



# Local Government (Miscellaneous Provisions) Act 1982

## 1982 CHAPTER 30

### Modifications etc. (not altering text)

- C1** Pt. I: 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](#)
- C2** Pt. III: 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](#)

## PART I

### LICENSING OF PUBLIC ENTERTAINMENTS

#### 1 Licensing of public entertainments.

- (1) Subject to subsection (2) below, Schedule 1 to this Act shall have effect with respect to the licensing outside Greater London of the public entertainments referred to in that Schedule.
- (2) Paragraphs 3 and 4 of the Schedule shall not have effect in the area of a local authority unless the authority so resolve.
- (3) If a local authority do so resolve, those paragraphs shall come into force in their 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).
- (4) A local authority shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.
- (5) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the paragraphs in the local authority's area.

*Status: Point in time view as at 10/11/2004.*

*Changes to legislation: Local Government (Miscellaneous Provisions) Act 1982 is up to date with all changes known to be in force on or before 19 September 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)*

- (6) The notice shall state the general effect of the paragraphs.
- (7) The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on subsections (1) to (6) above.
- (8) In Schedule 12 to the <sup>M1</sup>London Government Act 1963—
- (a) in paragraph 10(3) (penalties for offences relating to entertainments held without licences or contravening licences) for “five hundred pounds” there shall be substituted “ £1,000 ” ; and
  - (b) in paragraph 12(3) (penalty for refusal to permit entry to or inspection of premises) for “twenty pounds” there shall be substituted “ £200 ”.
- (9) Subsection (8) above has effect only in relation to offences committed after 1st January 1983.
- (10) So much of any local enactment passed before 1974 as relates to the regulation by means of licensing of public entertainments of any description referred to in Schedule 1 to this Act shall cease to have effect.
- (11) In this section “local authority” means—
- (a) the council of a district; and
  - (b) the Council of the Isles of Scilly.
- (12) This section shall come into force on 1st January 1983.

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

- C3** The text of s. 1(7)(8) and s.7(1)(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M1** 1963 c. 33.

**PART II**

CONTROL OF SEX ESTABLISHMENTS

**2 Control of sex establishments.**

- (1) A local authority may resolve that Schedule 3 to this Act is to apply to their area; and if a local authority do so resolve, that Schedule shall come into force in their 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).
- (2) A local authority shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.
- (3) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of Schedule 3 to this Act in the local authority’s area.

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- (4) The notice shall state the general effect of that Schedule.
- (5) In this Part of this Act “local authority” means—
  - (a) the council of a district;
  - (b) the council of a London borough; and
  - (c) the Common Council of the City of London.

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

- C4** S. 2: functions of local authority not to be the responsibility of an authority's executive (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#)

### PART III

#### STREET TRADING

#### **3 Power of district council to adopt Schedule 4.**

A district council may resolve that Schedule 4 to this Act shall apply to their district and, if a council so resolve, that Schedule shall come into force in their district on such day as may be specified in the resolution.

### PART IV

#### CONTROL OF REFRESHMENT PREMISES

##### *Take-away food shops*

#### **4 Closing hours for take-away food shops.**

- (1) A district council may make an order under this subsection (in this Part of this Act referred to as a “closing order”) with respect to any premises in their district where meals or refreshments are supplied for consumption off the premises, other than—
  - (a) any premises that are a late night refreshment house, as defined in section 1 of the <sup>M2</sup>Late Night Refreshment Houses Act 1969; and
  - (b) any premises that are exempt licensed premises as defined in that section, if they are satisfied that it is desirable to make such an order to prevent residents in the neighbourhood of the premises being unreasonably disturbed either by persons resorting to the premises or by the use of the premises for the supply of meals or refreshments.
- (2) A closing order shall be an order specifying individual premises and prohibiting the use of the premises for the supply of meals and refreshments to the public between such hours as may be specified in the order.
- (3) The hours specified in a closing order shall commence not earlier than midnight and finish not later than 5 o'clock in the morning.

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- (4) A closing order may prohibit the use of the premises to which it relates for the supply of meals and refreshments to the public between different hours on different days of the week.
- (5) A district council may vary a closing order by an order under this subsection (in this Part of this Act referred to as a “variation order”).
- (6) A district council may revoke a closing order by an order under this subsection (in this Part of this Act referred to as a “revocation order”).
- (7) A variation order or a revocation order may be made on the written application of the keeper of the premises to which the closing order relates, or without such an application.
- (8) Subject to subsection (9) below, a closing order shall cease to have effect 3 years from the date on which it was made, but without prejudice to the power of the district council to make a further closing order.
- (9) Subsection (8) above shall have effect in relation to a closing order which has been varied as if the reference to the date on which it was made were a reference to the date on which it was last varied.
- (10) In this Part of this Act “the keeper”, in relation to any premises, means the person having the conduct or management of the premises.
- (11) Until section 7(1) and (2) below come into force this section shall have effect as if the following paragraph were substituted for subsection (1)(b) above—
 

“(b) a house, room, shop or building which is licensed for the sale of beer, cider, wine or spirits,”.

#### **Marginal Citations**

**M2** 1969 c. 53.

## **5 Closing orders etc.—procedure and appeals.**

- (1) A district council shall take all relevant circumstances into consideration when determining whether to make—
  - (a) a closing order; or
  - (b) a variation order which varies a closing order or a previous variation order by specifying—
    - (i) an hour later than that specified in the order which it varies as the hour at which the use of the premises for the supply of meals and refreshments to the public may begin; or
    - (ii) an hour earlier than that so specified as the hour at which their use for that purpose is to end,

but a council may not make a closing order or such a variation order unless residents in the neighbourhood of the premises to which the order, if made, would relate have complained of disturbance such as is mentioned in section 4(1) above.
- (2) If a district council propose—
  - (a) to make a closing order; or

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- (b) to make such a variation order as is mentioned in sub-section (1)(b) above, they shall first serve a notice in accordance with subsections (12) to (15) below—
- (i) giving their reasons for seeking to make the order; and
  - (ii) stating that within 28 days of service of the notice the keeper of the premises to which the order, if made, would relate may in writing require them to give him an opportunity to make representations to them concerning the matter.
- (3) Where a notice has been served under subsection (2) above, the district council shall not determine the matter until either—
- (a) the keeper has made representations to them concerning it; or
  - (b) the period during which he could have required them to give him an opportunity to make representations has elapsed without his requiring them to give him such an opportunity; or
  - (c) the conditions specified in subsection (4) below are satisfied.
- (4) The conditions mentioned in subsection (3) above are—
- (a) that the keeper has required the district council to give him an opportunity to make representations to them;
  - (b) that the council have allowed him a reasonable period for making his representations; and
  - (c) that he has failed to make them within that period.
- (5) Representations may be made, at the keeper's option, either in writing or orally.
- (6) If the keeper informs the council that he desires to make oral representations, they shall give him an opportunity of appearing before and of being heard by a committee or sub-committee of the council.
- (7) The council shall not reveal to the keeper the name or address of any person who has made a complaint concerning the premises, unless they have first obtained the consent of the person who made the complaint.
- (8) Where the keeper of any premises has applied for a variation order or a revocation order, the council shall be deemed to have refused the application if they fail to determine the matter within 8 weeks from the date on which the application was made.
- (9) When a council make an order under section 4 above, they shall serve a copy in accordance with subsections (12) to (15) below.
- (10) A closing order and any such variation order as is mentioned in subsection (1)(b) above shall come into force 21 days after the date of service.
- (11) A variation order other than a variation order such as is mentioned in subsection (1)(b) above and a revocation order shall come into force on such date as may be specified in it.
- (12) Any document required to be served under this section shall be served on the keeper of the premises to which it relates and, subject to subsection (13) below, may be served on him by post.
- (13) Service of any such document by post may only be effected by sending it in a pre-paid registered letter or by the recorded delivery service.
- (14) For the purposes of service any such document may be addressed to the keeper at the premises to which it relates.

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- (15) The keeper may be addressed either by name or by the description of “the keeper” of the premises (describing them).
- (16) An appeal—
- (a) against a closing order or a variation order; or
  - (b) against a refusal by the district council to make a variation order or a revocation order,
- may be brought to a magistrates’ court by the keeper of the premises to which the order relates or would relate.
- (17) No appeal against an order may be brought after it has come into force, and if an appeal is brought against an order, the order shall not come into force until the appeal has been determined or abandoned.
- (18) No appeal against a refusal to make a variation order or a revocation order may be brought after the expiry of the period of 21 days from the date on which the keeper was notified of the refusal.
- (19) An appeal against a decision of a magistrates’ court under this section may be brought to the Crown Court.
- (20) On an appeal to the magistrates’ court or the Crown Court under this section relating to any premises the court may confirm an order relating to the premises made under section 4 above or set it aside or give directions to the district council as to the making of such an order relating to the premises.
- (21) Subject to subsection (22) below, it shall be the duty of the district council to comply with any directions under subsection (20) above.
- (22) The district council need not comply with any directions given by the magistrates’ court if they bring an appeal against the decision of the magistrates’ court to the Crown Court under subsection (19) above within 21 days of the date of the decision.

## **6 Contraventions of closing orders.**

- (1) In the event of a contravention of any of the provisions of a closing order, whether as originally made or as varied by a variation order, the keeper of the premises to which the order relates shall be guilty of an offence.
- (2) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence by himself or by any person under his control.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 4 on the standard scale].
- (4) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

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### Textual Amendments

**F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

### *Late night refreshment houses*

## 7 Refreshments etc. on licensed premises.

(1) In section 1 of the <sup>M3</sup>Late Night Refreshment Houses Act 1969 (meaning of “late night refreshment house”) for the words from “a house”, in the second place where those words occur, to the end of the section there shall be substituted the words “exempted licences premises”.

