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**  
S. 116 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C44** S. 116 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**
- C45** Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**

**117 Disclosure by officers of interest in contracts. E+W**

- (1) If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.



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- (2) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
- (3) Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding [<sup>F20</sup>level 4 on the standard scale].
- (4) References in this section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.

### Textual Amendments

**F20** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

### Modifications etc. (not altering text)

- C46** S. 117 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), **Sch. 3 para. 12**
- C47** S. 117 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C48** S. 117 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**  
S.117: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C49** S.117 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**  
S.117: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch.2**  
S. 117 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
S. 117 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**  
S. 117 modified (3.4.1995) by 1994 c. 19, s. 66(7), **Sch. 17 para. 10** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1995/852, art. 9(1), **Sch. 5**  
S. 117 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 117 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117)  
S. 117 modified (23.11.1995) by 1995/2803, art. 19(1), [Sch. 6 para. 2](#)  
S. 117 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**  
S. 117: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**  
S. 117 applied (with modifications) (8.5.2000) by 1999 c. 29, s. 71 (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/801, **art. 2(2)(b)**
- C50** S. 117 applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 17(6)**  
S. 117 applied (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 17(6)**
- C51** S. 117 modified (24.3.2005) by [The New Forest National Park Authority \(Establishment\) Order 2005 \(S.I. 2005/421\)](#), art. 17, **Sch. 4 para. 4**
- C52** Ss. 114-117 applied (with modifications) (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), **reg. 10(1)**
- C53** S. 117 modified (24.3.2010) by [The South Downs National Park Authority \(Establishment\) Order 2010 \(S.I. 2010/497\)](#), art. 1, **Sch. 4 para. 4**
- C54** S. 117(1)(2)(3) applied (with modifications) (5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 24**; S.I. 1995/3133, art. 2, **Sch. para. 24**; S.I. 1995/3127, art. 2, **Sch. para. 24**; S.I. 1995/3131, art. 2, **Sch. para. 24**  
S. 117(1)(2)(3) applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 25**; S.I. 1995/3229, art. 2, **Sch. para. 25**; S.I. 1995/3230, art. 2, **Sch. para. 25**  
S. 117(1)(2)(3) applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 24**; S.I. 1996/2916, art. 2, **Sch. para. 24**; S.I. 1996/2917, art. 2, **Sch. para. 24**; S.I. 1996/2918, art. 2, **Sch. para. 24**; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921,

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art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2, **Sch. para. 24**

- C55** S. 117(1) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**
- C56** S. 117(2) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**
- C57** S. 117(3) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**

## 118 **Payment of salary, etc., due to mentally disordered person.** **E+W**

- (1) Subject to the provisions of this section, the power of a local authority to pay remuneration to their officers shall include power, where the authority are satisfied after considering medical evidence that the person to whom, apart from this section, any sum to which this section applies is payable (hereafter in this section referred to as “the patient”) is incapable, by reason of mental disorder within the meaning of [F<sup>21</sup>the Mental Health Act 1983], of managing and administering his property and affairs, to pay that sum or such part thereof as the authority think fit to the institution or person having the care of the patient to be applied for his benefit and to pay the remainder, if any, or such part thereof as the authority think fit—
- (a) to or for the benefit of persons who appear to the authority to be members of the patient’s family or other persons for whom the patient might be expected to provide if he were not mentally disordered; or
  - (b) in reimbursement, with or without interest, of money applied by any person either in payment of the patient’s debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph.
- (2) This section applies to any sum payable by a local authority to an officer or pensioner of the authority, or to the widow or widower of a child of a deceased officer or pensioner thereof, by way of remuneration, pension, superannuation or other allowance, gratuity or annuity, or by way of repayment (with or without interest) of contributions made to any superannuation or other fund; and in this subsection the expression “pensioner” includes a person entitled to any pecuniary benefit under any enactment or scheme for the establishment of a superannuation fund or a superannuation and provident fund administered by the local authority.
- (3) A local authority shall not in exercise of the powers conferred by subsection (1) above apply in any year in respect of any one person more than £500, or such other sum as may be prescribed.
- (4) Before exercising their powers under this section in relation to any patient a local authority shall give to the authority having jurisdiction under [F<sup>22</sup>Part VII of the said Act of 1983] notice in writing of their intention so to do, specifying the name and address of the patient and the amount and nature of the sums in respect of which the local authority intend to exercise those powers, and the local authority shall, at the same time, give notice in writing to the patient in a form approved by the authority having jurisdiction as aforesaid; and, except with the approval of the authority having jurisdiction as aforesaid, the local authority shall not make the first payment under this section in relation to that patient before the expiration of the period of fourteen days beginning with the date of the service of the notice.

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- (5) If at any time the authority having jurisdiction as aforesaid give to the local authority notice in writing that the first-mentioned authority objects to the exercise by the local authority of their said powers in relation to any patient, those powers shall, as from the date of the receipt by the local authority of the notice, cease to be exercisable by the local authority in relation to that patient unless and until the first-mentioned authority withdraws the notice.
- (6) A local authority shall be discharged from all liability in respect of any payment or application of money effected by the authority in exercise of their powers under this section.

#### Textual Amendments

- F21** Words “the Mental Health Act 1983” substituted (E.W.) for words “the Mental Health Act 1959” by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 32\(a\)](#)
- F22** Words commencing “Part VII” substituted (E.W.) for words commencing “Part VIII” by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 32\(b\)](#)

#### Modifications etc. (not altering text)

- C58** S. 118 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), [Sch. 3 para. 12](#)
- C59** S. 118 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), [Sch. 2](#)  
S. 118: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, [Sch. 2](#)
- C60** S. 118 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), [Sch. 2](#)  
S. 118: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, [Sch. 2](#)  
S. 118 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), [Sch. 13 para. 19\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
S. 118 modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 1\(b\)](#)  
S. 118: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, [art. 3\(3\)](#)  
S. 118 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), [Sch. 7 para. 13\(6\)](#) (with ss. 7(6), 115, 117)  
S. 118 applied (with modifications) (5.12.1995) by S.I. 1995/3132, art. 2, [Sch. para. 24](#); S.I. 1995/3133, art. 2, [Sch. para. 24](#); S.I. 1995/3127, art. 2, [Sch. para. 24](#); S.I. 1995/3131, art. 2, [Sch. para. 24](#)  
S. 118 applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, [Sch. para. 25](#); S.I. 1995/3229, art. 2, [Sch. para. 25](#); S.I. 1995/3230, art. 2, [Sch. para. 25](#)  
S. 118 applied (4.3.1996) by S.I. 1996/263, [reg. 10\(1\)](#)  
S. 118 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, [Sch. para. 24](#); S.I. 1996/2916, art. 2, [Sch. para. 24](#); S.I. 1996/2917, art. 2, [Sch. para. 24](#); S.I. 1996/2918, art. 2, [Sch. para. 24](#); S.I. 1996/2919, art. 2, [Sch. para. 24](#); S.I. 1996/2920, art. 2, [Sch. para. 24](#); S.I. 1996/2921, art. 2, [Sch. para. 24](#); S.I. 1996/2922, art. 2, [Sch. para. 24](#); S.I. 1996/2923, art. 2, [Sch. para. 24](#); S.I. 1996/2924, art. 2, [Sch. para. 24](#)  
S. 118: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), [Sch. 4\(a\)\(vi\)](#); S.I. 1997/1930, [art. 2\(1\)\(2\)\(m\)](#)
- C61** S. 118 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), [art. 17\(6\)](#)  
S. 118 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), [art. 17\(6\)](#)
- C62** S. 118(1) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), [Sch. 13](#), para. 12(b)

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## 119 Payments due to deceased officers. **E+W**

- (1) If, on the death of any person who is or has been an officer of a local authority, there is due to him or his legal personal representatives from a local authority a sum not exceeding £500 and not being a pension, allowance or gratuity payable by virtue of section 7 of the <sup>M4</sup>Superannuation Act 1972, the authority may, without requiring the production of probate or letters of administration of the estate of the officer, pay the whole or any part of that sum to the officer's personal representatives or to the person, or to or among any one or more of any persons, appearing to the authority to be beneficially entitled to the estate of the officer, and any person to whom such a payment is made, and not the authority, shall be liable to account for the sum paid to him under this subsection.
- (2) The authority may, if they think fit, pay out of the said sum the funeral expenses of the officer or so much thereof as they consider reasonable <sup>F23</sup> . . .
- (3) Subsection (1) above shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the <sup>M5</sup>Administration of Estates (Small Payments) Act 1965, substituting for references to £500 references to such higher amount as may be specified in the order.
- (4) Where provision has been made by regulations under section 7(1)(b) of the said Act of 1972 with respect to the pensions, allowances or gratuities which in certain circumstances are to be, or may be, paid to or in respect of any persons or classes of persons, the Secretary of State may by regulations provide for the application of the foregoing provisions of this section to such of those persons or classes of persons as may be specified in the regulations.

### Textual Amendments

**F23** Words repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86, [Sch. 11](#)

### Modifications etc. (not altering text)

- C63** S. 119 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), [Sch. 3 para. 12](#)
- C64** S. 119 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), [Sch.2](#).  
S. 119: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, [Sch.2](#).
- C65** S. 119 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), [Sch. 2](#).  
S. 119: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, [Sch.2](#).  
S. 119 extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), [Sch. 13 para. 19\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
S. 119 modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 1\(b\)](#)  
S. 119: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, [art. 3\(3\)](#)  
S. 119 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), [Sch. 7 para. 13\(6\)](#) (with ss. 7(6), 115, 117)  
S. 119 applied (with modifications) (5.12.1995) by S.I. 1995/3132, art. 2, [Sch. para. 24](#); S.I. 1995/3133, art. 2, [Sch. para. 24](#); S.I. 1995/3127, art. 2, [Sch. para. 24](#); S.I. 1995/3131, art. 2, [Sch. para. 24](#)  
S. 119 applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, [Sch. para. 25](#); S.I. 1995/3229, art. 2, [Sch. para. 25](#); S.I. 1995/3230, art. 2, [Sch. para. 25](#)  
S. 119 applied (4.3.1996) by S.I. 1996/263, [reg. 10\(1\)](#)  
S. 119 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, [Sch. para. 24](#); S.I. 1996/2916, art. 2, [Sch. para. 24](#); S.I. 1996/2917, art. 2, [Sch. para. 24](#); S.I. 1996/2918, art. 2, [Sch. para. 24](#); S.I. 1996/2919, art. 2, [Sch. para. 24](#); S.I. 1996/2920, art. 2, [Sch. para. 24](#); S.I. 1996/2921,

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- art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2, **Sch. para. 24**
- S. 119 applied (with modifications) (21.3.1997) by 1997 c. 45, s. 2(4)
- S. 119: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C66** S. 119 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**
- S. 119 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C67** S. 119 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**
- C68** Section 119(1) has effect by virtue of S.I. 1984/539, **art. 2(i)**, as if for the reference to £500 there were substituted a reference to £5,000
- C69** S. 119(1) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**

#### Marginal Citations

- M4** 1972 c. 11.  
**M5** 1965 c. 32.

