

*Status: Point in time view as at 01/04/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, SCHEDULE 8. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8

Section 16.

#### MISCELLANEOUS FUNCTIONS

##### *Public entertainments*

- 1 (1) In Schedule 12 to the <sup>M1</sup>London Government Act 1963—
- (a) in paragraph 1(1) for the words “premises in Greater London” there shall be substituted the words “premises in a London borough or the City of London” and for the words from “the Greater London Council” onwards there shall be substituted the words “the council of that borough or the Common Council, as the case may be, and that council or the Common Council is in this Schedule referred to as ”the Council””;
  - (b) in paragraph 2(1) the word “and”, where it first occurs, shall be omitted and after the words “in whose district the premises are situated” there shall be inserted the words “and to the London Fire and Civil Defence Authority (in this Schedule referred to as ”the fire authority’)”;
  - (c) in paragraph 2(2) after the words “the Council” there shall be inserted the words “and the fire authority”;
  - (d) in paragraph 5(1) the word “and” shall be omitted and after the words “are situated” there shall be inserted the words “and to the fire authority”;
  - (e) in paragraph 5(2) after the words “the Council” there shall be inserted the words “and the fire authority”;
  - (f) in paragraph 12(1) after the words “the Council” there shall be inserted the words “or the fire authority”.

<sup>F1</sup>(2) .....

- (3) In section 21 of the <sup>M2</sup>Greater London Council (General Powers) Act 1966—
- (a) in subsection (1) for the words “the Council” there shall be substituted the words “the borough council in whose borough the premises are situate”;
  - (b) in subsection (3)(a) the words “the Council” shall be omitted;
  - (c) for subsection (3)(b) there shall be substituted—

“ (4) In this section “borough council” includes the Common Council and “borough” shall be construed accordingly.”,

and in section 22(1) and (2) of that Act for the words “the Council” there shall be substituted the words “a borough council or the Common Council”.

- (4) In section 5 of the <sup>M3</sup>Greater London Council (General Powers) Act 1978—
- (a) in subsection (1) for the words “Greater London” and “the Council” there shall be substituted respectively the words “a borough” and “the borough council”;

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(b) in subsection (4)(b) and (c) for the words “the Council”, wherever they occur, there shall be substituted the words “the borough council”;

(c) after subsection (4) there shall be inserted—

“(5) In this section “borough” includes the City of London and “borough council” includes the Common Council.”

#### Textual Amendments

**F1** Sch. 8 para. 1(2) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. X Group 1.

#### Marginal Citations

**M1** 1963 c. 33.

**M2** 1966 c. xxviii.

**M3** 1978 c. xiii.

#### *Private places of entertainment*

2 (1) For the entries relating to a London borough and the City of London in Part I of the Schedule to the <sup>M4</sup>Private Places of Entertainment (Licensing) Act 1967 there shall be substituted—

“A London borough.	The council of the borough.	The council of the borough
The City of London.		The Common Council.”

(2) Sub-paragraph (1) above is without prejudice to the continued application of the said Act of 1967 in any London borough or in the City of London by virtue of its adoption before the abolition date in accordance with the Schedule to that Act as then in force.

#### Marginal Citations

**M4** 1967 c. 19.

#### *Theatres*

3 (1) In section 18(1) of the <sup>M5</sup>Theatres Act 1968, for paragraph (a) of the definition of “licensing authority” there shall be substituted—

“(a) as respects premises in a London borough or the City of London, the council of that borough or the Common Council, as the case may be;”

(2) Where an application for the renewal of a licence under Schedule 1 to the said Act of 1968 is made to the Greater London Council before that licence expires but has not been determined by that Council before the abolition date, the licence shall continue in force until the determination or withdrawal of the application.

#### Marginal Citations

**M5** 1968 c. 54.

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### *Cinemas*

- 4 (1) In sections 17 and 18 of the <sup>M6</sup>Cinemas Act 1985 for the words “the Greater London Council” and “the Council”, wherever they occur, there shall be substituted respectively the words “a local authority in Greater London” and “the authority”.
- (2) In section 21(1) of that Act, in the definition of “local authority”, for the words “the Greater London Council” there shall be substituted the words “a London borough council, the Common Council of the City of London”.