(2) The said section 1, as amended by subsection (1) above, shall be renumbered so as to become section 1(1) of the said Act ; and at the end of the resulting subsection (1) there shall be added as subsections (2) and (3)—

“(2) In subsection (1) above “exempt licensed premises” means a house, room, shop or building which—

- (i) is licensed for the sale of beer, cider, wine or spirits ; and
- (ii) is not kept open for public refreshment, resort and entertainment at any time between normal evening closing time and 5 o’clock of the following morning.

(3) In subsection (2) above “normal evening closing time” means—

- (a) in relation to premises with permitted hours in the evening, a time thirty minutes after the end of those hours ; and
- (b) in relation to premises without permitted hours in the evening, 10 o’clock at night ;

and in this subsection “permitted hours” means the hours specified in section 60 of the Licensing Act 1964 as modified by any other provision of that Act.”.

(3) Subsections (1) and (2) above shall come into force at the expiration of the period of three months beginning with the date on which this Act is passed.

(4) Nothing in this section affects premises in Greater London.

### Modifications etc. (not altering text)

**C5** The text of s. 1(7)(8) and s.7(1)(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M3** 1969 c. 53.

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**PART V**

**FIRE PRECAUTIONS**

*Provisions as to consultations.*

**8 Consultation between authorities.**

(1) In the <sup>M4</sup>Public Health Act 1936—

- (a) ..... F2
  - (i) in subsections (1) and (2), the words “, after consultation with the fore authority, deem satisfactory, regard being had” shall be substituted for the words “ deem satisfactory, regard being had by them ” ; and
  - (ii) in subsection (4), after the word “authority” there shall be inserted the words “ after consultation with the fire authority, ” ;
- (b) in subsection (1) of section 60 (means of escape from fire in the case of certain high buildings) after the word “authority”—
  - (i) in the first place where it occurs, there shall be inserted the words “ , after consultation with the fire authority, ” ; and
  - (ii) in the second place where it occurs, there shall be inserted the words “ , after such consultation ” ; and
- (c) in section 343 (interpretation) the following definition shall be inserted after the definition of “factory”— “fire authority” has the meaning assigned to it by section 43(1) of the Fire Precautions Act 1971. ”

(2) In the <sup>M5</sup>Caravan Sites and Control of Development Act 1960—

- (a) the following subsections shall be inserted after subsection (3) of section 5 (power of local authority attach conditions to site licences)—
  - “(3A) The local authority shall consult the fire authority as to the extent to which any model standards relating to fire precautions which have been specified under subsection (6) of this section are appropriate to the land.
  - (3B) If—
    - (a) no such standards have been specified ; or
    - (b) any standard that has been specified appears to the fire authority to be inappropriate to the land,
 the local authority shall consult the fire authority as to what conditions relating to fire precautions ought to be attached to the site licence instead.” ;
- (b) the following subsections shall be added after subsection (6) of that section—
  - “(7) The duty imposed on a local authority by subsection (6) of this section to have regard to standards specified under that subsection is to be construed, as regards standards relating to fire precautions which are so specified, as a duty to have regards to them subject to any advice given by the fire authority under subsection (3A) or (3B) of this section.
- (8) In this section “fire precautions” means precautions to be taken for any of the purposes specified in paragraph (e) of subsection (1) of



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- this section for which conditions may be imposed by virtue of that subsection.” ;
- (c) the following subsection shall be added at the end of section 8 (powers of local authority to alter conditions attached to site licences)—
- “(5) The local authority shall consult the fire authority before exercising the powers conferred upon them by subsection (1) of this section in relation to a condition attached to a site licence for the purposes set out in section 5(1)(e) of this Act.” ;
- (d) the following subsection shall be inserted after subsection (2) of section 24 (power of local authorities to provide sites for caravans)—
- “(2A) Before exercising the power to provide a site conferred on them by subsection (1) of this section the local authority shall consult the fire authority, if they are not themselves the fire authority,—
- (a) as to measures to be taken for preventing and detecting the outbreak of fire on the site ; and
- (b) as to the provision and maintenance of means of fighting fire on it.” ; and
- (e) the following definition shall be inserted in section 29 (interpretation of Part I) after the definition of “existing site”— “ “fire authority” , in relation to any land, means the authority discharging in the are in which the land is situated the functions of fire authority under the Fire Services Act 1947 ; ”.

#### Textual Amendments

**F2** S. 8(1)(a) repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), [Sch. 7](#)

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

**C6** The text of s. 8 (except para. (1)(a)) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M4** 1936 c. 49.

**M5** 1960 c. 62.

### *Firemen's switches*

## 9 Application of section 10.

- (1) A [<sup>F3</sup>fire and rescue authority] may resolve that section 10 below is to apply to their area; and if a [<sup>F3</sup>fire and rescue authority] do so resolve, that section shall come into force in their area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of 42 days beginning with the day on which the resolution is passed).
- (2) A [<sup>F4</sup>fire and rescue authority] shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.
- (3) Any such notice shall state the general effect of section 10 below.

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- (4) In this section and section 10 below [<sup>F5</sup>“fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004] .

#### Textual Amendments

- F3** Words in s. 9(1) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 54\(2\), \(3\)\(a\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F4** Words in s. 9(2) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 54\(2\), \(3\)\(a\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F5** Words in s. 9(4) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 54\(4\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

## 10 Firemen’s switches for luminous tube signs.

- (1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding [<sup>F6</sup>the prescribed voltage], or other equipment so designed, and references in this section to a cut-off switch are, in a case where a transformer is provided to raise the voltage to operate the apparatus, references to a cut-off switch on the low-voltage side of the transformer.

[<sup>F7</sup>(1A) In subsection (1) above “the prescribed voltage” means 1000 volts A.C. or 1500 volts D.C. if measured between any two conductors or 600 volts A.C. or 900 volts D.C. if measured between any conductor and earth.

- (1B) The Secretary of State may, by order made by statutory instrument, substitute such different voltages for those for the time being specified in subsection (1A) above as appear to him to be appropriate for this purpose having regard to the current regulations of the Institution of Electrical Engineers.]

- (2) No apparatus to which this section applies shall be installed unless it is provided with a cut-off switch.

- (3) Subject to subsection (4) below, the cut-off switch shall be so placed, and coloured or marked, as to satisfy such reasonable requirements as the [<sup>F8</sup>fire and rescue authority] may impose to secure that it shall be readily recognisable by and accessible to [<sup>F9</sup>fire-fighters] .

- (4) If a cut-off switch complies in position, colour and marking with the current regulations of the Institution of Electrical Engineers for a firemen’s emergency switch, the [<sup>F10</sup>fire and rescue authority] may not impose any further requirements in respect of it under subsection (3) above.

- (5) Not less than 42 days before work is begun to install apparatus to which this section applies, the owner or occupier of the premises where the apparatus is to be installed shall give notice to the [<sup>F11</sup>fire and rescue authority] showing where the cut-off switch is to be placed and how it is to be coloured or marked.

- (6) Where notice has been given to the [<sup>F12</sup>fire and rescue authority] as required by subsection (5) above, the proposed position, colouring or marking of the switch shall be deemed to satisfy the requirements of the [<sup>F12</sup>fire and rescue authority] unless, within 21 days from the date of the service of the notice, the [<sup>F12</sup>fire and rescue authority] have served on the owner or occupier a counter-notice stating that their requirements are not satisfied.

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- (7) Where apparatus to which this section applies has been installed in premises before the day specified in a resolution under section 9(1) above as the day on which this section is to come into force in the area in which the premises are situated, the owner or occupier of the premises shall, not more than 21 days after that day, give notice to the [F<sup>13</sup>fire and rescue authority] stating whether the apparatus is already provided with a cut-off switch and, if so, where the switch is placed and how it is coloured or marked.
- (8) Subject to subsection (9) below, where apparatus to which this section applies has been installed in premises before the day specified in a resolution under section 9(1) above as the day on which this section is to come into force in the area in which the premises are situated, the [F<sup>14</sup>fire and rescue authority] may serve on the owner or occupier of the premises a notice—
- (a) in the case of apparatus already provided with a cut-off switch, stating that they are not satisfied with the position, colouring or marking of the switch and requiring him, within such period as may be specified in the notice, to take such steps as will secure that the switch will be so placed and coloured or marked as to be readily recognisable by, and accessible to, [F<sup>15</sup>fire-fighters] in accordance with the reasonable requirements of the [F<sup>14</sup>fire and rescue authority]; or
  - (b) in the case of apparatus not already provided with a cut-off switch, requiring him, within such period as may be specified in the notice, to provide such a cut-off switch in such a position and so coloured or marked as to be readily recognisable by, and accessible to, firemen in accordance with the reasonable requirements of the [F<sup>14</sup>fire and rescue authority] .
- (9) If a cut-off switch complies in position, colour and marking with the current regulations of the Institution of Electrical Engineers for a firemen's emergency switch, the [F<sup>16</sup>fire and rescue authority] may not serve a notice in respect of it under subsection (8) above.
- (10) Section 290 of the <sup>M6</sup>Public Health Act 1936 shall apply to notices given by a [F<sup>17</sup>fire and rescue authority] under this section as it applies to the notices mentioned in subsection (1) of that section as if the references in that section to a local authority included references to a [F<sup>17</sup>fire and rescue authority] .
- (11) This section shall not apply to apparatus installed or proposed to be installed on or in premises in respect of which a licence under the [F<sup>18</sup>section 1 of the Cinemas Act 1985] is for the time being in force.
- (12) The following persons, namely—
- (a) any owner and any occupier of premises where apparatus to which this section applies is installed who without reasonable excuse fails to ensure that it complies with subsection (2) above;
  - (b) any owner and any occupier of premises who without reasonable excuse fails to comply with subsection (3) above;
- shall each be guilty of an offence and liable on summary conviction to a fine not exceeding [F<sup>19</sup>level 3 on the standard scale] and to a daily fine not exceeding £20.
- (13) In proceedings for an offence under subsection (12) above, it shall be a defence for either the owner or the occupier to show that it would have been equitable for the prosecution to be brought only against the other.