### *Land transactions — principal councils*

## **120 Acquisition of land by agreement by principal councils. E+W**

- (1) For the purposes of—
  - (a) any of their functions under this or any other enactment, or
  - (b) the benefit, improvement or development of their area,a principal council may acquire by agreement any land, whether situated inside or outside their area.
- (2) A principal council may acquire by agreement any land for any purpose for which they are authorised by this or any other enactment to acquire land, notwithstanding that the land is not immediately required for that purpose; and, until it is required for the purpose for which it was acquired, any land acquired under this subsection may be used for the purpose of any of the council's functions.
- (3) Where under this section a council are authorised to acquire land by agreement, the provisions of Part I of the <sup>M6</sup>Compulsory Purchase Act 1965 (so far as applicable) other than section 31 shall apply, and in the said Part I as so applied the word “land” shall have the meaning assigned to it by this Act.
- (4) Where two or more councils acting together would have power to acquire any land by agreement by virtue of this section, nothing in any enactment shall prevent one of those councils from so acquiring the land on behalf of both or all of them in accordance with arrangements made between them, including arrangements as to the subsequent occupation and use of the land.
- (5) References in the foregoing provisions of this section to acquisition by agreement are references to acquisition for money or money's worth, as purchaser or lessee.

*Status: Point in time view as at 14/11/2005.*

*Changes to legislation: Local Government Act 1972, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Modifications etc. (not altering text)

- C70** S. 120 modified by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\)](#), [s. 19\(4\)](#)
- C71** S. 120 amended and certain functions transferred by [S.I. 1989/304](#), [art. 5\(3\)\(g\)\(4\)](#)
- C72** S. 120 amended by [S.I. 1989/304](#), [art. 5\(4\)\(c\)](#)
- C73** S. 120 modified (07.08.1991) by [S.I. 1991/1773](#), [art. 8\(2\)](#), [Sch.2](#).  
S. 120: certain functions transferred (07.08.1991) by [S.I. 1991/1773](#), [art. 8](#), [Sch.2](#)
- C74** S. 120 modified (10.01.1992) by [S.I. 1991/2913](#), [art. 8\(2\)](#), [Sch.2](#).  
S. 120: certain functions transferred (10.01.1992) by [S.I. 1991/2913](#), [art. 8](#), [Sch.2](#).  
S. 120: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 3\(3\)](#)  
S. 120 extended (with modifications) (19.9.1995) by [1995 c. 25](#), [ss. 65\(7\)](#), [125\(2\)](#), [Sch. 8 para. 1\(1\)\(a\)\(4\)](#) (with [ss. 7\(6\)](#), [115](#), [117](#), [Sch. 8 para. 7](#))  
S. 120 (except subsection 1(b)): power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50](#), [s. 44\(1\)](#), [Sch. 4\(a\)\(vii\)](#); [S.I. 1997/1930](#), [art. 2\(1\)\(2\)\(m\)](#)
- C75** S. 120 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), [art. 2](#), [Sch. para. 15](#)
- C76** S. 120(3) applied (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), [ss. {211\(6\)}](#), [277\(1\)](#) (subject to [s. 277\(2\)-\(5\)](#))  
S. 120(3) applied (1.3.2007) by [National Health \(Wales\) Service Act 2006 \(c. 42\)](#), [ss. {159\(6\)}](#), [208\(1\)](#) (subject to [s. 208\(2\)-\(5\)](#)) (with [s. 19\(3\)](#))

#### Marginal Citations

- M6** [1965 c. 56](#).

## 121 Acquisition of land compulsorily by principal councils. E+W

- (1) Subject to subsection (2) below, for any purpose for which they are authorised by this or any other public general Act to acquire land, a principal council may be authorised by the Minister concerned with that purpose to purchase compulsorily any land, whether situated inside or outside their area.
- (2) A council may not be authorised under subsection (1) above to purchase land compulsorily—
  - (a) for the purpose specified in section 120(1)(b) above, or
  - (b) for the purpose of any of their functions under the <sup>M7</sup>Local Authorities (Land) Act 1963, or
  - (c) for any purpose in relation to which their power of acquisition is by any enactment expressly limited to acquisition by agreement.
- (3) Where one or more councils propose, in exercise of the power conferred by subsection (1) above, to acquire any land for more than one purpose, the Minister or Ministers whose authorisation is required for the exercise of that power shall not be concerned to make any apportionment between those purposes nor, where there is more than one council, between those councils, and—
  - (a) the purposes shall be treated as a single purpose and the compulsory acquisition shall be treated as requiring the authorisation of the Minister, or the joint authorisation of the Ministers, concerned with those purposes; and
  - (b) where there is more than one council concerned, the councils may nominate one of them to acquire the land on behalf of them all and the council so nominated shall accordingly be treated as the acquiring authority for the purposes of any enactment relating to the acquisition.

*Status: Point in time view as at 14/11/2005.*

*Changes to legislation: Local Government Act 1972, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The [<sup>F24</sup>Acquisition of Land Act 1981] shall apply in relation to the compulsory purchase of land in pursuance of subsection (1) above <sup>F25</sup> . . .

**Textual Amendments**

- F24** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(1\), Sch. 4 para. 1 Table](#)
- F25** Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(3\), Sch. 6 Pt. I](#)

**Modifications etc. (not altering text)**

- C77** S. 121 modified by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\), s. 19\(4\)](#)
- C78** S. 121 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), [Sch. 2](#).  
S. 121: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, [Sch. 2](#).  
S. 121: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50, s. 44\(1\), Sch. 4\(a\)\(vii\)](#); S.I. 1997/1930, [art. 2\(1\)\(2\)\(m\)](#)
- C79** S. 121 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), [Sch. 2](#).  
S. 121: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, [Sch. 2](#).
- C80** S. 121 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\), art. 2, Sch. para. 15](#)
- C81** S. 121(1) modified (1.7.1999) by S.I. 1999/672, art. 2, [Sch. 1](#)

**Marginal Citations**

- M7** [1963 c. 29](#).

**122 Appropriation of land by principal councils. E+W**

- (1) Subject to the following provisions of this section, a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a council by virtue of this subsection shall be subject to the rights of other persons in, over or in respect of the land concerned.
- (2) A principal council may not appropriate under subsection (1) above any land which they may be authorised to appropriate under [<sup>F26</sup>section 229 of the Town and Country Planning Act 1990] (land forming part of a common, etc.) unless—
  - (a) the total of the land appropriated in any particular common, . . . <sup>F27</sup> or fuel or field garden allotment (giving those expressions the same meanings as in [<sup>F28</sup>the said section 229]) does not in the aggregate exceed 250 square yards, and
  - (b) before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them,

<sup>F29</sup> . . . . .

[<sup>F30</sup>(2A) A principal council may not appropriate under subsection (1) above any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

*Status: Point in time view as at 14/11/2005.*

*Changes to legislation: Local Government Act 1972, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2B) Where land appropriated by virtue of subsection (2A) above is held—
- (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
  - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),
- the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.]

<sup>F31</sup>(3) .....

- (4) Where land has been acquired under this Act or any other enactment or any statutory order incorporating the Lands Clauses Acts and is subsequently appropriated under this section, any work executed on the land after the appropriation has been effected shall be treated for the purposes of section 68 of the <sup>M8</sup>Lands Clauses Consolidation Act 1845 and section 10 of the <sup>M9</sup>Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

<sup>F32</sup>(5) .....

#### Textual Amendments

- F26** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)
- F27** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XII](#)
- F28** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)
- F29** S. 122(2)(b) words following repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)
- F30** S. 122(2A)(2B) inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\), s. 118, Sch. 23 Pt. V para. 12](#)
- F31** S. 122(3) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)
- F32** S. 122(5)(6) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

#### Modifications etc. (not altering text)

- C82** S. 122 extended (with modifications) (19.9.1995) by [1995 c. 25, ss. 65\(7\), 125\(2\), Sch. 8 para. 1\(1\)\(a\) \(4\)](#) (with [ss.7\(6\), 115, 117, Sch. 8 para. 7](#))
- C83** S. 122(4) applied by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), s. 232\(5\)](#)

#### Marginal Citations

- M8** 1845 c. 18.
- M9** 1965 c. 56.

## 123 Disposal of land by principal councils. **E+W**

- (1) Subject to the following provisions of this section, a principal council may dispose of land held by them in any manner they wish.



*Status: Point in time view as at 14/11/2005.*

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- (2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.
- [<sup>F33</sup>(2A) A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.
- (2B) Where by virtue of subsection (2A) above a council dispose of land which is held—
- (a) for the purpose of section 164 of the Public Health Act 1875 (pleasure grounds); or
  - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),
- the land shall by virtue of the disposal be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.]
- <sup>F34</sup>(3) .....
- <sup>F35</sup>(6) .....
- (7) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—
- (a) of the grant of a term not exceeding seven years, or
  - (b) of the assignment of a term which at the date of the assignment has not more than seven years to run,
- and in this section “public trust land” has the meaning assigned to it by section 122(6) above.

#### Textual Amendments

- F33** S. 123(2A)(2B) inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\)](#), s. 118, [Sch. 23 Pt. V para. 14](#)
- F34** S. 123(3)(4)(5) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. XIII](#)
- F35** S. 123(6) repealed (with savings in S.I. 1990/431, [Sch. 1 para. 1\(a\)](#)) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), [Sch. 12 Pt. I](#) (and as saved, amended (1.8.1993) by 1993 c. 10, s. 98(1), 99(1), [Sch. 6 para. 12\(3\)](#)).