#### **Marginal Citations**

**M6** 1985 c. 13.

### *Children’s entertainments*

- 5 In section 12(5)(a) of the <sup>M7</sup>Children and Young Persons Act 1933 for the words from “licensed by” where they first occur to “the Greater London Council” there shall be substituted the words “licensed by a local authority” and for the words “the council of the county or county borough in which the building is situated” there shall be substituted the words “that local authority”.

#### **Marginal Citations**

**M7** 1933 c. 12.

### *Tracks for betting*

- 6 (1) For the purposes of Schedule 3 to the <sup>M8</sup>Betting, Gaming and Lotteries Act 1963 the licensing authorities in Greater London shall be the London borough councils and the Common Council instead of the Greater London Council and accordingly in that Schedule—
- (a) in paragraph 1 the words “elsewhere than in Greater London” shall be omitted;
  - (b) in paragraphs 5(2)(a)(i) and 6(2)(b) the words “or London borough” shall be omitted;
  - (c) in paragraphs 5(2)(a)(ii) and 6(2)(a) after “1962” there shall be inserted the words “(not being the licensing authority)”; and
  - (d) in paragraph 6(2)(c) for the words “any district or London borough in which the track or any part thereof is situated” there shall be substituted the words “the area of the licensing authority”.
- (2) In this paragraph the reference to the Greater London Council includes a reference to any committee to which the Council have delegated their functions in pursuance of section 53(1) of the <sup>M9</sup>London Government Act 1963.

#### **Marginal Citations**

**M8** 1963 c. 2.

**M9** 1963 c. 33.

*Status: Point in time view as at 01/04/1995.*

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### *Sports grounds*

- 7 (1) In the <sup>M10</sup>Safety of Sports Grounds Act 1975 the words “where the local authority is in Greater London or a metropolitan county, the fire authority or, in any other case,” shall be inserted in sections 3(3) and 4(7) and (8) after the words “police and”, and those words shall also be inserted in sections 5(5), 10(4) and 11 before the words “the building authority”.
- (2) In subsection (1) of section 17 of that Act for the definition of “building authority” there shall be substituted—
- ““building authority” means—
- (a) in England outside Greater London and the metropolitan counties, or in Wales, the district council;
  - (b) in Scotland, the local authority within the meaning of the Building (Scotland) Act 1959”
- (3) In that subsection for the definition of “local authority” there shall be substituted—
- ““local authority” means—
- (a) in Greater London, the London borough council or the Common Council of the City of London;
  - (b) in England, in the metropolitan counties, the district council;
  - (c) in England outside Greater London and the metropolitan counties, or in Wales, the county council;
  - (d) in Scotland, the regional or islands council;”

#### **Marginal Citations**

**M10** 1975 c. 52.

### *Town development and new towns*

- [<sup>F28</sup> (1) In sections 4(1) and 10(3) of the <sup>M11</sup>Town Development Act 1952, for the words “the Greater London Council” there shall be substituted the words “London borough”.
- (2) In section 7(b) of that Act for the words “Greater London Council” there shall be substituted the words “council of a London borough”.]

#### **Textual Amendments**

**F2** Sch. 8 paras. 8, 9(2) repealed (*prosp.*) by [Local Government and Housing Act 1989](#) (c.42, SIF 81:1), ss. 194(4), 195(2), [Sch. 12 Pt. II](#)

#### **Marginal Citations**

**M11** 1952 c. 54.

- 9 (1) In section 7(3) of the <sup>M12</sup>New Towns Act 1981—
- (a) after the words “district planning authority shall” there shall be inserted the words “, in relation to proposals for development of land in a metropolitan county, be construed as references to the local planning authority; and”;

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(b) after “1972” there shall be inserted the words “and which is of land in a non-metropolitan county”.

[<sup>F3</sup>(2) In section 45(a) of that Act, before the word “county” there shall be inserted the word “non-metropolitan”.]