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- (14) A person charged shall not be entitled to rely on the defence set out in subsection (13) above unless within a period ending 7 clear days before the hearing he has served on the prosecutor notice in writing of his intention so to do.
- (15) Any person who without reasonable excuse fails to give a notice required by subsection (5) or (7) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F19</sup>level 3 on the standard scale] unless he establishes that some other person duly gave the notice in question.
- (16) Any owner or occupier of premises who without reasonable excuse fails to comply with a notice served on him under subsection (8) above within the period specified in it for compliance with it shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F19</sup>level 3 on the standard scale] and to a daily fine not exceeding £20.
- (17) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

#### Textual Amendments

- F6** Words substituted by [Fire and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), [s. 47\(a\)](#)
- F7** S. 10(1A)(1B) inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), [s. 47\(b\)](#)
- F8** Words in s. 10(3) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 54\(2\)](#), [\(3\)\(b\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F9** Word in s. 10(3) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 54\(5\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F10** Words in s. 10(4) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 54\(2\)](#), [\(3\)\(b\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F11** Words in s. 10(5) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 54\(2\)](#), [\(3\)\(b\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F12** Words in s. 10(6) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 54\(2\)](#), [\(3\)\(b\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F13** Words in s. 10(7) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 54\(2\)](#), [\(3\)\(b\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F14** Words in s. 10(8) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 54\(2\)](#), [\(3\)\(b\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F15** Word in s. 10(8)(a) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 54\(5\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F16** Words in s. 10(9) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 54\(2\)](#), [\(3\)\(b\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F17** Words in s. 10(10) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 54\(2\)](#), [\(3\)\(b\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

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- F18** Words substituted by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), s. 24(1), **Sch. 2 para. 14**  
**F19** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

**Marginal Citations**

- M6** [1936 c. 49](#).

**PART VI**

ABOLITION OF REGISTRATION OF THEATRICAL EMPLOYERS

**<sup>F20</sup>11 Repeal of Theatrical Employers Registration Acts 1925 and 1928.**

.....

**Textual Amendments**

- F20** S. 11 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3

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

- C7** The text of s. 11 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**PART VII**

BYELAWS

**12 General provisions relating to byelaws.**

- (1) Notwithstanding anything in section 298 of the <sup>M7</sup>Public Health Act 1936 or section 253 of the <sup>M8</sup>Public Health Act 1875 or any other enactment, a constable may take proceedings in respect of an offence against a byelaw made by a relevant local authority under any enactment without the consent of the Attorney General.
- (2) In subsection (1) above “relevant local authority” means—
  - (a) a local authority, as defined in section 270 of the <sup>M9</sup>Local Government Act 1972; and
  - (b) any body that was the predecessor of a local authority as so defined.
- (3) It is immaterial for the purposes of this section that a byelaw was made after the passing of this Act.

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

- C8** S. 12 applied by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 6(9), 10, 23(2), 27(2), **Sch. 5 para. 7(5)**

**Marginal Citations**

- M7** [1936 c. 49](#).  
**M8** [1875 c. 55](#).

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**M9** 1972 c. 70.

## PART VIII

### ACUPUNCTURE, TATTOOING, EAR-PIERCING AND ELECTROLYSIS

#### **13 Application of Part VIII.**

- (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) A local authority may resolve that the provisions of this Part of this Act which are mentioned in paragraph (a), (b) or (c) of subsection (3) below are to apply to their area; and if a local authority do so resolve, the provisions specified in the resolution shall come into force in their 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).
- (3) The provisions that may be specified in a resolution under subsection (2) above are—
  - (a) sections 14, 16 and 17 below; or
  - (b) sections 15 to 17 below; or
  - (c) sections 14 to 17 below.
- (4) A resolution which provides that section 15 below is to apply to the area of a local authority need not provide that it shall apply to all the descriptions of persons specified in subsection (1) of that section; and if such a resolution does not provide that section 15 below is to apply to persons of all of those descriptions, the reference in subsection (2) above to the coming into force of provisions specified in the resolution shall be construed, in its application to section 15 below, and to section 16 below so far as it has effect for the purposes of section 15 below, as a reference to the coming into force of those sections only in relation to persons of the description or descriptions specified in the resolution.
- (5) If a resolution provides for the coming into force of section 15 below in relation to persons of more than one of the descriptions specified in subsection (1) of that section, it may provide that that section, and section 16 below so far as it has effect for the purposes of that section, shall come into force on different days in relation to persons of each of the descriptions specified in the resolution.
- (6) A local authority shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.
- (7) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the provisions specified in it in the local authority's area.
- (8) The notice shall state which provisions are to come into force in that area.
- (9) The notice shall also—
  - (a) if the resolution provides for the coming into force of section 14 below, explain that that section applies to persons carrying on the practice of acupuncture; and

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- (b) if it provides for the coming into force of section 15 below, specify the descriptions of persons in relation to whom that section is to come into force.
- (10) Any such notice shall state the general effect, in relation to persons to whom the provisions specified in the resolution will apply, of the coming into force of those provisions.
- (11) In this Part of this Act “local authority” means—
  - (a) the council of a district;
  - (b) the council of a London borough; and
  - (c) the Common Council of the City of London.

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

- C9** Ss. 13-17: 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**
- C10** S. 13 extended (1.4.2004) by Local Government Act 2003 (c. 26), s. 128(6), **Sch. 6 para. 3(2)**; S.I. 2003/2938, art. 7(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. II

**14 Acupuncture.**

- (1) A person shall not in any area in which this section is in force carry on the practice of acupuncture unless he is registered by the local authority for the area under this section.
- (2) A person shall only carry on the practice of acupuncture in any area in which this section is in force in premises registered by the local authority for the area under this section; but a person who is registered under this section does not contravene this subsection merely because he sometimes visits people to give them treatment at their request.
- (3) Subject to section 16(8)(b) below, on application for registration under this section a local authority shall register the applicant and the premises where he desires to practise and shall issue to the applicant a certificate of registration.
- (4) An application for registration under this section shall be accompanied by such particulars as the local authority may reasonably require.
- (5) The particulars that the local authority may require include, without prejudice to the generality of subsection (4) above,—
  - (a) particulars as to the premises where the applicant desires to practise; and
  - (b) particulars of any conviction of the applicant under section 16 below,but do not include information about individual people to whom the applicant has given treatment.
- (6) A local authority may charge such reasonable fees as they may determine for registration under this section.
- (7) A local authority may make byelaws for the purpose of securing—
  - (a) the cleanliness of premises registered under this section and fittings in such premises;
  - (b) the cleanliness of persons so registered and persons assisting persons so registered in their practice;

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- (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the practice of acupuncture.
- (8) Nothing in this section shall extend to the practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner or a dentist or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.

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

**C11** *Ss. 13-17:* 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*

**15** **Tattooing, [<sup>F21</sup>semi-permanent skin-colouring, cosmetic piercing] and electrolysis.**

- (1) A person shall not in any area in which this section is in force carry on the business—
  - (a) of tattooing;
  - [<sup>F22</sup>(aa) of semi-permanent skin-colouring;
  - (b) of cosmetic piercing; or]
  - (c) of electrolysis,
 unless he is registered by the local authority for the area under this section.
- (2) A person shall only carry on a business mentioned in subsection (1) above in any area in which this section is in force in premises registered under this section for the carrying on of that business; but a person who carries on the business of tattooing, [<sup>F23</sup>semi-permanent skin-colouring, cosmetic piercing] or electrolysis and is registered under this section as carrying on that business does not contravene this subsection merely because he sometimes visits people at their request to tattoo them or, as the case may be, to [<sup>F24</sup>carry out semi-permanent skin-colouring on them, pierce their bodies] or give them electrolysis.
- (3) Subject to section 16(8)(b) below, on application for registration under this section a local authority shall register the applicant and the premises where he desires to carry on his business and shall issue to the applicant a certificate of registration.
- (4) An application for registration under this section shall be accompanied by such particulars as the local authority may reasonably require.
- (5) The particulars that the local authority may require include, without prejudice to the generality of subsection (4) above,—
  - (a) particulars as to the premises where the applicant desires to carry on his business; and
  - (b) particulars of any conviction of the applicant under section 16 below,
 but do not include information about individual people whom the applicant has tattooed or given electrolysis or [<sup>F25</sup>, whose bodies he has pierced or on whom he has carried out semi-permanent skin-colouring] .
- (6) A local authority may charge such reasonable fees as they may determine for registration under this section.
- (7) A local authority may make byelaws for the purposes of securing—



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- (a) the cleanliness of premises registered under this section and fittings in such premises;
  - (b) the cleanliness of persons so registered and persons assisting persons so registered in the business in respect of which they are registered;
  - (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with a business in respect of which a person is registered under this section.
- (8) Nothing in this section shall extend to the carrying on of a business such as is mentioned in subsection (1) above by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

[<sup>F26</sup>(9) In this section “semi-permanent skin-colouring” means the insertion of semi-permanent colouring into a person’s skin.]