#### Modifications etc. (not altering text)

- C84** S. 123 excluded by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [ss. 76\(11\)](#), 137(6), 189(6), 231(7), 235(6)
- S. 123 excluded (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), [s. 39\(8\)](#); S.I. 1992/831, [art. 2](#), [Sch. 1](#)
- S. 123 excluded (1.1.1994) by 1993 c. 35, [s. 41\(7\)](#) (with s. 155(11)); S.I. 1993/3106, [art. 4](#), [Sch. 1](#) (with [Sch. 2 para. 7\(3\)](#))
- S. 123 excluded (1.11.1996) by 1996 c. 56, [ss. 204\(7\)](#), 583(2) (with s. 1(4))
- S. 123 excluded (1.10.1998) by 1998 c. 31, [s. 77\(6\)\(9\)](#) (with [ss. 138\(9\)](#), 144(6)); S.I. 1998/2212, [art. 2\(1\)](#), [Sch. 1 Pt. I](#)
- S. 123 excluded (W.) (1.9.2001) by S.I. 2001/2678, [reg. 16](#), [Sch. 4 para. 21\(5\)](#)

*Status: Point in time view as at 14/11/2005.*

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- S. 123 excluded by [Greenham and Crookham Commons Act 2002 \(c. i\)](#), [s. 18\(11\)](#) (with [ss. 38, 39](#)) (the amendment coming into force in accordance with [s. 1\(2\)-\(4\)](#) of the amending Act)
- C85** S. 123 modified (7.8.1991) by [S.I. 1991/1773](#), [art. 8\(2\)](#), [Sch. 2](#)  
S. 123 modified (10.1.1992) by [S.I. 1991/2913](#), [art. 8\(2\)](#), [Sch. 2](#)
- C86** S. 123: certain functions transferred (7.8.1991) by [S.I. 1991/1773](#), [art. 8](#), [Sch. 2](#)  
S. 123: certain functions transferred (10.1.1992) by [S.I. 1991/2913](#), [art. 8](#), [Sch. 2](#)  
S. 123: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 3\(3\)](#)
- C87** S. 123 extended (3.4.1995) by [1994 c. 19](#), [s. 51\(6\)](#) (with [ss. 54\(5\)\(7\)](#), [55\(5\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1995/852](#), [art. 8](#), [Sch. 4](#)  
S. 123 extended (with modifications) (19.9.1995) by [1995 c. 25](#), [ss. 65\(7\)](#), [125\(2\)](#), [Sch. 8 para. 1\(1\)\(a\)\(4\)](#) (with [ss. 7\(6\)](#), [115](#), [117](#), [Sch. 8 para. 7](#))
- C88** S. 123: power to make provisions about matters of the kind dealt with in this section conferred (1.9.1997) by [1997 c. 50](#), [s. 44\(1\)](#), [Sch. 4\(a\)\(vii\)](#); [S.I. 1997/1930](#), [art. 2\(1\)\(2\)\(m\)](#)
- C89** S. 123 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), [art. 2](#), [Sch. para. 15](#)
- C90** S. 123 excluded (25.5.2007) by [The School Organisation \(Transitional Provisions\) \(England\) Regulations 2007 \(S.I. 2007/1355\)](#), [regs. 40](#) 46, {[Sch. 4 para. 12\(5\)](#)}  
S. 123 restricted (1.11.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 26\(3\)\(a\)](#), [245](#); [S.I. 2007/3136](#), [art. 2\(a\)](#)
- C91** S. 123(2) excluded by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), [s. 26\(5\)\(b\)](#)  
S. 123(2) excluded (1.10.1993) by [1993 c. 35](#), [s. 285](#); [S.I. 1993/1975](#), [art. 9](#), [Sch. 1](#)  
S. 123(2) excluded (21.7.1994) by [1994 c. xi](#), [s. 51\(1\)](#)  
S. 123(2) excluded (1.11.1996) by [1996 c. 56](#), [ss. 75](#), [583\(2\)](#) (with [s. 1\(4\)](#))  
S. 123(2) excluded (1.9.1999) by [1998 c. 31](#), [s. 22\(7\)](#), [Sch. 3 para. 12](#) (with [ss. 138\(9\)](#), [144\(6\)](#)); [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#)  
S. 123(2) excluded (26.7.2002) by [Education Act 1996 \(c. 56\)](#), [s. 482\(6\)](#), [Sch. 35A para. 10\(2\)](#) (as inserted (26.7.2002) by [Education Act 2002 \(c. 32\)](#), [s. 65](#), [Sch. 7 Pt. 1 para. 1](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2002](#), [art. 2](#)
- C92** S. 123(2) applied (5.7.1994) by [1994 c. 19](#), [ss. 39\(2\)](#), [66\(2\)\(b\)](#), [Sch. 13 para. 11\(4\)](#) (with [ss. 54\(5\)\(7\)](#), [55\(5\)](#), [Sch. 17 paras. 22\(1\)](#), [23\(2\)](#))  
S. 123(2) applied (1.4.1995) by [S.I. 1995/401](#), [art. 16\(2\)](#)
- C93** S. 123(2) restricted (28.7.2000) by [2000 c. 21](#), [ss. 131](#), [154\(5\)\(c\)](#), [Sch. 8 para. 9\(1\)](#)
- C94** S. 123(2A) applied (5.7.1994) by [1994 c. 19](#), [ss. 39\(2\)](#), [66\(2\)\(b\)](#), [Sch. 13 para. 11\(4\)](#) (with [ss. 54\(5\)\(7\)](#), [55\(5\)](#), [Sch. 17 paras. 22\(1\)](#), [23\(2\)](#))  
S. 123(2A) applied (1.4.1995) by [S.I. 1995/401](#), [art. 16\(2\)](#)
- C95** S. 123(2A) restricted (28.7.2000) by [2000 c. 21](#), [ss. 131](#), [154\(5\)\(c\)](#), [Sch. 8 para. 9\(2\)](#)
- C96** S. 123(2A) excluded (26.7.2002) by [Education Act 1996 \(c. 56\)](#), [s. 482\(6\)](#), [Sch. 35A para. 10\(3\)](#) (as inserted (26.7.2002) by [Education Act 2002 \(c. 32\)](#), [s. 65](#), [Sch. 7 Pt. 1 para. 1](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2002](#), [art. 2](#)

F36 **123A**..... **E+W**

#### Textual Amendments

- F36** S. 123A (inserted by [Community Land Act 1975 \(c. 77\)](#), [s. 42\(1\)](#)) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), [s. 118](#), [Sch. 34 Pt. XIII](#)

*Status: Point in time view as at 14/11/2005.*

*Changes to legislation: Local Government Act 1972, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Land transactions—parish and community councils*

**124 Acquisition of land by agreement by parish and community councils. E+W**

- (1) For the purposes of—
  - (a) any of their functions under this or any other public general Act, or
  - (b) the benefit, improvement or development of their area,a parish or community council may acquire by agreement any land, whether situated inside or outside their area.
- (2) Where under this section a parish or community council are authorised to acquire land by agreement, the provisions of Part I of the <sup>M10</sup>Compulsory Purchase Act 1965 (so far as applicable) other than section 31 shall apply, and in the said Part I as so applied the word “land” shall have the meaning assigned to it by this Act.
- (3) References in the foregoing provisions of this section to acquisition by agreement are references to acquisition for money or money’s worth, as purchaser or lessee.

**Marginal Citations**

**M10** 1965 c. 56.

**[<sup>F37</sup>125 Compulsory acquisition of land on behalf of parish or community councils. E+W**

- (1) If a parish or community council are unable to acquire by agreement under section 124 above and on reasonable terms suitable land for a purpose for which they are authorised to acquire land other than—
  - (a) the purpose specified in section 124(1)(b) above, or
  - (b) a purpose in relation to which the power of acquisition is by an enactment expressly limited to acquisition by agreement,they may represent the case to the council of the district in which the parish or community is situated.
- (2) If the district council are satisfied that suitable land for the purpose cannot be acquired on reasonable terms by agreement, they may be authorised by the Secretary of State to purchase compulsorily the land or part of it; and the Acquisition of Land Act 1981 shall apply in relation to the purchase.
- (3) The district council in making and the Secretary of State in confirming an order for the purposes of this section shall have regard to the extent of land held in the neighbourhood by an owner and to the convenience of other property belonging to the same owner and shall, as far as practicable, avoid taking an undue or inconvenient quantity of land from any one owner.
- (4) The order shall be carried into effect by the district council but the land when acquired shall be conveyed to the parish or community council; and accordingly in construing for the purposes of this section and of the order any enactment applying in relation to the compulsory acquisition, the parish or community council or the district council, or the two councils jointly, shall, as the case may require, be treated as the acquiring authority.

*Status: Point in time view as at 14/11/2005.*

*Changes to legislation: Local Government Act 1972, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) The district council may recover from the parish or community council the expenses incurred by them in connection with the acquisition of land under this section.
- (6) If a parish or community council make representations to a district council with a view to the making of an order under this section and the district council—
- (a) refuse to make an order, or
  - (b) do not make an order within 8 weeks from the making of the representations or such longer period as may be agreed between the two councils,
- the parish or community council may petition the Secretary of State who may make the order, and this section and the provisions of the Acquisition of Land Act 1981 shall apply as if the order had been made by the district council and confirmed by the Secretary of State.
- (7) In the application of this section to a parish or community council for a group of parishes or communities—
- (a) references to the parish or community shall be construed as references to the area of the group, and
  - (b) if different parts of the area of the group lie in different districts, references to the council of the district in which the parish or community is situated shall be construed as references to the councils of each of the districts acting jointly.]
- [<sup>F38</sup>(8) In relation to Wales—
- (a) references in this section to a district council are to be read as references to a principal council; and
  - (b) references to a district are to be read as references to a principal area.]

#### Textual Amendments

**F37** S. 125 substituted (with savings in S.I. 1990/614, **art. 3**) by Housing and Planning Act 1986 (c. 63, SIF 81:1), **s. 43**

**F38** S. 125(8) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 28** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 21(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

#### Modifications etc. (not altering text)

**C97** S. 125 modified by S.I. 1990/614, **art. 3**

## 126 Appropriation of land by parish and community councils and by parish meetings. **E+W**

- (1) Any land belonging to a parish or community council which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the council for any other purpose for which the council are authorised by this or any other public general Act to acquire land by agreement.
- (2) In the case of a parish which does not have a separate parish council, any land belonging to the parish meeting which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the parish meeting for any other purpose approved by the Secretary of State.

*Status: Point in time view as at 14/11/2005.*

*Changes to legislation: Local Government Act 1972, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The appropriation of land by virtue of this section by a parish or community council or by a parish meeting shall be subject to the rights of other persons in, over or in respect of the land concerned.
- (4) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section any land which they may be authorised to appropriate under [F39]section 229 of the Town and Country Planning Act 1990] (land forming part of a common, etc.) unless—
- (a) the total of the land appropriated in any particular common, F40 . . . or fuel or field garden allotment (giving those expressions the same meanings as in [F41]the said section 229]) does not in the aggregate exceed 250 square yards, and
  - (b) before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them,

F42 . . . . .

[F43(4A) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

- (4B) Where land appropriated by virtue of subsection (4A) above is held—
- (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
  - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),
- the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.]

F44(5) . . . . .