#### Textual Amendments

**F3** Sch. 8 paras. 8, 9(2) repealed (*prosp.*) by Local Government and Housing Act 1989 (c.42, SIF 81:1), ss. 194(4), 195(2), **Sch. 12 Pt. II**

#### Marginal Citations

**M12** 1981 c. 64.

### Commons

- 10 (1) In the first Schedule to the <sup>M13</sup>Metropolitan Commons Act 1866 for the first entry in the second column there shall be substituted “The council of the London borough within which the whole or part is situate or, where there are two or more boroughs within which parts are situate and the councils of those boroughs agree that one of them shall be the local authority in relation to the whole, that council.”.
- (2) In section 2 of the <sup>M14</sup>Metropolitan Commons Act 1878 for the words from the beginning to “1855” there shall be substituted the words “A London borough shall, in respect of any common the whole or part of which is situate within the borough,”.
- (3) In the Schedule to the <sup>M15</sup>Commonable Rights Compensation Act 1882 for the first entry in the second column there shall be substituted “The council of the London borough within which the land is situate”.
- (4) In section 1(3) of the <sup>M16</sup>Commons Act 1908, after the word “county”, there shall be inserted the words “or metropolitan district”.
- (5) In sections 193(1)(d)(ii) and 194(3)(b) of the <sup>M17</sup>Law of Property Act 1925, after the word “county”, there shall be inserted the words “or metropolitan district”.
- (6) In section 2(1) of the <sup>M18</sup>Commons Registration Act 1965—
- (a) in paragraph (a), after the words “that county”, there shall be inserted the words “or, if the county is a metropolitan county, the council of the metropolitan district in which the land is situated”; and
- (b) in paragraph (b) for the words “Greater London Council” there shall be substituted the words “council of the London borough in which the land is situated”.

#### Marginal Citations

**M13** 1866 c. 122.

**M14** 1878 c. 71.

**M15** 1882 c. 15.

**M16** 1908 c. 44.

**M17** 1925 c. 20.

**M18** 1965 c. 64.

*Status: Point in time view as at 01/04/1995.*

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*Gipsy encampments*

- 11 (1) In section 6 of the <sup>M19</sup>Caravan Sites Act 1968—
  - (a) in subsection (1) for the words “the council of a county or London borough” there shall be substituted the words “the council of a county, metropolitan district or London borough”;
  - (b) in subsection (2) for the words “metropolitan county” and “in each district in the county” there shall be substituted respectively the words “metropolitan district” and “the district”.
- (2) In section 12 of that Act—
  - (a) in subsection (1) for the words “a county council or London borough council” there shall be substituted the words “the council of a county, metropolitan district or London borough”;
  - (b) after subsection (2) there shall be inserted—
    - “(2A) Subject to subsection (3) below, the Minister may by order made on the joint application of two or more metropolitan district councils designate the area of those councils as an area to which section 10 of this Act applies.”
  - (c) in subsection (3) for the words “subsection (1) or (2)” there shall be substituted the words “subsection (1), (2) or (2A)”;
  - (d) in subsection (6) for the words “the London borough council” there shall be substituted the words “the metropolitan district council or councils or the London borough council”.
- (3) In relation to an order made under the said section 12 before the abolition date on the application of a metropolitan county council the references in subsections (4) and (6) of that section to the authority or authorities which made the original application and the council for the area in respect of which an order is made shall be construed as references to the metropolitan district council or councils whose area or areas constitute or include the area designated by the order.
- (4) Where by virtue of the <sup>M20</sup>Local Government Act 1972 a designation order made before 1st April 1974 under the said section 12 (and not revoked) relates to part only of the area of a metropolitan district, any order which is made on the application of the council of that district under subsection (1) or (2A) of that section shall be made to extend only to an area which does not include the area designated before that date.

<p><b>Marginal Citations</b></p> <p><b>M19</b> 1968 c. 52.</p> <p><b>M20</b> 1972 c. 70.</p>
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*Housing*

- 12 (1) ..... F4
- (2) For section 23(4) of the <sup>M21</sup>London Government Act 1963 there shall be substituted—
  - “(4) The Minister may at any time after 1st April 1965 require any London borough to submit to him a programme for any transfers of housing accommodation vested in that borough such as are mentioned in

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subsection (3)(b) of this section which they propose to make and have not yet made.”

(3) ..... F4

**Textual Amendments**

**F4** Sch. 8 paras. 12(1)(3)–(5), 14(3) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c.71, SIF 61\)](#), ss. 3, 6, **Sch. 1 Pt. I**

**Marginal Citations**

**M21** 1963 c. 33.

*Rent officers*

13 (1) In subsection (1) of section 62 of the <sup>M22</sup>Rent Act 1977 for the words after “Act” there shall be substituted the words “are—

- (a) counties;
- (b) London boroughs; and
- (c) the City of London.”