#### Textual Amendments

- F21** Words in s. 15 substituted (1.4.2004) by Local Government Act 2003 (c. 26), ss. **120(2)**, 128(6); S.I. 2003/2938, art. 7(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. II
- F22** S. 15(1)(aa)(b) substituted for s. 15(1)(b) (1.4.2004) by Local Government Act 2003 (c. 26), ss. **120(2)**, 128(6); S.I. 2003/2938, art. 7(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. II
- F23** Words in s. 15(2) substituted (1.4.2004) by Local Government Act 2003 (c. 26), ss. **120(3)(a)**, 128(6); S.I. 2003/2938, art. 7(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. II
- F24** Words in s. 15(2) substituted (1.4.2004) by Local Government Act 2003 (c. 26), ss. **120(3)(b)**, 128(6); S.I. 2003/2938, art. 7(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. II
- F25** Words in s. 15(5) substituted (1.4.2004) by Local Government Act 2003 (c. 26), ss. **120(4)**, 128(6); S.I. 2003/2938, art. 7(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. II
- F26** S. 15(9) inserted (1.4.2004) by Local Government Act 2003 (c. 26), ss. **120(5)**, 128(6); S.I. 2003/2938, art. 7(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. II

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

- C12** Ss. 13-17: 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

## 16 Provisions supplementary to ss. 14 and 15.

- (1) Any person who contravenes—
- (a) section 14(1) or (2) above; or
  - (b) section 15(1) or (2) above,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F27</sup>level 3 on the standard scale].
- (2) Any person who contravenes a byelaw made—
- (a) under section 14(7) above; or
  - (b) under section 15(7) above,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F27</sup>level 3 on the standard scale].

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- (3) If a person registered under section 14 above is found guilty of an offence under subsection (2)(a) above, the court, instead of or in addition to imposing a fine under subsection (2) above, may order the suspension or cancellation of his registration.
- (4) If a person registered under section 15 above is found guilty of an offence under subsection (2)(b) above, the court, instead of or in addition to imposing a fine under subsection (2) above, may order the suspension or cancellation of his registration.
- (5) A court which orders the suspension or cancellation of a registration by virtue of subsection (3) or (4) above may also order the suspension or cancellation of any registration under section 14 or, as the case may be, 15 above of the premises in which the offence was committed, if they are occupied by the person found guilty of the offence.
- (6) Subject to subsection (7) below, a court ordering the suspension or cancellation of registration by virtue of subsection (3) or (4) above may suspend the operation of the order until the expiration of the period prescribed by [<sup>F28</sup>Criminal Procedure Rules] for giving notice of appeal to the Crown Court.
- (7) If notice of appeal is given within the period so prescribed, an order under subsection (3) or (4) above shall be suspended until the appeal is finally determined or abandoned.
- (8) Where the registration of any person under section 14 or 15 above is cancelled by order of the court under this section—
  - (a) he shall within 7 days deliver up to the local authority the cancelled certificate of registration, and, if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and thereafter to a daily fine not exceeding £5; and
  - (b) he shall not again be registered by the local authority under section 14 or, as the case may be, 15 above except with the consent of the magistrates' court which convicted him.
- (9) A person registered under this Part of this Act shall keep a copy—
  - (a) of any certificate of registration issued to him under this Part of this Act; and
  - (b) of any byelaws under this Part of this Act relating to the practice or business in respect of which he is so registered,
 prominently displayed at the place where he carries on that practice or business.
- (10) A person who contravenes subsection (9) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F27</sup>level 2 on the standard scale].
- (11) It shall be a defence for a person charged with an offence under subsection (1), (2), (8) or (10) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (12) Nothing in this Part of this Act applies to anything done to an animal.

#### Textual Amendments

**F27** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

**F28** Words in [s. 16\(6\)](#) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), [art. 2\(1\)](#), **Sch. para. 19** (with [art. 2\(2\)](#))

*Status: Point in time view as at 10/11/2004.*

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

**C13** Ss. 13-17: 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](#)

**17 Power to enter premises (acupuncture etc.).**

- (1) Subject to subsection (2) below, an authorised officer of a local authority may enter any premises in the authority’s area if he has reason to suspect that an offence under section 16 above is being committed there.
- (2) The power conferred by this section may be exercised by an authorised officer of a local authority only if he has been granted a warrant by a justice of the peace.
- (3) A justice may grant a warrant under this section only if he is satisfied—
  - (a) that admission to any premises has been refused, or that refusal is apprehended, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
  - (b) that there is reasonable ground for entry under this section.
- (4) A warrant shall not be granted unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.
- (5) A warrant shall continue in force—
  - (a) for seven days; or
  - (b) until the power conferred by this section has been exercised in accordance with the warrant,
 whichever period is the shorter.
- (6) Where an authorised officer of a local authority exercises the power conferred by this section, he shall produce his authority if required to do so by the occupier of the premises.
- (7) Any person who without reasonable excuse refuses to permit an authorised officer of a local authority to exercise the power conferred by this section shall be guilty of an offence and shall for every such refusal be liable on summary conviction to a fine not exceeding [<sup>F29</sup>level 3 on the standard scale].

**Textual Amendments**

**F29** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

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

**C14** Ss. 13-17: 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](#)

**PART IX**

*Status: Point in time view as at 10/11/2004.*

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**Textual Amendments**

**F30** Pt IX (ss. 18 and 19) repealed by [Food Act 1984 \(c. 30, SIF 53:1\)](#), s. 134, [Sch. 11](#)

**PART X**

**HIGHWAYS**

**20 Highway amenities.**

The enactments specified in Schedule 5 to this Act shall have effect subject to the amendments there specified, being amendments concerning amenities for certain highways.

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

**C15** The text of ss. 20–23 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**21 Prosecutions for offences relating to works in street.**

<sup>F31</sup>(1) .....

(2) In section 312 of the <sup>M10</sup>Highways Act 1980 (restriction on institution of proceedings)

- (a) in subsection (1), for the word “Proceedings” there shall be substituted the words “ Subject to subsection (3) below, proceedings ” ; and
- (b) the following subsection shall be inserted after subsection (2)—

“(3) A constable may take proceedings—

- (a) for an offence under paragraph (b) of section 171(6) above ; or
- (b) for an offence under paragraph (c) of that subsection consisting of failure to perform a duty imposed by section 171(5)(a) above ; or
- (c) for an offence under section 174 above, without the consent of the Attorney General.”.

**Textual Amendments**

**F31** S. 21(1) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch 9](#) (with s. 102(2)); S.I. 1992/2984, art. 2(2), [Sch.2](#)

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

**C16** The text of ss. 20–23 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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### Marginal Citations

M10 1980 c. 66.

## 22 Control of construction under streets.

- (1) The following paragraph shall be substituted for the first paragraph of subsection (1) of section 179 of the Highways Act 1980 (by virtue of which no person may construct a vault, arch or cellar under any street in Greater London or the carriageway of any street outside Greater London without the consent of the appropriate authority)—

“No person shall construct works to which this section applies under any part of a street without the consent of the appropriate authority, and the authority may by notice served on a person who has constructed such works in contravention of this section require him to remove them, or to alter or deal with them in such a manner as may be specified in the notice.”.

- (2) The words “works to which this section applies” shall be substituted for the words “a vault, arch or cellar” where occurring in subsections (3) and (4) of that section.

- (3) The following subsections shall be substituted for subsection (5) of that section—

“(5) As soon as may be after an authority consent to the construction of works to which this section applies under a street they shall give notice of their consent to any public utility undertakers having any apparatus under the street.

- (6) Subject to subsection (7) below, the works to which this section applies are—

- (a) any part of a building ; and
- (b) without prejudice to the generality of paragraph (a) above, a vault, arch or cellar, whether forming part of a building or not.

- (7) This section does not apply to code-regulated works, as defined in section 1(5) of the Public Utilities Street Works Act 1950.”.

### Modifications etc. (not altering text)

C17 The text of ss. 20–23 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 23 Control of road-side sales.

The following section shall be inserted after section 147 of the <sup>M11</sup>Highways Act 1980—

### “147A Road-side sales.

- (1) Subject to subsection (4) below, no person shall, for the purpose of selling anything, or offering or exposing anything for sale, use any stall or similar structure or any container or vehicle, kept or placed on—

- (a) the verge of a trunk road or a principal road ;
- (b) a lay-by on any such road ; or

Status: Point in time view as at 10/11/2004.

Changes to legislation: Local Government (Miscellaneous Provisions) Act 1982 is up to date with all changes known to be in force on or before 19 September 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)

- (c) unenclosed land within 15 metres of any part of any such road, where its presence or its use for that purpose causes or is likely to cause danger on the road or interrupts or is likely to interrupt any user of the road.
- (2) Any person who contravenes this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (3) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (4) This section does not apply—
  - (a) to the sale or offer or exposure for sale of things from or on a vehicle which is used for the purposes of itinerant trading with occupiers of premises, or is used only for that purpose and for purposes other than trading ;
  - (b) to the sale or offer or exposure for sale of newspapers ;
  - (c) to anything done at a market in respect of which tolls, stallages or rents are payable ; or
  - (d) to the sale or offer or exposure for sale of anything by way of street trading which has been authorised under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 or under any local enactment which makes provision similar to that made by that Schedule, either by the person so authorised or by a person acting as assistant to the person so authorised.”.

