



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

45 Application of Part II.

- (1) The provisions of this Part of this Act, except this section, shall come into force in accordance with the following provisions of this section.
- (2) If the Act of 1847 is in force in the area of a district council, the council may resolve that the provisions of this Part of this Act, other than this section, are to apply to the relevant area; and if the council do so resolve those provisions shall come into force in the relevant area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

In this subsection “the relevant area”, in relation to a council, means—

- (a) if the Act of 1847 is in force throughout the area of the council, that area; and
 - (b) if the Act of 1847 is in force for part only of the area of the council, that part of that area.
- (3) A council shall not pass a resolution in pursuance of the foregoing subsection unless they have—
 - (a) published in two consecutive weeks, in a local newspaper circulating in their area, notice of their intention to pass the resolution; and
 - (b) served a copy of the notice, not later than the date on which it is first published in pursuance of the foregoing paragraph, on the council of each parish or community which would be affected by the resolution or, in the case of such a parish which has no parish council, on the chairman of the parish meeting.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 45. (See end of Document for details)

- (4) If after a council has passed a resolution in pursuance of subsection (2) of this section the Act of 1847 comes into force for any part of the area of the council for which it was not in force when the council passed the resolution, the council may pass a resolution in accordance with the foregoing provisions of this section in respect of that part as if that part were included in the relevant area for the purposes of subsection (2) of this section.

Modifications etc. (not altering text)

- C1** S. 45 modified (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), regs. 1, **4** Table (with reg. 3)

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 45.