(2) In subsection (2)(a) of that section the words “the area of the Common Council of” shall be omitted.

(3) At the end of section 63 of that Act there shall be inserted—

“(9) In the case of a registration area which is a metropolitan county this section shall apply as if—

- (a) the first reference to the local authority in subsection (1) were a reference to the council of each district in the county; and
- (b) the second reference to the local authority in that subsection, the references to the local authority in subsection (2) and the reference to the local authority for whose area the scheme is made in subsection (3) were references to such one of the councils of the districts in that county as has been designated by the scheme.”

(4) A scheme under the said section 63 as amended by sub-paragraph (3) above may be made at any time before the abolition date so as to come into operation on that date.

**Marginal Citations**

**M22** 1977 c. 42.

*Building control*

14 (1) Subject to any building regulations made under section 1 of the <sup>M23</sup>Building Act 1984 (whether before or after the passing of this Act) with respect to any of them, the functions—

- (a) of the Greater London Council under the London Building Acts 1930 to 1982 (including functions conferred on the Council by section 43 of the <sup>M24</sup>London Government Act 1963); and

*Status: Point in time view as at 01/04/1995.*

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- (b) of district surveyors under those Acts,  
shall, so far as they relate to Greater London other than the outer London boroughs, become functions of the councils of the inner London boroughs and the Common Council in respect of their respective areas.
- (2) The functions conferred on the Greater London Council by section 43 of the said Act of 1963 shall, so far as they relate to the outer London boroughs, become functions of the councils of those boroughs in respect of their respective areas.
- (3) ..... F5
- (4) In the <sup>M25</sup>Building Act 1984—
  - (a) in section 126 for the definition of “local authority” there shall be substituted—
 

““local authority” means the council of a district or London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple, the Under Treasurer of the Middle Temple or, for the purposes of Parts I and II above and of this Part so far as it relates to them, the Council of the Isles of Scilly;” and
  - (b) in Schedule 3—
    - (i) in paragraph 4 for the words “the Greater London Council and any other local authority” there shall be substituted the words “any local authority”;
    - (ii) in paragraph 10(1) for the words from the beginning to “inner London boroughs” there shall be substituted the words “The council of an inner London borough may make byelaws in relation to the demolition of buildings in the borough”; and
    - (iii) for paragraph 11 there shall be substituted—
 

“11 The council of an inner London borough shall make byelaws with respect to sanitary conveniences, ashpits, cesspools and receptacles for dung and their accessories in connection with buildings (whenever erected) in the borough.”

**Textual Amendments**

**F5** Sch. 8 paras. 12(1)(3)–(5), 14(3) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c.71, SIF 61\)](#), ss. 3, 6, [Sch. 1 Pt. I](#)

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**Marginal Citations**

**M23** 1984 c. 55.  
**M24** 1963 c. 33.  
**M25** 1984 c. 55.

*Trading standards and related functions*

- 15 (1) ..... F6
- (2) ..... F7



*Status: Point in time view as at 01/04/1995.*

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- (3) In section 67(1) of the <sup>M26</sup>Agriculture Act 1970 after the words “the council of a county” there shall be inserted the words “, metropolitan district”.
- (4) The councils of the districts in a metropolitan county shall, not later than 1st September 1985, establish a joint committee of members of those councils whose duty it shall be from the abolition date to co-ordinate—
  - (a) the exercise by those councils of the enforcement functions conferred on them by virtue of this paragraph [<sup>F8</sup>and section 69(1)(a) of the Weights and Measures Act 1985] with a view to securing uniformity in the exercise of those functions throughout the county; and
  - (b) the employment, provision or use by those councils for the purposes of those functions of staff, property and facilities.
- (5) Each joint committee established by virtue of sub-paragraph (4) above shall before the abolition date co-ordinate the making by the councils represented on the committee of preparations for the transfer of the functions which by virtue of sub-paragraphs [<sup>F9</sup>(2) and (3) above and the said section 69(1)(a)] will be exercisable by those councils from that date.
- (6) If after the abolition date it appears to the Secretary of State to be necessary or expedient to do so he may, after consultation with the councils of the districts in a metropolitan county, by order establish a single authority for the county to discharge from a date specified in the order the functions conferred on the councils by virtue of this paragraph [<sup>F10</sup>and the said section 69(1)(a)] [<sup>F11</sup>or section 5(1) of the Food Safety Act 1990].
- (7) An order under this paragraph may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions for the transfer of property, staff, rights and liabilities and provisions amending any enactment or any instrument made under any enactment.