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

**C18** The text of ss. 20–23 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M11** 1980 c. 66.

**PART XI**

**PUBLIC HEALTH, ETC.**

**24, 25.** ..... **F32**

**Textual Amendments**

**F32** Ss. 24, 25 repealed by **Building Act 1984 (c. 55, SIF 15)**, s. 133(2), **Sch. 7**

**26** ..... **F33**

*Status: Point in time view as at 10/11/2004.*

*Changes to legislation: Local Government (Miscellaneous Provisions) Act 1982 is up to date with all changes known to be in force on or before 19 September 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)*

### Textual Amendments

**F33** S. 26(1)(2) repealed by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(2), [Sch. 16 Pt. III](#)

## 27 Powers to repair drains etc. and to remedy stopped-up drains etc.

- (1) The following section shall be substituted for sections 17 and 18 of the <sup>M12</sup>Public Health Act 1961—

### “17 Powers to repair drains etc. and to remedy stopped-up drains etc.

- (1) If it appears to a local authority that a drain, private sewer, water-closet, waste pipe or soil pipe—
- (a) is not sufficiently maintained and kept in good repair, and
  - (b) can be sufficiently repaired at a cost not exceeding £250,
- the local authority may, after giving not less than seven days notice to the person concerned, cause the drain, private sewer, water-closet or pipe to be repaired and, subject to subsections (7) and (8) below, recover the expenses reasonably incurred in so doing, so far as they do not exceed £250, from the person or persons concerned, in such proportions, if there is more than one such person, as the local authority may determine.
- (2) In subsection (1) above “person concerned” means—
- (a) in relation to a water-closet, waste pipe or soil pipe, the owner or occupier of the premises on which it is situated, and
  - (b) in relation to a drain or private sewer, any person owning any premises drained by means of it and also, in the case of a sewer, the owner of the sewer.
- (3) If it appears to a local authority that on any premises a drain, private sewer, water-closet, waste pipe or soil pipe is stopped-up, they may by notice in writing require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.
- (4) If a notice under subsection (3) of this section is not complied with, the local authority may themselves carry out the work necessary to remedy the defect and, subject to subsections (7) and (8) below, may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.
- (5) Where the expenses recoverable by a local authority under subsection (1) or (4) of this section do not exceed £10, the local authority may, if they think fit, remit the payment of the expenses.
- (6) In proceedings to recover expenses under this section—
- (a) where the expenses were incurred under subsection (1) of this section, the court—
    - (i) shall inquire whether the local authority were justified in concluding that the drain, private sewer, water-closet, waste pipe or soil pipe was not sufficiently maintained and kept in good repair ; and

*Status: Point in time view as at 10/11/2004.*

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- (ii) may inquire whether any apportionment of expenses by the local authority under that subsection was fair ;
- (b) where the expenses were incurred under subsection (4) of this section, the court may inquire—
  - (i) whether any requirement contained in a notice served under subsection (3) of this section was reasonable ; and
  - (ii) whether the expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings.
- (7) Subject to subsection (8) below, the court may make such order concerning the expenses or their apportionment as appears to the court to be just.
- (8) Where the court determines that the local authority were not justified in concluding that a drain, private sewer, water-closet, waste pipe or soil pipe was not sufficiently maintained and kept in good repair, the local authority shall not recover expenses incurred by them under subsection (1) of this section.
- (9) The court shall not revise an apportionment unless it is satisfied that all persons affected by the apportionment or by an order made by virtue of subsection (6)(b)(ii) above have had notice of the proceedings and an opportunity of being heard.
- (10) Subject to subsection (11) of this section, the provisions of subsection (1) of this section shall not authorise a local authority to carry out works on land which belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking.
- (11) Subsection (10) of this section does not apply to houses, or to buildings used as offices or showrooms, other than buildings so used which form part of a railway station.
- (12) The Secretary of State may by order made by statutory instrument increase any amount specified in this section.
- (13) Nothing in an order made under subsection (12) of this section shall apply to a notice given under this section before the commencement of the order.
- (14) A statutory instrument containing an order under subsection (12) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (15) The provisions of this section shall be without prejudice to section 39 of the Public Health Act 1936 (which empowers a local authority to serve notices as regards defective drains).”

<sup>F34</sup>(2) .....

**Textual Amendments**  
**F34** S. 27(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3



*Status: Point in time view as at 10/11/2004.*

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

**C19** The text of ss. 27, 34, 38 and 39 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M12** 1961 c. 64.

**28** ..... <sup>F35</sup>

**Textual Amendments**

**F35** S. 28 repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), [Sch. 7](#)

**29 Protection of buildings.**

- (1) The section applies where it appears to a local authority—
  - (a) that any building in their area is unoccupied; or
  - (b) that the occupier of a building in their area is temporarily absent from it.
- (2) Where this section applies and it appears to the local authority that the building—
  - (a) is not effectively secured against unauthorised entry; or
  - (b) is likely to become a danger to public health,the local authority may undertake works in connection with the building for the purpose of preventing unauthorised entry to it, or, as the case may be, for the purpose of preventing it becoming a danger to public health.
- (3) In this section and sections 30 and 32 “building” includes structure.
- (4) ..... <sup>F36</sup> in this section, the sections mentioned in subsection (3) above and section 31 below “local authority” means a district council, a London borough council and the Common Council of the City of London.
- (5) ..... <sup>F37</sup>
- (6) Subject to subsection (8) below, before undertaking any works under subsection (2) above, other than works on land to which section 30 below applies, a local authority shall serve a notice that they propose to undertake works under this section in connection with the building on each owner or occupier of the building.
- (7) A notice under subsection (6) above shall specify the works in connection with the building which the local authority propose to undertake.
- (8) A local authority need not give any such notice where they consider—
  - (a) that it is necessary to undertake works immediately in order to secure the building against unauthorised entry or to prevent it from becoming a danger to public health; or
  - (b) that it is not reasonably practicable to ascertain the name and address of an owner or to trace the whereabouts of an occupier who is absent from the building.

*Status: Point in time view as at 10/11/2004.*

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- (9) A local authority shall not undertake works specified in a notice under subsection (6) above before the expiry of the period of 48 hours from the service of the notice.
- (10) For the purpose of exercising the power conferred on a local authority by this section any person duly authorised in writing by the authority may enter—
  - (a) the building in connection with which works are to be undertaken;
  - (b) any land that appears to the local authority to be appurtenant to the building; and
  - (c) any other land if—
    - (i) it appears to the local authority to be unoccupied; and
    - (ii) it would be impossible to undertake the works without entering it.
- (11) Where the local authority undertake any works under subsection (2) above, they may recover the expenses reasonably incurred in so doing from any person to whom notice was given under subsection (6) above or subsection (2) of section 30 below or to whom notice would have been required to be given but for subsection (8) of this section or subsection (4) of that section.
- (12) Section 293 of the <sup>M13</sup>Public Health Act 1936 shall have effect in relation to the recovery of expenses under this section as it has effect in relation to the recovery of a sum which a council are entitled to recover under that Act and with respect to the recovery of which provision is not made by any other section of that Act.
- (13) In proceedings to recover expenses under this section the court may inquire whether the expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings, and the court may make such order concerning the expenses of their apportionment as appears to the court to be just.

**Textual Amendments**

**F36** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**F37** [S. 29\(5\)](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

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**Marginal Citations**

**M13** [1936 c. 49](#).

**30 Buildings on operational land of British Railways Board and certain statutory undertakers.**

- (1) This section applies to operational land—
  - (a) of the British Railways Board (in this section referred to as “the Board”); . . .  
F38
  - (b) . . . . . F38
- (2) Subject to subsection (4) below, before undertaking any works under section 29(2) above on land to which this section applies a local authority shall serve notice that they propose to undertake works under that section in connection with the building—
  - (a) on the Board, if the works which they propose to undertake will be undertaken on operational land of the Board; and
  - (b) in any other case, on the statutory undertakers on whose operational land the works will be undertaken.

*Status: Point in time view as at 10/11/2004.*

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- (3) A notice under subsection (2) above shall specify the works which the local authority propose to undertake.
- (4) A local authority need not give any such notice where they consider that it is necessary to undertake works immediately in order to secure a building against unauthorised entry or to prevent it from becoming a danger to public health.
- (5) A local authority shall not undertake works specified in a notice under subsection (2) above before the expiry of the period of 48 hours from the service of the notice on the Board or the statutory undertakers.
- (6) In carrying out any works under section 29(2) above on land to which this section applies a local authority shall comply with any reasonable requirement which the Board or, as the case may be, the statutory undertakers may impose for the protection or safety of their undertaking.
- (7) In this section “operational land” means, in relation to the Board or the statutory undertakers—
  - (a) land which is used for the purpose of carrying on their undertaking; and
  - (b) land in which an interest is held for that purpose,not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of carrying on such undertakings.

#### Textual Amendments

**F38** S. 30(1)(b) and the word “or” immediately preceding it repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 paras. 33, 35(1), **Sch. 18**

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

**C20** S. 30 extended by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1), **Sch. 7 para. 2(1)(xliv)** and by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 1(1)(xxxvi), Sch. 17 paras 33, **35(1)**

**C21** S. 30 extended by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 1(2)(xxix), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

**C22** S. 30 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxxiii)**; S.I. 1996/218, **art. 2**

### 31 Appeals against notices.

- (1) A person on whom a notice is served under section 29 or 30 above may appeal against the notice to the county court.
- (2) No such appeal may be brought after the expiry of the period of 21 days from the date on which the notice was served.
- (3) The ground of any such appeal may be—
  - (a) that the works specified in the notice were not authorised by section 29 above; or
  - (b) that they were unnecessary; or
  - (c) that it was otherwise unreasonable for the local authority to undertake them.
- (4) If such an appeal is brought, the local authority—

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- (a) shall cease from any works specified in the notice which they have commenced; and
  - (b) shall not commence any further works so specified except as provided by subsection (7) below.
- (5) The court may make an order confirming or quashing the notice or varying it in such manner as it thinks fit.
- (6) An order under subsection (5) above may make such provision as to the recovery of expenses arising in connection with the works specified in the notice as the court thinks fit.
- (7) Upon the confirmation or variation of a notice the local authority may commence or recommence the works authorised by the notice as originally served or, as the case may be, as varied by the order of the court.