(6) Where land has been acquired under this Act or any other enactment or any statutory order incorporating the Lands Clauses Acts and is subsequently appropriated under this section any work executed on the land after the appropriation has been effected shall be treated for the purposes of section 68 of the M11Lands Clauses Consolidation Act 1845 and section 10 of the M12Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

F44(7) . . . . .

**Textual Amendments**

- F39** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)
- F40** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)
- F41** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)

*Status: Point in time view as at 14/11/2005.*

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- F42** Words repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XIII**
- F43** S. 126(4A)(4B) inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2), s. 118, **Sch. 23 Pt. V para. 17(2)**
- F44** S. 126(5)(7) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XIII**

#### Marginal Citations

- M11** 1845 c. 18.  
**M12** 1965 c. 56.

## 127 Disposal of land held by parishes and communities. **E+W**

- (1) Subject to the following provisions of this section, a parish or community council, or the parish trustees of a parish acting with the consent of the parish meeting, may dispose of land held by them in any manner they wish.
- (2) Except with the consent of the Secretary of State, land shall not be disposed of under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.
- [<sup>F45</sup>(3) Subsections (2A) and (2B) of section 123 above shall apply in relation to the disposal of land under this section as they apply in relation to the disposal of land under that section, with the substitution of a reference to a parish or community council or the parish trustees of a parish for the reference to a principal in the said subsection (2A).]
- (4) Capital money received in respect of a disposal under this section of land held for charitable purposes shall be applied in accordance with any directions given under [<sup>F46</sup>the Charities Act 1993].
- (5) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—
  - (a) of the grant of a term not exceeding seven years, or
  - (b) of the assignment of a term which at the date of the assignment has not more than seven years to run.

#### Textual Amendments

- F45** S. 127(3) substituted by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2), s. 118, **Sch. 23 Pt. V para. 19**
- F46** Words in s. 127(4) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 12(3)**.

#### Modifications etc. (not altering text)

- C98** S. 127 excluded (1.10.1998) by 1998 c. 31, s. 77(6)(9) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I**

*Status: Point in time view as at 14/11/2005.*

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### *Land transactions—general provisions*

## **128 Consents to land transactions by local authorities and protection of purchasers. E+W**

- (1) In any case where under the foregoing provisions of this Part of this Act the consent of any Minister is required to a dealing in land by a local authority, that consent may be given—
  - (a) in relation to any particular transaction or transactions or in relation to a particular class of transactions; and
  - (b) in relation to local authorities generally, or local authorities of a particular class, or any particular local authority or authorities; and
  - (c) either unconditionally or subject to such conditions as the Minister concerned may specify (either generally, or in relation to any particular transaction or transactions or class of transactions).
- (2) Where under the foregoing provisions of this Part of this Act or under any other enactment, whether passed before, at the same time as, or after, this Act, a local authority purport to acquire, appropriate or dispose of land, then—
  - (a) in favour of any person claiming under the authority, the acquisition, appropriation or disposal so purporting to be made shall not be invalid by reason that any consent of a Minister which is required thereto has not been given or that any requirement as to advertisement or consideration of objections has not been complied with, and
  - (b) a person dealing with the authority or a person claiming under the authority shall not be concerned to see or enquire whether any such consent has been given or whether any such requirement has been complied with.
- (3) Notwithstanding that principal councils are authorities to whom Part II of the<sup>M13</sup>Town and Country Planning Act 1959 applies, sections 22, 23 and 26 of that Act (provisions relating to consents required for the exercise of powers of acquisition, appropriation and disposal of land) shall not apply in relation to the exercise by principal councils of powers conferred by this Part of this Act, and in section 29 of that Act (protection of purchasers) references to an authority to whom the said Part II applies shall be construed as though that expression did not include a principal council.
- (4) In this section “local authority” includes a parish meeting and the parish trustees of a parish.

#### **Modifications etc. (not altering text)**

- C99** S. 128 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**.  
S. 128: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.
- C100** S. 128 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.  
S. 128: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.  
S. 128 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 1(1)(b) (4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 128 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 128: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**  
S. 128 applied (with modifications) (1.4.2001 (E.) and 1.5.2001 (W.)) by 2000 c. 37, s. 87(6), **Sch. 14 para. 6** (with s. 84(4)-(6)); S.I. 2001/114, **art. 2(2)(e)**; S.I. 2001/1410, **art. 2(g)**
- C101** S. 128(1) amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

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- C102** S. 128(2) restricted by Housing Act 1980 (c. 51, SIF 61), s. 137(1)  
**C103** S. 128(2) excluded by Housing and Building Control Act 1984 (c. 29, SIF 61), s. 22(7)  
**C104** S. 128(2) restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 93(1)  
**C105** S. 128(2) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), Sch. 13 para. 12(c)  
**C106** S. 128(2) excluded by Housing Act 1985 (c. 68, SIF 61), s. 44(2)  
 S. 128(2) extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), Sch. 13 para. 19(c) (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2))  
 S. 128(2) modified (1.4.1995) by S.I. 1995/401, art. 18, Sch. para. 1(c)

#### Marginal Citations

**M13** 1959 c. 53.

### 129 Payment of purchase or compensation money by one local authority to another. **E+W**

- (1) With the consent of the Secretary of State, any purchase money or compensation payable in pursuance of the foregoing provisions of this Part of this Act by a local authority in respect of any land acquired from another local authority, being money or compensation which would, apart from this section, be required to be paid into court in accordance with the <sup>M14</sup>Compulsory Purchase Act 1965, may, instead of being so paid, be paid and applied as the Secretary of State may determine.
- (2) A decision of the Secretary of State under this section shall be final.

#### Modifications etc. (not altering text)

- C107** S. 129 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch.2.  
 S. 129: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch.2.  
**C108** S.129 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch.2.  
 S.129: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, Sch.2.  
 S. 129 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65, 125(2), Sch. 8 para. 1(1)(b)(4) (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
 S. 129: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), Sch. 4(a)(vii); S.I. 1997/1930, art. 2(1)(2)(m)

#### Marginal Citations

**M14** 1965 c. 56.

### 130 Acquisition by local authorities of lands belonging to the Duchy of Lancaster. **E+W**

The Chancellor and Council of the Duchy of Lancaster may sell to a local authority any land belonging to Her Majesty in right of that Duchy which the local authority think fit to purchase, and the land may be granted to the local authority and the proceeds of sale shall be paid and dealt with as if the land had been sold under the authority of the <sup>M15</sup>Duchy of Lancaster Lands Act 1855.

#### Modifications etc. (not altering text)

- C109** S. 130 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch. 2.  
 S. 130: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch.2.



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- C110** S. 130 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**.  
S. 130: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.  
S. 130 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65, 125(2), **Sch. 8 para. 1(1)(b)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 130: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

#### Marginal Citations

**M15** 1855 c. 58.

### 131 Savings. **E+W**

- (1) Nothing in the foregoing provisions of this Part of this Act or in Part VIII below—
- (a) shall authorise the disposal of any land by a local authority in breach of any trust, covenant or agreement which is binding upon them, excluding any trust arising solely by reason of the land being held as public walks or pleasure grounds or in accordance with section 10 of the <sup>M16</sup>Open Spaces Act 1906; or
  - (b) shall affect, or empower a local authority to act otherwise than in accordance with, any provision contained in, or in any instrument made under, any of the enactments specified in subsection (2) below and relating to any dealing in land by a local authority or the application of capital money arising from any such dealing.
- (2) The enactments referred to in subsection (1)(b) above are—
- (a) the <sup>M17</sup>Technical and Industrial Institutions Act 1892;
  - (b) the Military Lands Acts 1892 to 1903;
  - <sup>F47</sup>(c) .....
  - (d) the Allotments Acts 1908 to 1950;
  - (e) the Small Holdings and Allotments Acts 1908 to 1931;
  - <sup>F48</sup>(f) the Ancient Monuments and Archaeological Areas Act 1979]
  - (g) section 28 of the <sup>M18</sup>Land Settlement (Facilities) Act 1919;
  - <sup>F49</sup>(h) .....
  - <sup>F50</sup>(i) .....
  - (j) Part III of the <sup>M19</sup>Agriculture Act 1970; and
  - <sup>F50</sup>(j) .....
  - (k) any local Act (including an Act confirming a provisional order).
  - <sup>F51</sup>(l) .....
  - <sup>F52</sup>(m) the Housing Act 1985]
- (3) Nothing in the foregoing provisions of this Part of this Act shall affect the operation of [<sup>F53</sup>[<sup>F54</sup>section 36 of the Charities Act 1993] (restrictions on disposition of charity land)] and, in particular, none of those provisions shall be treated as giving any such authority for a transaction as is referred to in [<sup>F54</sup>section 36(9)(a) of that Act] (certain statutorily authorised transactions not to require the sanction of the Charity Commissioners).
- (4) In this section “local authority” includes a parish meeting and the parish trustees of a parish.

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### Textual Amendments

- F47** S. 131(2)(c) repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), s. 68(1), **Sch. 4 Pt. I**; S.I. 1992/2784, arts. 2, 3(3), **Sch. 2 Pt. III**
- F48** S. 131(2)(f) substituted by Ancient Monuments and Archaeological Areas Act 1979 (c. 46, SIF 3), s. 64(2), **Sch. 4 para. 13**
- F49** S. 131(2)(h) repealed by Civil Aviation (Amendment) Act 1982 (c. 1, SIF 9), s. 4(3), **Sch. 2**
- F50** S. 131(2)(i)(jj) repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 6, **Sch. 1**
- F51** S. 131(2)(l) inserted by Housing Act 1980 (c. 51, SIF 61), s. 152(1), **Sch. 25 para. 23** and repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 6, **Sch. 1 Pt. I**
- F52** S. 131(2)(m) inserted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 23**
- F53** Words in s. 131(3) substituted (1.1.1993) by Charities Act 1992 (c. 41), s. 78(1), **Sch. 6 para. 6(a)**; S.I. 1992/1900, art. 4, **Sch. 3**
- F54** Words in s. 131(3) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 12(4)**.

### Modifications etc. (not altering text)

- C111** S. 131 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.  
S. 131: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.  
S. 131 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 131 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65, 125(2), **Sch. 8 para. 1(1)(b)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 131: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

### Marginal Citations

- M16** 1906 c. 25.  
**M17** 1892 c. 29.  
**M18** 1919 c. 59.  
**M19** 1970 c. 40.

## Premises and contracts

### 132 Provision of offices, etc. by principal councils. **E+W**

A principal council may acquire or provide and furnish halls, offices and other buildings, whether within or without the area of the authority, for use for public meetings and assemblies.