### **32 Applications to court in respect of expenses of works.**

- (1) If a local authority seek to recover expenses incurred in undertaking works under section 29(2) above in connection with a building—
- (a) where the building is on land to which section 30 above applies, from the Board or the statutory undertakers; or
  - (b) in any other case, from an occupier of the building; and
  - (c) they did not serve notice of their proposal to undertake the works under section 29(6) or 30(2) above on the Board or, as the case may be, the statutory undertakers or that occupier,
- the person from whom they seek to recover the expenses may apply to the county court for a declaration—
- (i) that the works undertaken in connection with the building were unnecessary; or
  - (ii) that it was otherwise unreasonable for the local authority to undertake them.
- (2) No such application may be made after the expiry of the period of 21 days from the date on which the local authority first requested payment of the expenses.
- (3) If the court makes a declaration under subsection (1) above, it may make such order as it thinks fit in respect of the payment of the expenses incurred in connection with the works.

## **PART XII**

### **MISCELLANEOUS**

### **33 Enforceability by local authorities of certain covenants relating to land.**

- (1) The provisions of this section shall apply if a principal council (in the exercise of their powers under section 111 of the<sup>M14</sup> Local Government Act 1972 or otherwise) and any other person are parties to an instrument under seal which—
- <sup>F39</sup>(a) is executed for the purpose of securing the carrying out of works on land in the council's area in which the other person has an interest, or

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- (b) is executed for the purpose of regulating the use of or is otherwise connected with land in or outside the council's area in which the other person has an interest,

and which is neither executed for the purpose of facilitating nor connected with the development of the land in question.]

(2) If, in a case where this section applies,—

- (a) the instrument contains a covenant on the part of any person having an interest in land, being a covenant to carry out any works or do any other thing on or in relation to that land, and
- (b) the instrument defines the land to which the covenant relates, being land in which that person has an interest at the time the instrument is executed, and
- (c) the covenant is expressed to be one to which this section or section 126 of the <sup>MI5</sup>Housing Act 1974 (which is superseded by this section) applies,

the covenant shall be enforceable (without any limit of time) against any person deriving title from the original covenantor in respect of his interest in any of the land defined as mentioned in paragraph (b) above and any person deriving title under him in respect of any lesser interest in that land as if that person had also been an original covenanting party in respect of the interest for the time being held by him.

(3) Without prejudice to any other method of enforcement of a covenant falling within subsection (2) above, if there is a breach of the covenant in relation to any of the land to which the covenant relates, then, subject to subsection (4) below, the principal council who are a party to the instrument in which the covenant is contained may—

- (a) enter on the land concerned and carry out the works or do anything which the covenant requires to be carried out or done or remedy anything which has been done and which the covenant required not to be done; and
- (b) recover from any person against whom the covenant is enforceable (whether by virtue of subsection (2) above or otherwise) any expenses incurred by the council in exercise of their powers under this subsection.

(4) Before a principal council exercise their powers under subsection (3)(a) above they shall give not less than 21 days notice of their intention to do so to any person—

- (a) who has for the time being an interest in the land on or in relation to which the works are to be carried out or other thing is to be done; and
- (b) against whom the covenant is enforceable (whether by virtue of subsection (2) above or otherwise).

(5) If a person against whom a covenant is enforceable by virtue of subsection (2) above requests the principal council to supply him with a copy of the covenant, it shall be their duty to do so free of charge.

(6) The <sup>MI6</sup>Public Health Act 1936 shall have effect as if any reference to that Act in—

- (a) section 283 of that Act (notices to be in writing; forms of notices, etc.),
- (b) section 288 of that Act (penalty for obstructing execution of Act), and
- (c) section 291 of that Act (certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments),

included a reference to subsections (1) to (4) above and as if any reference in those sections of that Act—

- (i) to a local authority were a reference to a principal council; and

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- (ii) to the owner of the premises were a reference to the holder of an interest in land.
- (7) Section 16 of the <sup>M17</sup>Local Government (Miscellaneous Provisions) Act 1976 shall have effect as if references to a local authority and to functions conferred on a local authority by any enactment included respectively references to such a board as is mentioned in subsection (9) below and to functions of such a board under this section.
- (8) In its application to a notice or other document authorised to be given or served under subsection (4) above or by virtue of any provision of the <sup>M18</sup>Public Health Act 1936 specified in subsection (6) above, section 233 of the <sup>M19</sup>Local Government Act 1972 (service of notices by local authorities) shall have effect as if any reference in that section to a local authority included a reference to the Common Council of the City of London and such a board as is mentioned in the following subsection.
- (9) In this section—
- (a) “principal council” means the council of a county, district or London borough [<sup>F40</sup>the Broads Authority], a board constituted in pursuance of [<sup>F41</sup>section 2 of the <sup>M20</sup>Town and Country Planning Act 1990]. . . , the Common Council of the City of London [<sup>F42</sup>, the London Residuary Body,][<sup>F43</sup>the London Fire and Emergency Planning Authority][<sup>F44</sup> a police authority established under [<sup>F45</sup>section 3 of the Police Act 1996,][<sup>F46</sup>the Metropolitan Police Authority,]. . . [<sup>F47</sup>the Residuary Body for Wales (Corff Gweddilliol Cymru)][<sup>F48</sup> . . . <sup>F49</sup> or a joint authority established by Part IV of the Local Government Act 1985] . . . <sup>F50</sup>; and
- (b) “area” in relation to such a board means the district for which the board is constituted <sup>F51</sup>. . . [<sup>F52</sup>in relation to the London Residuary Body means Greater London][<sup>F53</sup>in relation to the Residuary Body for Wales (Corff Gweddilliol Cymru) means Wales][<sup>F54</sup>, . . . <sup>F55</sup> and in relation to such a joint authority means the area for which the authority was established].
- (10) Section 126 of the <sup>M21</sup>Housing Act 1974 (which is superseded by this section) shall cease to have effect; but in relation to a covenant falling within subsection (2) of that section, section 1(1)(d) of the <sup>M22</sup>Local Land Charges Act 1975 shall continue to have effect as if the reference to the commencement of that Act had been a reference to the coming into operation of the said section 126.

#### Textual Amendments

- F39** S. 33(1) substituted (25.10.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 6](#); S.I. 1991/2272, [art. 3](#).
- F40** Words inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), [Sch. 6 para. 23](#)
- F41** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 56\(1\)](#)
- F42** Words inserted by S.I. 1990/1765, [art. 4\(6\)\(a\)](#)
- F43** Words in s. 33(9)(a) inserted (3.7.2000) by 1999 c. 29, s. 328(8), [Sch. 29 Pt. I para. 35](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1094, [art. 4\(a\)\(h\)](#)
- F44** Words in s. 33(9)(a) inserted (1.10.1994) by 1994 c. 29, s. 43, [Sch. 4 Pt. I para. 23](#); S.I. 1994/2025, [art. 6\(1\)\(2\)\(e\)\(g\)](#) (with s. 6(3)-(6))
- F45** Words in s. 33(9)(a) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), [Sch. 7 Pt. I para. 1\(2\)\(r\)](#)
- F46** Words in s. 33(9)(a) inserted (3.7.2000) by 1999 c. 29, s. 325, [Sch. 27 para. 45\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1648, [art. 2](#), [Sch.](#)

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- F47** Words in s. 33(9)(a) inserted (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 29(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- F48** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 61(a)(i)**
- F49** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**
- F50** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F51** Words in s. 33(9)(a)(b) repealed (1.4.1997) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**
- F52** Words inserted by S.I. 1990/1765, **art. 4(6)(b)**
- F53** Words in s. 33(9)(b) inserted (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 29(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- F54** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 61(a)(ii)**
- F55** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**

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

- C23** S. 33: Power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4** para. (e)(i); S.I. 1997/1930, **art. 3(1)(m)**
- C24** S. 33 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 1(3)(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C25** S. 33 applied (with modifications)(16.3.1992) by Avon Weir Act 1992 (c. v), **s. 59** (with s. 61)
- C26** S. 33 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, **26**
- C27** S. 33 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), arts. 1, **26**
- C28** S. 33(9)(a) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(u)**
- C29** S. 33(9)(b) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(u)**

#### **Marginal Citations**

- M14** 1972 c. 70.
- M15** 1974 c. 44.
- M16** 1936 c. 49.
- M17** 1976 c. 57.
- M18** 1936 c. 49.
- M19** 1972 c. 70.
- M20** 1990 c.11 (**123:1**).
- M21** 1974 c. 44.
- M22** 1975 c. 76.

## **34 Local land charges registers—computerisation etc.**

In the Local Land Charges Act 1975—

- (a) the following subsection shall be substituted for subsection (3) of section (3) (which provides for the keeping of local land charges registers and indexes of such registers)—
- “(3) Neither a local land charges register nor an index such as is mentioned in subsection (2)(b) above need be kept in documentary form.”;
- (b) the following subsection shall be inserted after subsection (1) of section 8 (personal searches)—

*Status: Point in time view as at 10/11/2004.*

*Changes to legislation: Local Government (Miscellaneous Provisions) Act 1982 is up to date with all changes known to be in force on or before 19 September 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)*

- “(1A) If a local land charges register is kept otherwise than in documentary form, the entitlement of a person to search in it is satisfied if the registering authority makes the portion of it which he wishes to examine available for inspection in visible and legible form.” ;
- (c) in subsection (2) of that section, for the words “subsection (1)” there shall be substituted the words “ subsections (1) and (1A) ” ;
- (d) in section 10(1) (compensation)—
- (i) the following paragraph shall be inserted after paragraph (a)—
- “(aa) in a case where the appropriate local land charges register is kept otherwise than in documentary form and a material personal search of that register was made in respect of the land in question before the relevant time, if the entitlement to search in that register conferred by section 8 above was not satisfied as mentioned in subsection (1A) of that section ; or” ; and
- (ii) the words “ in consequence ” shall be substituted for the words from “by reason” onwards; and
- (e) the following subsection shall be inserted after subsection (1) of section 16 (interpretation)—
- “(1A) Any reference in this Act to an office copy of an entry includes a reference to the reproduction of an entry in a register kept otherwise than in documentary form.”.