### Modifications etc. (not altering text)

- C112** S. 132 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.  
S. 132: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.
- C113** S. 132 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.  
S. 132: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch. 2**  
S. 132 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(a)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 132: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**
- C114** S. 132 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(a)**

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S. 132 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), art. 29(1)(a)

### 133 Provision of parish and community buildings. **E+W**

A parish or community council may acquire or provide and furnish buildings to be used for public meetings and assemblies or contribute towards the expenses incurred by any other parish or community council or any other person in acquiring or providing and furnishing such a building.

### 134 Use of schoolroom, etc. in parish or community. **E+W**

- (1) If in a parish there is no suitable public room vested in the parish council or the parish trustees, as the case may be, which can be used free of charge, a suitable room in premises of a school maintained by the local education authority<sup>F55</sup> . . . or a suitable room the expenditure of maintaining which is payable out of any rate may, subject to subsection (3) below, be used free of charge at all reasonable times and after reasonable notice for any of the following purposes, that is to say, for the purpose of—
  - (a) a parish meeting or any meeting of the parish council, where there is one; or
  - (b) meetings convened by the chairman of the parish meeting or by the parish council, where there is one; or
  - (c) the administration of public funds within or for the purposes of the parish where those funds are administered by any committee or officer appointed by the parish council or parish meeting or by the county council or district council.
- (2) If in a community there is no suitable public room vested in the community council which can be used free of charge or there is no community council, a suitable room in premises of a school maintained by the local education authority<sup>F55</sup> . . . or a suitable room the expenditure of maintaining which is payable out of any rate may, subject to subsection (3) below, be used free of charge at all reasonable times and after reasonable notice for any of the following purposes, that is to say, for the purpose of—
  - (a) a community meeting or any meeting of the community council, where there is one; or
  - (b) meetings convened by the community council, where there is one; or
  - (c) the administration of public funds within or for the purposes of the community where those funds are administered by any committee or officer appointed by the community council, where there is one, or by the [<sup>F56</sup>principal council].
- (3) Nothing in this section shall authorise—
  - (a) the use of a room used as part of a private dwelling; or
  - (b) any interference with the hours during which a room in the premises of a school is used for educational purposes; or
  - (c) any interference with the hours during which a room used for the purposes of the administration of justice, or for the purposes of the police, is used for those purposes.
- (4) If, by reason of the use of a room for any of the purposes mentioned in subsection (1) or (2) above, any expense is incurred by persons having control of the room, or any damage is done to the room or the building of which it is part or to its appurtenances, or to the furniture of the room or any teaching aids, the expense or the cost of making

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good the damage shall be defrayed as an expense of the parish or community council or parish or community meeting.

- (5) If any question arises under this section as to what is reasonable or suitable, it may be determined by the Secretary of State.

#### Textual Amendments

- F55** Words in s. 134(1)(2) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F56** Words in s. 134(2)(c) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 29** (with ss. 54(5) (7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

#### Modifications etc. (not altering text)

- C115** S. 134(1) applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt. 1**  
S. 134(1) applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt. 1**
- C116** S. 134(2) applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt. 1**  
S. 134(2) applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt. 1**

### 135 Contracts of local authorities. **E+W**

- (1) A local authority may make standing orders with respect to the making of contracts by them or on their behalf.
- (2) A local authority shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works.
- (3) Standing orders made by a local authority with respect to contracts for the supply of goods or materials or for the execution of works shall include provision for securing competition for such contracts and for regulating the manner in which tenders are invited, but may exempt from any such provision contracts for a price below that specified in standing orders and may authorise the authority to exempt any contract from any such provision when the authority are satisfied that the exemption is justified by special circumstances.
- (4) A person entering into a contract with a local authority shall not be bound to inquire whether the standing orders of the authority which apply to the contract have been complied with, and non-compliance with such orders shall not invalidate any contract entered into by or on behalf of the authority.

#### Modifications etc. (not altering text)

- C117** S. 135 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**  
S. 135: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C118** S. 135 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. Sch.2**  
S. 135: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**  
S. 135: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 135 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(b)** (with ss.7(6), 115, 117, Sch. 8 para. 7)  
S. 135: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(viii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

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- S. 135: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**
- C119** S. 135 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(b)**
- S. 135 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(b)**

### Miscellaneous

#### **136 Contributions towards expenditure on concurrent functions. E+W**

Two or more local authorities may make arrangements for defraying any expenditure incurred by one of them in exercising any functions exercisable by both or all of them.

#### **Modifications etc. (not altering text)**

- C120** S. 136 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 91, **Sch. 15 para. 1(2)(a)**
- S. 136: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**
- S. 136 extended (19.9.1995) by 1995 c. 25, ss. 65, 125(2), **Sch. 8 para. 3(1)(c)** (with ss.7(6), 115, 117, Sch. 8 para. 7)
- S. 136: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(ix)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C121** S. 136 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(c)**
- S. 136 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(c)**

#### **[<sup>F57</sup>137 Power of local authorities to incur expenditure for certain purposes not otherwise authorised. E+W**

- (1) A local authority may, subject to the provisions of this section, incur expenditure which in their opinion is in the interests of, and will bring direct benefit to, their area or any part of it or all or some of its inhabitants, but a local authority shall not, by virtue of this subsection, incur any expenditure—
- (a) for a purpose for which they are, either unconditionally or subject to any limitation or to the satisfaction of any condition, authorised or required to make any payment by or by virtue of any other enactment; nor
  - (b) unless the direct benefit accruing to their area or any part of it or to all or some of the inhabitants of their area will be commensurate with the expenditure to be incurred.
- (1A) In any case where—
- (a) by virtue of paragraph (a) of subsection (1) above, a local authority are prohibited from incurring expenditure for a particular purpose, and
  - (b) the power or duty of the authority to incur expenditure for that purpose is in any respect limited or conditional (whether by being restricted to a particular group of persons or in any other way),
- the prohibition in that paragraph shall extend to all expenditure to which that power or duty would apply if it were not subject to any limitation or condition.

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- (2) It is hereby declared that the power of a local authority to incur expenditure under subsection (1) above includes power to do so by contributing towards the defraying of expenditure by another local authority in or in connection with the exercise of that other authority's functions.
- <sup>F58</sup>(2A) .....
- (2C) A local authority may incur expenditure under subsection (1) above on publicity only by way of assistance to a public body or voluntary organisation where the publicity is incidental to the main purpose for which the assistance is given; but the following provisions of this section apply to expenditure incurred by a local authority under section 142 below on information as to the services provided by them under this section, or otherwise relating to their functions under this section, as they apply to expenditure incurred under this section.
- <sup>F59</sup>(a) .....
- (2D) In subsection (2C) above—
- “publicity” means any communication, in whatever form, addressed to the public at large or to a section of the public; and
- “voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.
- (3) A local authority may, subject [<sup>F60</sup>, in the case of a parish or community council,] to the following provisions of this section, incur expenditure on contributions to any of the following funds, that is to say—
- the funds of any charitable body in furtherance of its work in the United Kingdom; or
  - the funds of any body which provides any public service (whether to the public as a whole or to any section of it) in the United Kingdom otherwise than for the purposes of gain; or
  - any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made by the Lord Mayor of London or the chairman of a principal council or by a committee of which the Lord Mayor of London or the chairman of a principal council is a member or by such a person or body as is referred to in section 83(3)(c) of the Local Government (Scotland) Act 1973.
- (4) The expenditure of a local authority under this section in any financial year shall not exceed the amount produced by multiplying—
- such sum as is for the time being appropriate to the authority under [<sup>F61</sup>Schedule 12B to this Act], by
  - the relevant population of the authority's area.
- (4AA) <sup>F62</sup> .....
- (4AB) For the purposes of subsection (4)(b) above the relevant population of a local authority's area shall be determined in accordance with regulations made by the Secretary of State; and a statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (4A) For the purpose of determining whether a local authority have exceeded the limit set out in subsection (4) above, their expenditure in any financial year under this section

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shall be taken to be the difference between their gross expenditure under this section for that year and the aggregate of the amounts specified in subsection (4B) below.

- (4B) The amounts mentioned in subsection (4A) above are—
- (a) the amount of any expenditure which forms part of the authority's gross expenditure for that year under this section and in respect of which any grant has been or is to be paid under any enactment by a Minister of the Crown, within the meaning of the Ministers of the Crown Act 1975 (whether or not the grant covers the whole of the expenditure);
  - (b) the amount of any repayment in that year of the principal of a loan for the purpose of financing expenditure under this section in any year;
  - (c) so much of any amount raised by public subscription as is spent in that year for a purpose for which the authority are authorised by this section to incur expenditure;
  - (d) any grant received by the authority for that year out of the European Regional Development Fund or the Social Fund of the European Economic Community, in so far as the grant is in respect of an activity in relation to which the authority incurred expenditure in that year under this section;
  - (e) the amount of any repayment in that year of a loan under this section made by the authority in any year; and
  - (f) the amount of any expenditure—
    - (i) which is incurred by the authority in that year in circumstances specified in an order made by the Secretary of State; or
    - (ii) which is incurred by the authority in that year and is of a description so specified; or
    - (iii) which is defrayed by any grant or other payment to the authority which is made in or in respect of that year and is of a description so specified.

(4C) <sup>F63</sup> . . . . .

- (5) A statutory instrument containing an order under this section may apply to all local authorities or may make different provision in relation to local authorities of different descriptions.
- (6) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The accounts of a local authority by whom expenditure is incurred under this section shall include a separate account of that expenditure<sup>F64</sup> . . . .

[ In relation to England, section 14 of the Audit Commission Act 1998 (rights of <sup>F65</sup>(7A) inspection) applies in relation to a separate account included in a local authority's accounts by virtue of subsection (7) above as it applies in relation to a statement of accounts prepared by the authority pursuant to regulations under section 27 of that Act.

(7B) In relation to Wales, section 29 of the Public Audit (Wales) Act 2004 (rights of inspection) applies in relation to a separate account included in a local authority's accounts by virtue of subsection (7) above as it applies in relation to a statement of accounts prepared by the authority pursuant to regulations under section 39 of that Act.]

<sup>F66</sup>(8) . . . . .

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[ Subject to subsection (10) below, in this section “local authority” means a parish or <sup>F67</sup>(9) community council.

(10) In subsection (3) above “local authority” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Common Council or a parish council,
- (b) in relation to Wales, a county council, a county borough council or a community council.]]