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

**C30** The text of ss. 27, 34, 38 and 39 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**35, 36.** ..... **F56**

#### **Textual Amendments**

**F56** Ss. 35, 36 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

#### **37 Temporary markets.**

- (1) The council of a district or a London borough may resolve that the following provisions of this section shall apply to their district or borough; and if a council so resolve and within 14 days of the passing of the resolution give notice of the resolution by advertising in a local newspaper circulating in their area, those provisions shall come into force in their district or borough on the day specified in the resolution.
- (2) Subject to subsection (3) below, any person intending to hold a temporary market in a district or London borough where the provisions of this section have come into force, and any occupier of land in such a district or borough who intends to permit the land



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- to be used as the site of a temporary market or for purposes of that market, shall give the council of the district or the borough not less than one month before the date on which it is proposed to hold the market notice of his intention to hold it or to permit the land to be so used, as the case may be.
- (3) No notice is required under subsection (2) above if the proceeds of the temporary market are to be applied solely or principally for charitable, social, sporting or political purposes.
- (4) Any notice given under subsection (2) above shall state—
- (a) the full name and address of the person intending to hold the market;
  - (b) the day or days on which it is proposed that the market shall be held and its proposed opening and closing times;
  - (c) the site on which it is proposed that it shall be held;
  - (d) the full name and address of the occupier of that site, if he is not the person intending to hold the market.
- (5) A person who without giving the notice required by subsection (2) above holds a temporary market or permits land occupied by him to be used as the site of a temporary market shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F57</sup>level 4 on the standard scale].
- (6) In this section “temporary market” means a concourse of buyers and sellers of articles held otherwise than in a building or on a highway, and comprising not less than five stalls, stands, vehicles (whether movable or not) or pitches from which articles are sold, but does not include—
- (a) a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order; or
  - (b) a sale by auction of farm livestock or deadstock.
- (7) A person holds a temporary market for the purposes of this section if—
- (a) he is entitled to payment for any space or pitch hired or let on the site of the market to persons wishing to trade in the market; or
  - (b) he is entitled, as a person promoting the market, or as the agent, licensee or assignee of a person promoting the market, to payment for goods sold or services rendered to persons attending the market.
- (8) This section does not apply to a market held on any land in accordance with planning permission granted on an application made under [<sup>F58</sup>Part III of the Town and Country Planning Act 1990].

#### Textual Amendments

**F57** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

**F58** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 56\(2\)](#)

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*Changes to legislation: Local Government (Miscellaneous Provisions) Act 1982 is up to date with all changes known to be in force on or before 19 September 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)*

### **38 Work undertaken by local authorities and development bodies under certain agreements with Manpower Services Commission.**

- (1) The following subsection shall be added at the end of section 20 of the <sup>M23</sup>Local Government, Planning and Land Act 1980—

“(4) Notwithstanding anything in subsection (1) above, in this Act “construction or maintenance work” does not include work undertaken by a local authority or a development body pursuant to an agreement made with the Manpower Services Commission on or after 1st April 1982 which specifies the work to be undertaken by the authority or body and under which the Commission has agreed to pay the whole or part of the cost of the work so specified.”

- (2) The words “to (4)” shall accordingly be substituted for the words “ and (3) ” in the definition of “construction or maintenance work” in subsection (1) of that section.
- (3) This section extends to Scotland.

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

**C31** The text of ss. 27, 34, 38 and 39 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Marginal Citations**

**M23** 1980 c. 65.

### **39 Insurance etc. of local authority members and persons voluntarily assisting local authorities and probation committees.**

- (1) In section 140 of the <sup>M24</sup>Local Government Act 1972 (insurance by local authorities against accidents to members)—

- (a) the following subsection shall be substituted for subsection (1)—

“(1) A local authority may enter into a contract of insurance of Class 1 in Part I of Schedule 2 to the Insurance Companies Act 1981 against any risks of any member of the authority meeting with a personal accident, whether fatal or not, while engaged on the business of the authority.”

- (b) the words in subsection (3) from “but” to the end shall cease to have effect.

- (2) The following subsections shall be inserted after that section—

#### **“140A Insurance of voluntary assistants of local authorities.**

- (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—

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- (a) a board constituted in pursuance of section 1 of the Town and Country Planning Act 1971 or reconstituted in pursuance of Schedule 17 of this Act ;
- (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 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.

#### **140B Insurance of voluntary assistants of probation committees.**

- (1) A county council and the Greater London Council 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—

- (a) in relation to a county council, a probation committee for a probation area wholly or partly within the county ; and
- (b) 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.

#### **140C Provisions supplementary to sections 140A and 140B.**

- (1) The relevant classes of contracts of insurance for the purposes of sections 140A and 140B above are—

- (a) class IV in Schedule 1 to the Insurance Companies Act 1981 (permanent health insurance) ; and
- (b) class 1 in Part I of Schedule 2 to that Act (accident insurance).

- (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 to it, 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 dependent of the voluntary assistant.

*Status: Point in time view as at 10/11/2004.*

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(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.”.

<sup>F59</sup>(3) .....

<p><b>Textual Amendments</b></p> <p><b>F59</b> S. 39(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3</p> <hr/> <p><b>Modifications etc. (not altering text)</b></p> <p><b>C32</b> The text of ss. 27, 34, 38 and 39 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.</p> <hr/> <p><b>Marginal Citations</b></p> <p><b>M24</b> 1972 c. 70.</p>
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<sup>F60</sup>**40 Nuisance and disturbance on educational premises.**

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<p><b>Textual Amendments</b></p> <p><b>F60</b> S. 40 repealed (1.10.2002 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II</p>
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**41 Lost and uncollected property.**

- (1) This section has effect where—
  - (a) property comes into the possession of a local authority after being found on buildings or premises owned or managed by them; or
  - (b) property which has been deposited with a local authority is not collected from them in accordance with the terms under which it was deposited.
- (2) Where—
  - (a) property is found on any building or premises owned or managed by a local authority; and
  - (b) it is subsequently handed over to the authority,

any right of possession of the property which was vested in a person by virtue of its having been found is extinguished.
- (3) If—
  - (a) the local authority gives the owner or, as the case may be, the depositor of the property notice in writing—
    - (i) that they require him to collect the property by a date specified in the notice; and

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- (ii) that if he does not do so the property will vest in the local authority on that date; and
- (b) he fails to comply with the notice,  
the property shall vest in the local authority on the specified date.
- (4) The date to be specified in a notice under subsection (3) above shall be not less than one month from the date of the notice.
- (5) Where it appears to the local authority, on the date when property comes into their possession as mentioned in paragraph (a) of subsection (1) above, that it is impossible to serve a notice under subsection (3) above, the property shall vest in the authority one month from that date.
- (6) Where the local authority are satisfied after reasonable inquiry that it is impossible to serve a notice under subsection (3) above in relation to any property, it shall vest in them six months from the relevant date.
- (7) Where—
- (a) any property is of a perishable nature; or
- (b) to look after it adequately would involve the local authority in unreasonable expense or inconvenience,  
the authority may sell or otherwise dispose of it at such time and in such manner as they think fit.
- (8) Where property is sold or otherwise disposed of under subsection (7) above—
- (a) any person to whom the property is transferred shall have a good title to it; and
- (b) any proceeds of sale shall vest in the local authority on the day when the property would have vested in them under this section if it had not been sold.
- (9) Where any property which came into the possession of a local authority as mentioned in paragraph (a) of subsection (1) above vests in the authority under this section, the authority may give the whole or any part of the property to the person through whom it came into their possession.
- (10) Where the proceeds of sale of property which came into the possession of a local authority as mentioned in the said paragraph (a) vest in the authority under this section, the authority may make a payment not exceeding the value of the property to the person through whom it came into their possession.
- (11) Where property is claimed by its owner or depositor before it vests in a local authority under this section, he may collect it on payment to the local authority of any sum which they require him to pay in respect of costs incurred by them—
- (a) in making inquiries for the purposes of this section or serving any notice under subsection (3) above; and
- (b) in looking after the property adequately.
- (12) This section shall not apply to any property which is found—
- (a) on an aerodrome or in an aircraft on an aerodrome;
- (b) in a public service vehicle; or
- [<sup>F61</sup>(c) on any premises belonging to or under the control of Transport for London or of any of its subsidiaries (within the meaning of the Greater London Authority Act 1999).]
- (13) In this section—

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“aerodrome” has the meaning assigned to it by section 28(1) of the <sup>M25</sup> Civil Aviation Act 1968;

“local authority” means—

- (a) a local authority as defined in section 270(1) of the <sup>M26</sup> Local Government Act 1972; and
- (b) a board constituted in pursuance of [<sup>F62</sup>section 2 of the Town and Country Planning Act <sup>M27</sup>1990]<sup>F63</sup>...; and
- (bb) [<sup>F64</sup>the Broads Authority; and]
- (c) the Common Council of the City of London; [<sup>F65</sup>and
- (ca) [<sup>F66</sup>a police authority established under [<sup>F67</sup>section 3 of the Police Act 1996];]
- (caa) [<sup>F68</sup> the Metropolitan Police Authority; and]
- (cb) <sup>F69</sup> .....
- (d) <sup>F70</sup> .....
- (e) a joint authority established by Part IV of the Local Government Act 1985;][<sup>F71</sup>and
- (f) the London Fire and Emergency Planning Authority.]