#### Textual Amendments

- F57** S. 137 amended by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 36(2)-(8) and has effect as set out in Sch. 2 to that Act
- F58** S. 137(2A)(2B) (which were inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 44(a)) repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 36(4)
- F59** S. 137(2C)(a) (which was inserted by Local Government Act 1986 (c. 10, SIF 81:1), ss. 3, 6) repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 36(4)
- F60** Words in s. 137(3) inserted (1.4.2004) by Local Government Act 2003 (c. 26), ss. 127(1), 128, Sch. 7 para. 4; S.I. 2003/2938, art. 7(a) (subject to art. 8, Sch.); S.I. 2003/3034, art. 2(2), Sch. 1 Pt. II
- F61** Words in s. 137(4)(a) substituted (27.11.2003 for W. and 1.4.2004 for E.) by Local Government Act 2003 (c. 26), ss. 118(1), 128; S.I. 2003/3034, art. 2(1), Sch. 1 Pt. I; S.I. 2003/2938, art. 7(a) (subject to art. 8, Sch.)
- F62** S. 137(4AA) repealed (27.11.2003 for W. and otherwise prosp.) by Local Government Act 2003 (c. 26), ss. 127(2), 128, Sch. 8 Pt. 1; S.I. 2003/3034, art. 2(1), Sch. 1 Pt. I
- F63** S. 137(4C) repealed (27.11.2003) by Local Government Act 2003 (c. 26), ss. 127(2), 128, Sch. 8 Pt. 1; S.I. 2003/3034, art. 2(1), Sch. 1 Pt. I
- F64** Words in s. 137(7) repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 72, 73, Sch. 2 para. 1(1)(2), Sch. 4; S.I. 2005/558, art. 2(1) Sch. 1 (subject to Sch. 2)
- F65** S. 137(7A)(7B) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 73, Sch. 2 para. 1(1)(2)(3); S.I. 2005/558, art. 2(1), Sch. 1 (subject to Sch. 2)
- F66** S. 137(8) repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 36(6)(b)
- F67** S. 137(9)(10) substituted for s. 137(9) (18.10.2000 (E.) and 9.4.2001 (W.)) by 2000 c. 22, s. 8; S.I. 2000/2836, art. 2(a); S.I. 2001/1471, art. 2

#### Modifications etc. (not altering text)

- C122** S. 137 excluded by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 48(12)
- C123** S. 137 amended by Local Authorities (Expenditure Powers) Act 1983 (c. 52, SIF 81:1, 2), s. 1 (which amending Act was repealed (1.7.1990) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 194(4), 195(2), Sch. 12 Pt. II; S.I. 1990/1274, art. 3)
- C124** S. 137(1)(a) restricted (retrospective to 1.4.1990) by 1985 c. 68, s. 11A (as inserted (retrospective to 1.4.1990) by 1993 c. 28, s. 126, 188(2)(b)).
- C125** S. 137(4B)(d) amended (28.11.1994) by S.I. 1994/2825, reg. 14(1)(a)
- C126** S. 137(4B)(f)(iii) amended (28.11.1994) by S.I. 1994/2825, reg. 14(1)(b)
- C127** S. 137(7) amended (28.11.1994) by S.I. 1994/2825, reg. 14(2)

#### <sup>F68</sup>137A Financial assistance to be conditional on provision of information. **E+W**

(1) If in any financial year a local authority provides financial assistance—

- (a) to a voluntary organisation, as defined in subsection (2D) of section 137 above, or



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- (b) to a body or fund falling within subsection (3) of that section, and the total amount so provided to that organisation, body or fund in that year equals or exceeds the relevant minimum, then, as a condition of the assistance, the authority shall require the organisation, body or fund, within the period of twelve months beginning on the date when the assistance is provided, to furnish to the authority a statement in writing of the use to which that amount has been put.
- (2) In this section “financial assistance” means assistance by way of grant or loan or by entering into a guarantee to secure any money borrowed and, in relation to any financial assistance,—
- (a) any reference to the amount of the assistance is a reference to the amount of money granted or lent by the local authority or borrowed in reliance on the local authority’s guarantee; and
- (b) any reference to the date when the assistance is provided is a reference to the date on which the grant or loan is made or, as the case may be, on which the guarantee is entered into.
- (3) The relevant minimum referred to in subsection (1) above is £2,000 or such higher sum as the Secretary of State may by order specify.
- (4) It shall be a sufficient compliance with a requirement imposed by virtue of subsection (1) above that there is furnished to the local authority concerned an annual report or accounts which contain the information required to be in the statement.
- (5) A statement (or any report or accounts) provided to a local authority in pursuance of such a requirement shall be deposited with the proper officer of the authority.
- (6) In this section “local authority” includes the Common Council.]

**Textual Amendments**

**F68** S. 137A inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), s. 37

**Modifications etc. (not altering text)**

**C128** S. 137A amended (28.11.1994) by [S.I. 1994/2825](#), reg. 15

**138 Powers of principal councils with respect to emergencies or disasters. E+W**

- (1) Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and a principal council are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants, the council may—
- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
- (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

(1A)<sup>F69</sup> .....

<sup>F70</sup>(2) .....

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- (3) [<sup>F71</sup>Nothing in this section authorises] a local authority to execute—
- (a) any drainage or other works in any part of a main river, [<sup>F72</sup>within the meaning of Part IV ' of the Water Resources Act 1991], or of any other watercourse which is treated for the purposes of any of the provisions of that Act as part of a main river, or
  - (b) any works which local authorities have power to execute under [<sup>F72</sup> sections 14 to 17, 62(2) and (3) and 66 of the Land Drainage Act 1991], but subject to those limitations, [<sup>F73</sup>the powers conferred by subsections [<sup>F74</sup>subsection (1) above] are] in addition to, and not in derogation of, any power conferred on a local authority by or under any other enactment, including any enactment contained in this Act.
- (4) In this section “principal council” includes the Common Council and, until 1st April 1974, the council of an existing county, county borough or county district.
- [<sup>F75</sup>(5) With the consent of the Secretary of State, a metropolitan county fire and civil defence authority and the [<sup>F76</sup>London Fire and Emergency Planning Authority] may incur expenditure in co-ordinating planning by principal councils in connection with their functions under subsection (1) above.
- (6) In this section “contingency planning” means the making, keeping under review and revising of plans and the carrying out of training associated with the plans.]

#### Textual Amendments

- F69** S. 138(1A) repealed (14.11.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), ss. 32, 34, Sch. 2 Pt. 1 para. 7(a), [Sch. 3](#); S.I. 2005/2040, [art. 3\(q\)\(r\)](#)
- F70** S. 138(2) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. I](#)
- F71** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [ss. 156\(2\)\(a\)](#)
- F72** Words in s. 138 (3)(a)(b) substituted (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 2(1), 4(2), [Sch. 1 para. 22\(2\)](#).
- F73** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [ss. 156\(2\)\(b\)](#)
- F74** Words in s. 138(3) substituted (14.11.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), ss. 32, 34, [Sch. 2 Pt. 1 para. 7\(b\)](#); S.I. 2005/2040, [art. 3\(q\)](#)
- F75** S. 138(5)(6) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [s. 156\(3\)](#)
- F76** Words in s. 138 substituted (3.7.2000) by 1999 c. 29, s. 328(8), [Sch. 29 Pt. I para. 16](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1094, [art. 4\(a\)\(h\)](#)

#### Modifications etc. (not altering text)

- C129** S. 138 excluded by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(1), [Sch. 1](#)

### 139 Acceptance of gifts of property. **E+W**

- (1) Subject to the provisions of this section a local authority may accept, hold and administer—
- (a) for the purpose of discharging any of their functions, gifts of property, whether real or personal, made for that purpose; or
  - (b) for the benefit of the inhabitants of their area or of some part of it, gifts made for that purpose;

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- and may execute any work (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.
- (2) Where any such work is executed in connection with a gift made for the benefit of the inhabitants of the area of a local authority or of some part of that area, the cost of executing the work shall be added to any expenditure under section 137 above in computing the limit imposed on that expenditure by subsection (4) of that section.
  - (3) This section shall not authorise the acceptance by a local authority of property which, when accepted, would be held in trust for an ecclesiastical charity or for a charity for the relief of poverty.
  - (4) Nothing in this section shall affect any powers exercisable by a local authority under or by virtue of [<sup>F77</sup>the Education Act 1996].

#### Textual Amendments

**F77** Words in s. 139(4) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 24** (with s. 1(4))

#### Modifications etc. (not altering text)

**C130** S. 139 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(d)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)

S. 139: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

**C131** S. 139 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (2004/1777), {art. 29(1)(d)}

S. 139 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (2004/1778), {art. 29(1)(d)}

## 140 Insurance by local authorities against accidents to members. **E+W**

[<sup>F78</sup>(1) A local authority may enter into a contract of [<sup>F79</sup>accident insurance] against risks of any member of the authority meeting with a personal accident, whether fatal or not, while engaged on the business of the authority.]

(2) Any sum received by the authority under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by them to, or to the personal representatives of, the member of the authority in respect of an accident to whom that sum is received.

(3) The provisions of the <sup>M20</sup>Life Assurance Act 1774 shall not apply to any such contract,  
<sup>F80</sup> . . .

[<sup>F81</sup>(3A) References to accident insurance must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

(4) In this section, the expression <sup>F82</sup> . . . “member of the authority” includes a member of a committee or sub-committee of the authority who is not a member of that authority.

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### Textual Amendments

- F78** S. 140(1) substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. **39(1)(a)**
- F79** Words in s. 140(1) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 282(2)
- F80** Words repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 39(1)(b), **Sch. 7 Pt. XVI**
- F81** S. 140(3A) inserted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 282(3)
- F82** Words repealed by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **ss. 71(3)(b)**, 72(7), Sch. 7

### Modifications etc. (not altering text)

- C132** S. 140 extended by [City of London \(Various Powers\) Act 1977 \(c. xv\)](#), s. **19**
- C133** S. 140 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), **Sch. 13 para. 12(d)**
- C134** S. 140 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.  
S. 140: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.
- C135** S. 140 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.  
S. 140: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch. 2**.  
S. 140 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 140: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 140 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(e)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
S. 140 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**  
S. 140 applied (4.3.1996) by S.I. 1996/263, **reg. 16(3)**  
S. 140: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(x)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C136** S. 140 modified (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(2004/1777\)](#), {art. 29(1)(e)}  
S. 140 modified (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(2004/1778\)](#), {art. 29(1)(e)}
- C137** S. 140 applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), **reg. 14(1)**

### Marginal Citations

- M20** 1774 c. 48.

## <sup>F83</sup>140A Insurance of voluntary assistants of local authorities. **E+W**

(1) A local authority may enter into a contract of insurance of a relevant class against risks of any voluntary assistant of the authority meeting with a personal accident, whether fatal or not, while engaged as such, or suffering from any disease or sickness, whether fatal or not, as the result of being so engaged.

(2) In this section

“local authority” includes—

- (a) a board constituted in pursuance of [<sup>F84</sup>section 2 of the Town and Country Planning Act 1990]. . . ;
- (b) the Common Council of the City of London; and
- (c) the Council of the Isles of Scilly; and

“voluntary assistant” means a person who, at the request of the local authority or an authorised officer of the local authority, performs any service or does anything

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otherwise than for payment by the local authority (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the local authority.]

#### Textual Amendments

- F83** Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 39(2)
- F84** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 28(2)

#### Modifications etc. (not altering text)

- C138** Ss. 140A, 140C amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), Sch. 13 para. 12(d)
- S. 140A extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), Sch. 13 para. 19(d) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- S. 140A: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 3(3)
- S. 140A extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), Sch. 8 para. 3(1)(e) (with ss.7(6), 115, 117, Sch. 8 para. 7)
- C139** S. 140A modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), art. 29(1)(e)
- S. 140A modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), art. 29(1)(e)

#### [<sup>F85</sup>140B Insurance of voluntary assistants of probation committee. **E+W**

- (1) A county council <sup>F86</sup>. . . may enter into a contract of insurance of a relevant class against risks of any voluntary assistant of a relevant probation committee meeting with a personal accident, whether fatal or not, while engaged as such, or suffering from any disease or sickness, whether fatal or not, as the result of being so engaged.
- (2) In this section—
- “relevant probation committee” means—
- in relation to a county council, a probation committee for a probation area wholly or partly within the county; and
  - in relation to Greater London, a probation committee for a probation area wholly or partly within an outer London borough (within the meaning of section 1 of the 1963 Act); and

“voluntary assistant” means a person who, at the request of an authorised officer of the probation committee, performs any service or does anything otherwise than for payment by the committee (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the committee.]

#### [<sup>F87</sup>(3) In relation to Wales—

- subsections (1) and (2)(a) above shall have effect as if they referred to a principal council; and
- subsection (2)(a) above shall have effect as if it referred to the area of the principal council.]

*Status: Point in time view as at 14/11/2005.*

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#### Textual Amendments

- F85** Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 39(2)
- F86** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
- F87** S. 140B(3) added (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 31 (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

#### Modifications etc. (not altering text)

- C140** S. 140B: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 3(3)

### [<sup>F88</sup> 140C Provisions supplementary to sections 140A, 140B. **E+W**

- (1) The relevant classes of contracts of insurance for the purposes of sections 140A and 140B above are—
- [<sup>F89</sup>(a) contracts of permanent health insurance; and  
(b) contracts of accident insurance.]
- [ Subsection (1) must be read with—
- <sup>F90</sup>(1A) (a) section 22 of the Financial Services and Markets Act 2000;  
(b) any relevant order under that section; and  
(c) Schedule 2 to that Act.]
- (2) Any sum received under a contract of insurance made by virtue of section 140A or 140B above shall, after deduction of any expenses incurred in the recovery thereof, be paid by the authority receiving it to, or to the personal representatives of, the voluntary assistant who suffered the accident, disease or sickness in respect of which the sum is received or to such other person as the authority consider appropriate having regard to the circumstances of the case; and a sum paid to any person other than the assistant or his personal representatives shall be applied by that person in accordance with any directions given by the authority for the benefit of any dependant of the voluntary assistant.
- (3) The provisions of the Life Assurance Act 1774 shall not apply to any such contract.
- (4) Section 119 above shall apply to any sum which is due by virtue of subsection (2) above and does not exceed the amount for the time being specified in section 119(1) above.]

#### Textual Amendments

- F88** Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 39(2)
- F89** S. 140C(1)(a)(b) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 283(2)
- F90** S. 140C(1A) inserted (1.12.2001) by S.I. 2001/3649, arts. 1, 283(3)

#### Modifications etc. (not altering text)

- C141** Ss. 140A, 140C amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), Sch. 13 para. 12(d)
- S. 140C extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), Sch. 13 para. 19(d) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

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S. 140C: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 140C extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(e)** (with ss.7(6), 115, 117, Sch. 8 para. 7)

**C142** S. 140C modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(e)**

S. 140C modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(e)**

## 141 Research and the collection of information. **E+W**

(1) [<sup>F91</sup>The council of a non-metropolitan county] may conduct, or assist in the conducting of, investigations into, and the collection of information relating to, any matters concerning the county or any part of the county and may make, or assist in the making of, arrangements whereby any such information and the results of any such investigation are made available to any other local authority in the county, any government department or the public.

(2) The appropriate Minister with respect to any matter may require the council of a county to provide him with any information with respect to that matter which is in the possession of, or available to, that council or any other local authority in the county in consequence of the exercise of any power conferred by or under any enactment; and where such requirement is made in respect of any information which is in the possession of, or available to, any other local authority in the county, but not the county council, the county council may require that other authority to furnish them with that information.

[<sup>F92</sup>(3) This section shall have effect in relation to Wales—

- (a) as if any reference to a council were a reference to a principal council; and
- (b) as if any reference to a county were a reference to a principal area.]

### Textual Amendments

**F91** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 16 para. 7**

**F92** S. 141(3) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 32** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

### Modifications etc. (not altering text)

**C143** S. 141: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

**C144** S. 141 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(f)**

S. 141 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(f)**

**C145** S. 141(2) amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

## 142 Provision of information, etc., relating to matters affecting local government. **E+W**

(1) A local authority may make, or assist in the making of, arrangements whereby the public may on application readily obtain, either at premises specially maintained for the purpose or otherwise, information concerning the services available within the area of the authority provided either by the authority or by other authorities [<sup>F93</sup>mentioned

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in subsection (1B) below] or by government departments or by charities and other voluntary organisations, and other information [<sup>F94</sup>relating to the functions of the authority].

<sup>F95</sup>(1A) A local authority may arrange for the publication within their area of information as to the services available in the area provided by them or by other authorities mentioned in subsection (1B) below.

<sup>F96</sup>[ A local authority may—

- (1AA) (a) for the purpose of broadcasting or distributing information falling within subsection (1AB), provide an electronic communications network or electronic communications service, or
- (b) arrange with the provider of such a network or service for the broadcasting or distribution of such information by means of the network or service.

(1AB) Information falls within this subsection, in relation to a local authority, if it is one or both of the following—

- (a) information concerning the services within the area of the authority that are provided either by the authority themselves or by other authorities mentioned in subsection (1B) below;
- (b) information relating to the functions of the authority.

(1AC) Nothing in subsection (1AA) entitles a local authority to do anything in contravention of a requirement or restriction imposed by or under—

- (a) the Wireless Telegraphy Act 1949,
- (b) the Broadcasting Act 1990,
- (c) the Broadcasting Act 1996, or
- (d) the Communications Act 2003,

and in that subsection “electronic communications network” and “electronic communications service” each has the same meaning as in the Communications Act 2003.]

(1B) The other authorities referred to above are any other local authority, . . . <sup>F97</sup> a joint authority established by Part IV of the Local Government Act 1985 and any authority, board or committee which discharges functions which would otherwise fall to be discharged by two or more local or other such authorities.]

(2) A local authority may—

- (a) arrange for the publication within their area of information [<sup>F98</sup>relating to the functions of the authority]; and
- (b) arrange for the delivery of lectures and addresses and the holding of discussions on such matters; and
- (c) arrange for the display of pictures, cinematograph films or models or the holding of exhibitions relating to such matters; and
- (d) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held as aforesaid.

<sup>F99</sup>(2A) A local authority may assist voluntary organisations to provide for individuals—

- (a) information and advice concerning those individuals’ rights and obligations; and
- (b) assistance, either by the making or receiving of communications or by providing representation to or before any person or body, in asserting those rights or fulfilling those obligations.]



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(3) In this section “local authority” includes the Common Council and “voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.

[<sup>F100</sup>(4) This section shall have effect as if any reference to a local authority included a reference to the London Fire and Emergency Planning Authority.]

#### Textual Amendments

- F93** Words inserted by Local Government Act 1986 (c. 10, SIF 81:1, 2), s. 3(1)(a)  
**F94** Words substituted by Local Government Act 1986 (c. 10, SIF 81:1, 2), s. 3(1)(a)  
**F95** S. 142(1A)(1B) inserted by Local Government Act 1986 (c. 10, SIF 81:1, 2), s. 3(1)(b)(2)  
**F96** S. 142(1AA)-(1AC) inserted (29.12.2003) by Communications Act 2003 (c. 21), ss. 349(2), 411(2)(3) (with Sch. 18); S.I. 2003/3142, art. 3, Sch. 1  
**F97** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13  
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**F98** Words substituted by Local Government Act 1986 (c. 10, SIF 81:1), s. 3(1)(c)  
**F99** S. 142(2A) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 38(2)  
**F100** S. 142(4) added (3.7.2000) by 1999 c. 29, s. 328(8), Sch. 29 Pt. I para. 17 (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(a)(h)

#### Modifications etc. (not altering text)

- C146** S. 142 amended by S.I. 1990/1765, art. 4(2)  
**C147** S. 142 modified by S.I. 1990/1765, art. 4(2)(b)  
**C148** S. 142: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 3(3)  
S. 142 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), Sch. 9 para. 6 (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
**C149** S. 142 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), art. 29(1)(f)  
S. 142 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), art. 29(1)(f)

### 143 Subscriptions to local government associations. **E+W**

(1) A local authority may pay reasonable subscriptions, whether annually or otherwise, to the funds—

- (a) of any association of local authorities formed (whether inside or outside the United Kingdom) for the purpose of consultation as to the common interests of those authorities and the discussion of matters relating to local government, or
- (b) of any association of officers or members of local authorities which was so formed.

(2) In this section “local authority” includes the Common Council.

#### Modifications etc. (not altering text)

- C150** S. 143 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), Sch. 2.  
S. 143: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, Sch. 2.  
**C151** S. 143 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), Sch. 2.  
S. 143: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, Sch. 2.  
S. 143: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 3(3)

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S. 143 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(f)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)

S. 143: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(xi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

#### 144 Power to encourage visitors and provide conference and other facilities. **E+W**

- (1) A local authority may (either alone or jointly with any other person or body)—
- (a) encourage persons, by advertisement or otherwise, to visit their area for recreation, for health purposes, or to hold conferences, trade fairs and exhibitions in their area; and
  - (b) provide, or encourage any other person or body to provide, facilities for <sup>F101</sup> . . . , conferences, trade fairs and exhibitions or improve, or encourage any other person or body to improve, any existing facilities for those purposes.
- (2) Without prejudice to subsection (1) above, a local authority may contribute to any organisation approved by the Secretary of State for the purposes of this subsection and established for the purpose of encouraging persons to visit the United Kingdom or any part thereof.

<sup>F102</sup>(3) . . . . .

<sup>F103</sup>(4) . . . . .

- (5) In this section “local authority” includes the Common Council.