“public service vehicle” has the meaning assigned to it by section 1 of the <sup>M28</sup> Public Passenger Vehicles Act 1981;

“the relevant date” means—

- (a) in relation to property which came into the possession of a local authority as mentioned in paragraph (a) of subsection (1) above, the date when it came into their possession; and
- (b) in relation to uncollected property,—
  - (i) the date when the local authority accepted custody of it; or
  - (ii) the date when the period for which it was deposited with them expired,

whichever is the later.

#### Textual Amendments

- F61** S. 41(12)(c) substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), [art. 1\(1\)](#), [Sch. 1 para. 11](#)
- F62** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 56\(3\)](#)
- F63** Words in s. 41(13) repealed (1.4.1997) by [1995 c. 25, s. 120\(3\)](#), [Sch. 24](#) (with ss. 7(6), 115, 117); [S.I. 1996/2560](#), [art. 2](#), [Sch.](#)
- F64** Words in s. 41(13) inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), [Sch. 6 para. 23\(2\)](#)
- F65** Words in s. 41(3) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 Pt. II para. 61\(b\)](#)
- F66** S. 41(13): para. (ca) in definition of "local authority" inserted (1.10.1994) by [1994 c. 29, s. 43](#), [Sch. 4 Pt. I para. 24](#); [S.I. 1994/2025](#), [art. 6\(2\)\(e\)\(g\)](#) (with [art. 6\(3\)-\(6\)](#))
- F67** S. 41(13): words in para. (ca) in definition of "local authority" substituted (22.8.1996) by [1996 c. 16, ss. 103, 104\(1\)](#), [Sch. 7 Pt. I para. 1\(2\)\(r\)](#)
- F68** S. 41(13): para. (caa) in definition of "local authority" inserted (3.7.2000) by [1999 c. 29, s. 325](#), [Sch. 27 para. 45\(3\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1648](#), [art. 2](#), [Sch.](#)
- F69** Words in s. 41(13) repealed (1.4.2002) by [2001 c. 16, ss. 128, 137](#), [Sch. 6 Pt. 2 para. 40](#), [Sch. 7 Pt. 5\(1\)](#); [S.I. 2002/344](#), [art. 3](#)

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- F70** Words in s. 41(13) repealed by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F71** Words in s. 41(13) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 36** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**

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

- C33** S. 41 amended by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 13(j)**
- C34** S. 41: power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4** para. (e)(ii); S.I. 1997/1930, **art. 3(1)(m)**
- C35** S. 41 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(3)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C36** S. 41 modified (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004](#) (S.I. 2004/1778), arts. 1, **29(3)**
- C37** S. 41 modified (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004](#) (S.I. 2004/1777), arts. 1, **29(3)**
- C38** Words in s. 41(13) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(u)**
- C39** Words in s. 41(13) extended by S.I. 1987/2110, art. 2, **Sch. 1 para. 8(o)**

**Marginal Citations**

- M25** 1968 c. 61
- M26** 1972 c. 70 (81:1).
- M27** 1990 c.11 (123:1).
- M28** 1981 c. 14 (107:1).

42 ..... F72

**Textual Amendments**

- F72** S. 42 repealed by [Public Health \(Control of Disease\) Act 1984](#) (c. 22, SIF 100:1), s. 78, **Sch. 3**

**43 Advances for acquisition of land, erection of buildings or carrying out of works.**

In section 3 of the <sup>M29</sup>Local Authorities (Land) Act 1963—

- (a) the following subsection shall be substituted for subsection (1)—
- “(1) Where a local authority are satisfied that it would be for the benefit or improvement of their area, they may, subject to the provisions of this section, advance money to any person for the purpose of enabling him—
- (a) to acquire land ; or
- (b) to erect any building or to carry out any work on land.” ; and
- (b) the following subsections shall be substituted for subsection (3)—
- “(3) The amount of the principal of an advance made under subsection (1) (a) of this section shall not exceed nine-tenths of the value of the land.
- (3A) The amount of the principal of an advance made under subsection (1) (b) of this section shall not exceed nine-tenths of the value which it is estimated the mortgaged security will bear upon the completion of the building or other works in respect of which the advance is made.”.

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

**C40** The text of ss. 43, 44, and 47(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Marginal Citations**

**M29** 1963 c. 29.

## **44 Definition of certain local authority expenditure.**

In section 137 of the <sup>M30</sup>Local Government Act 1972 (which gives local authorities power to incur expenditure for certain purposes not otherwise authorised, but limits the expenditure which it authorises)—

(a) the following subsections shall be inserted after subsection (2)—

“(2A) Without prejudice to the generality of subsection (1) above, the power of a local authority to incur expenditure under that subsection includes power to incur expenditure in giving financial assistance to persons carrying on commercial or industrial undertakings.

(2B) Financial assistance under subsection (2A) above may be given by lending or guarantee, or by making grants.” ;

(b) the following subsections shall be inserted after subsection (4)—

“(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 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) any grant paid to the local authority for that year under the Local Government Grants (Social Needs) Act 1969, in so far as the grant is in respect of an activity in relation to which the authority have incurred expenditure in that year under this section ;
- (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 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—



*Status: Point in time view as at 10/11/2004.*

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- (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.” ; and
- (c) in subsection (5), for the words “subsection (4) above” there shall be substituted the words “ this section ”.

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

**C41** The text of ss. 43, 44, and 47(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M30** 1972 c. 70.

## 45 Arrangements under Employment and Training Act 1973.

- (1) A local authority to whom this section applies shall have power and shall be deemed always to have had power to enter into arrangements with . . . <sup>F73</sup> the Secretary of State under any provision of the Employment and Training Act 1973.
- (2) The local authorities to whom this section applies are—
- (a) a local authority as defined in section 270(1) of the <sup>M31</sup>Local Government Act 1972;
  - <sup>F74</sup>(aa) an authority established by Part . . . <sup>F75</sup> IV of the Local Government Act 1985 or by an order under section 10 of that Act;
  - (ab) a body corporate established by an order under section 67 of that Act.].
  - (b) a board constituted in pursuance of [<sup>F76</sup>section 2 of the Town and Country Planning Act 1990]. . . ; <sup>F77</sup> . . .
  - <sup>F78</sup>(bb) the Broads Authority; <sup>F77</sup> . . . ]
  - (c) the Common Council of the City of London.

#### Textual Amendments

- F73** Words repealed by virtue of Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. I**
- F74** S. 45(2)(aa)(ab) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), **s. 34(1)(2)**
- F75** Words “III or” omitted by virtue of repeal of words “or III” by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F76** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 56(3)**
- F77** S. 45(2)(b)(bb): word “and” repealed (3.7.2000) by 1999 c. 29, s. 423, **Sch. 34 Pt. VIII** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(i)**
- F78** S. 45(2)(bb) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 23(2)**

*Status: Point in time view as at 10/11/2004.*

*Changes to legislation: Local Government (Miscellaneous Provisions) Act 1982 is up to date with all changes known to be in force on or before 19 September 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)

- C42** S. 45 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C43** S. 45 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, **29(4)**

#### Marginal Citations

- M31** 1972 c. 70.

### <sup>F79</sup> 46 Extension of duration of local Act powers to assist industry etc.

.....

#### Textual Amendments

- F79** S. 46 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 10** Group 3

## PART XIII

### SUPPLEMENTARY

### 47 Minor amendments and repeals.

- (1) The enactments specified in Schedule 6 to this Act shall have effect subject to the amendments specified in that Schedule.
- (2) The enactments specified in Schedule 7 to this Act are repealed to the extent specified in the third column of that Schedule.
- (3) So far as subsection (2) above relates to Parts I and II of Schedule 7 to this Act, it shall come into force on 1st January 1983.
- (4) Subsection (2) above extends to Scotland in so far as it relates to any enactment contained in Part IV of Schedule 7 to this Act which so extends.

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

- C44** The text of ss. 43, 44, and 47(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 48 Consequential repeal or amendment of local statutory provisions.

- (1) The Secretary of State may by order—
  - (a) repeal any provision of a local Act passed before or in the same Session as this Act or of an order or other instrument made under or confirmed by any Act so passed if it appears to him that the provision is inconsistent with or has become unnecessary in consequence of any provision of this Act; and

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- (b) amend any provision of such a local Act, order or instrument if it appears to him that the provision requires amendment in consequence of any provision contained in this Act or any repeal made by virtue of paragraph (a) above.
- (2) An order under subsection (1) above may contain such incidental or transitional provisions as the Secretary of State considers appropriate in connection with the order.
- (3) It shall be the duty of the Secretary of State, before he makes an order under subsection (1) above repealing or amending any provision of a local Act, to consult each local authority which he considers would be affected by the repeal or amendment of that provision.
- (4) A statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

**C45** S. 48 extended by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 77, [Sch. 2 para. 5\(d\)](#) and [Building Act 1984 \(c. 55, SIF 15\)](#), s. 132, [Sch. 5 para. 3\(e\)](#)

**49 Citation and extent.**

- (1) This Act may be cited as the Local Government (Miscellaneous Provisions) Act 1982.
- (2) Subject to sections <sup>F80</sup>... 38(3) and 47(4) above, and to paragraph 8(2) of Schedule 6 to this Act, this Act extends to England and Wales only.

**Textual Amendments**

**F80** Words in [s. 49\(2\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

**Status:**

Point in time view as at 10/11/2004.

**Changes to legislation:**

Local Government (Miscellaneous Provisions) Act 1982 is up to date with all changes known to be in force on or before 19 September 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.