##### Textual Amendments

**F101** Word repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), s. 81, **Sch. 2**

**F102** S. 144(3) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XVI**

**F103** S. 144(4) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

##### Modifications etc. (not altering text)

**C152** S. 144 excluded by Greater London Council (General Powers) Act 1978 (c. xiii), **s. 8**

S. 144 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 6** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)

**C153** S. 144 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(g)**

S. 144 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(g)**

#### 145 Provision of entertainments. **E+W**

- (1) A local authority may do, or arrange for the doing of, or contribute towards the expenses of the doing of, anything (whether inside or outside their area) necessary or expedient for any of the following purposes, that is to say—
- (a) the provision of an entertainment of any nature or of facilities for dancing;
  - (b) the provision of a theatre, concert hall, dance hall or other premises suitable for the giving of entertainments or the holding of dances;
  - (c) the maintenance of a band or orchestra;

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- (d) the development and improvement of the knowledge, understanding and practice of the arts and the crafts which serve the arts;
  - (e) any purpose incidental to the matters aforesaid, including the provision of refreshments or programmes and the advertising of any entertainment given or dance or exhibition of arts or crafts held by them.
- (2) Without prejudice to the generality of the provisions of subsection (1) above, a local authority—
- (a) may for the purposes therein specified enclose or set apart any part of a park or pleasure ground belonging to the authority or under their control;
  - (b) may permit any theatre, concert hall, dance hall or other premises provided by them for the purposes of subsection (1) above and any part of a park or pleasure ground enclosed or set apart as aforesaid to be used by any other person, on such terms as to payment or otherwise as the authority think fit, and may authorise that other person to make charges for admission thereto;
  - (c) may themselves make charges for admission to any entertainment given or dance or exhibition of arts or crafts held by them and for any refreshment or programmes supplied thereat.
- (3) Subsection (2) above shall not authorise any authority to contravene any covenant or condition subject to which a gift or lease of a public park or pleasure ground has been accepted or made without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.
- (4) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play or the public exhibition of cinematograph films, or for boxing or wrestling entertainments or for public music or dancing, or for the sale of intoxicating liquor.
- (5) In this section, the expression “local authority” includes the Common Council.

**Modifications etc. (not altering text)**

**C154** S. 145 amended and certain functions transferred by S.I. 1989/304, **art. 5(3)(h)(4)**

**C155** S. 145(1) applied (16.7.1998) by 1998 c. ii, **s. 5(1)(a)**

**146 Transfer of securities on alteration of area, etc. E+W**

- (1) Where any securities are standing in the books of a company in the name of a local authority, the following provisions shall have effect—
- (a) if the name of the authority is changed, then at the request of the authority and on production of a statutory declaration by the proper officer of the authority specifying the securities and verifying the change of name and identity of the authority, the company shall enter the securities in the new name of the local authority in like manner as if the securities had been transferred to the authority under that name;
  - (b) if by virtue of anything done under any provision of this Act or the 1963 Act or any enactment similar to any such provision (whenever passed), any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, a certificate of the proper officer of the council of the county in which the area of that other authority is situated, or the scheme, order or award under which that other authority have become so

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entitled, shall be a sufficient authority to the company to transfer the securities into the name of the local authority specified in that behalf in the certificate, or in the scheme, order or award, as the case may be, and to pay the dividends or interest to that authority;

- (c) if in any other case any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, the court may on application make an order vesting in that other authority the right to transfer the securities or to receive the dividends or interest, as the case may be, and the <sup>M21</sup>Trustee Act 1925 shall apply in like manner as if the vesting order were made under section 51 of that Act.

[<sup>F104</sup>(1A) In relation to Wales, subsection (1)(b) above shall have effect as if the reference to a county council were a reference to a principal council.]

- (2) In this section, the expression—

“company” includes the Bank of England and any company or person keeping books in which any securities are registered or inscribed;

“local authority” means a local authority within the meaning of the 1933 Act, the <sup>M22</sup>London Government Act 1939 or this Act or a joint board on which, or a joint committee on which, a local authority or parish meeting are represented, a burial board, a joint burial board or the parish trustees of a parish;

[<sup>F105</sup>“securities” has the meaning given in section 98(1) above]

- (3) The jurisdiction of the court under this section may be exercised by the High Court or, in cases in which a county court would have jurisdiction if the application were an application made under the <sup>M23</sup>Trustee Act 1925, by that court.

#### Textual Amendments

**F104** S. 146(1A) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 33** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F105** Definition substituted by Financial Services Act 1986 (c. 60, SIF 69), s. 212(2), **Sch. 16 para. 8(b)**

#### Modifications etc. (not altering text)

**C156** S. 146 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 20(6)**

**C157** S. 146 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(8)**

**C158** S. 146 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(e)**

S. 146 applied (12.4.1994) by S.I. 1994/867, **reg. 11(6)**

S. 146 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(e)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

S. 146 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

S. 146 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 4** (with ss.7(6), 115, 117, Sch. 8 para. 7)

**C159** S. 146(1)(b) extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 4** (with ss.7(6), 115, 117, Sch. 8 para. 7)

#### Marginal Citations

**M21** 1925 c. 19.

**M22** 1939 c. 40.

**M23** 1925 c. 19.

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**[<sup>F106</sup>146A] Joint Authorities and Inner London Education Authority. E+W**

(1) [<sup>F107</sup>Subject to [<sup>F108</sup>subsection (1A)] below,] a joint authority [<sup>F109</sup>, the London Fire and Emergency Planning Authority][<sup>F110</sup><sup>F111</sup> . . . a police authority established under [<sup>F112</sup>section 3 of the Police Act 1996][<sup>F113</sup>and the Metropolitan Police Authority][<sup>F114</sup> shall each be] treated—

- (a) as [<sup>F115</sup>a local authority] for the purposes of sections 111 to 119, 128 to 131, 135, 136, 139 (except sub-sections (1)(b) and (2) ), 140, 140A, 140C, 143 and 146 above; and
- (b) as a principal council for the purposes of section 120 (except subsection (1) (b)) and sections 121 to 123 above.

[<sup>F117</sup>Neither a] police authority established under [<sup>F112</sup>section 3 of the Police Act <sup>F116</sup>(1A) 1996][<sup>F118</sup>nor the Metropolitan Police Authority]. . . shall <sup>F119</sup> . . . be treated—

- (a) as a local authority for the purposes of section 112, [<sup>F120</sup>or 139] above, or
- (b) as a principal council for the purposes of section 122 above.]

(1AA) <sup>F121</sup> . . . . .

[ In their application by virtue of subsection (1) above to a police authority established <sup>F122</sup>(1B) under section 3 of the Police Act 1996 [<sup>F123</sup>or the Metropolitan Police Authority], sections 140A and 140C above shall have effect as if—

- (a) in the definition of “voluntary assistant” in section 140A(2), the reference to the request of the local authority or an authorised officer of the local authority included a reference to the request of a member of the police force maintained by the police authority, and
- (b) section 140C(1)(a) were omitted.

(1C) For the purposes of section 140A above as it applies to a police authority established under section 3 of the <sup>M24</sup>Police Act 1996 [<sup>F124</sup>or the Metropolitan Police Authority], a special constable acting as such is not to be treated as a voluntary assistant.]

<sup>F125</sup>(2) . . . . .]

**Textual Amendments**

- F106** S. 146A inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 para. 16](#)
- F107** Words in s. 146A(1) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by [1994 c. 29, s. 43, Sch. 4 para. 11\(2\)\(a\)](#); [S.I. 1994/2025, art. 6](#); [S.I. 1994/3265, arts. 4, 5, Sch.](#)
- F108** Words in s. 146A(1) substituted (1.4.2002) by [2001 c. 16, ss. 128, 138\(2\), Sch. 6 para. 28\(a\)\(i\)](#); [S.I. 2002/344, art. 3\(k\)](#) (with transitional provisions in [art. 4](#))
- F109** Words in s. 146A(1) inserted (3.7.2000) by [1999 c. 29, s. 333](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, art. 4\(f\)](#)
- F110** Words in s. 146A(1) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by [1994 c. 29, s. 43, Sch. 4 para. 11\(2\)\(b\)](#); [S.I. 1994/2025, art. 6](#); [S.I. 1994/3265, arts. 4, 5, Sch.](#)
- F111** Word in s. 146A(1) repealed (3.7.2000) by virtue of [1999 c. 29, s. 423, Sch. 34 Pt. VII](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1648, art. 2, Sch.](#)
- F112** Words in s. 146A(1)(1A) substituted (22.8.1996) by [1996 c. 16, ss. 103, 104\(1\), Sch. 7 Pt. I para. 1\(2\)\(h\)](#)
- F113** Words in s. 146A(1) substituted (1.4.2002) by [2001 c. 16, ss. 128, 138\(2\), Sch. 6 para. 28\(a\)\(ii\)](#); [S.I. 2002/344, art. 3\(k\)](#) (with transitional provisions in [art. 4](#))
- F114** Words in s. 146A(1) substituted (31.10.1997) by [1997 c. 50, s. 88, Sch. 6 para. 6\(2\)\(b\)](#); [S.I. 1997/2390, art. 2\(2\)\(v\)](#)

*Status: Point in time view as at 14/11/2005.*

*Changes to legislation: Local Government Act 1972, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F115** Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 Pt. II para. 43**
- F116** S. 146(1A) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 para. 11(3)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3265, arts. 4, 5, **Sch.**
- F117** Words in s. 146A(1A) substituted (31.10.1997) by 1997 c. 50, s. 88, **Sch. 6 para. 6(3)(a)**; S.I. 1997/2390, **art. 2(2)(v)**
- F118** Words in s. 146A(1A) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 28(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F119** Word in s. 146A(1A) repealed (31.10.1997) by 1997 c. 50, ss. 88, 134(2), Sch. 6 para. 6(3)(c), **Sch. 10**; S.I. 1997/2390, **art. 2(2)(v)**
- F120** Words in s. 146A(1A) substituted (21.3.1997) by 1997 c. 45, **s. 1(2)**
- F121** S. 146A(1AA) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, 138(2), Sch 6 para. 28(c), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)
- F122** S. 146A(1B)(1C) inserted (21.3.1997) by 1997 c. 45, **s. 1(3)**
- F123** Words in s. 146A(1B) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 28(4)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F124** Words in s. 146A(1C) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 28(5)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F125** S. 146A(2) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

#### **Modifications etc. (not altering text)**

- C160** S. 146A(1) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(j)**
- C161** S. 146A(1) modified by S.I. 1987/2110, **art. 2(2) Sch. 1 para. 3(j)**

#### **Marginal Citations**

- M24** 1996 c. 16.

**Status:**

Point in time view as at 14/11/2005.

**Changes to legislation:**

Local Government Act 1972, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.