#### Textual Amendments

- F6** Sch. 8 para. 15(1) repealed by Weights and Measures Act 1985 (c.72, SIF 131), s. 98, **Sch. 13 Pt. I**
- F7** Sch. 8 para. 15(2) repealed by Food Safety Act 1990 (c.16, SIF 53:1, 2), ss. 54, 59(1)(4), Sch. 3 para. 31(a), **Sch. 5**
- F8** Words inserted by Weights and Measures Act 1985 (c.72, SIF 131), s. 97, **Sch. 12 para. 11(a)**
- F9** Words substituted by Weights and Measures Act 1985 (c.72, SIF 131), s. 97, **Sch. 12 para. 11(b)**
- F10** Words inserted by Weights and Measures Act 1985 (c.72, SIF 131), s. 97, **Sch. 12 para. 11(c)**
- F11** Words added by Food Safety Act 1990 (c.16, SIF 53:1, 2), ss. 54, 59(1)(4), **Sch. 3 para. 31(b)**

#### Marginal Citations

- M26** 1970 c. 40.

#### Poisons

- 16 In section 11(2) of the <sup>M27</sup>Poisons Act 1972, in the definition of “local authority”, after the word “county” there shall be inserted the words “metropolitan district”.

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**Marginal Citations**

**M27** 1972 c. 66.

*Animals*

- 17 In section 5 of the <sup>M28</sup>Performing Animals (Regulation) Act 1925—
- (a) in subsection (1), in the definition of “local authority”—
    - (i) for the words “county borough” there shall be substituted the words “London borough”; and
    - (ii) for the words “other area, the council of the county” there shall be substituted the words “county or metropolitan district, the council of the county or district”; and
  - (b) in subsection (3) for the words after “defrayed” there shall be substituted the words “, in the case of the council of a county, out of the county fund, and in the case of the council of a metropolitan district or London borough, out of the general rate fund.”

**Marginal Citations**

**M28** 1925 c. 38.

- 18 In section 50(2) of the <sup>M29</sup>Animal Health Act 1981 for paragraph (b) there shall be substituted—
- “(b) as respects a non-metropolitan county, the county council,
  - (c) as respects a metropolitan district, the district council,”

**Marginal Citations**

**M29** 1981 c. 22.

*Fisheries*

- 19 (1) The <sup>M30</sup>Sea Fisheries Regulation Act 1966 shall be amended as follows.
- (2) In section 1(1) for the words “county council”, in both places where they occur, there shall be substituted the words “county or metropolitan district council”.
  - (3) In section 2(1) for the words “county council” and “county councils” there shall be substituted respectively the words “county or metropolitan district council” and “county or metropolitan district councils”.
  - (4) In section 3 for the words “county council” there shall be substituted the words “county or metropolitan district council” and for the words “inhabitants of the county” there shall be substituted the words “inhabitants of the county or district”.
  - (5) For section 17(1) there shall be substituted—
    - “(1) The expenses of a local fisheries committee, so far as payable by a county or metropolitan district council, shall according as the order constituting the committee provides, be general or special expenses of the council and if

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special expenses shall be chargeable on such part only of the council's area as may be directed by the order.”

- (6) In section 19 for the words “county council” there shall be substituted the words “county or metropolitan district council”.

**Marginal Citations**

**M30** 1966 c. 38.

- 20 In paragraph 5(b) of Schedule 3 to the <sup>M31</sup>Salmon and Freshwater Fisheries Act 1975 for the words “county council” there shall be substituted the words “county or metropolitan district council”.

**Marginal Citations**

**M31** 1975 c. 51.

*Weeds*

- 21 In section 5 of the <sup>M32</sup>Weeds Act 1959 after the word “county”, in both places where it occurs, there shall be inserted the words “or metropolitan district”.

**Marginal Citations**

**M32** 1959 c. 54.

*Archives and records*

- 22 (1) For section 2(6) of the <sup>M33</sup>Local Government (Records) Act 1962 there shall be substituted—

“(6) Subsections (1) and (2) above apply to the council of every country, metropolitan district or London borough, to the Inner London Education Authority, to a joint authority established by Part IV of the Local Government Act 1985 and to the council of any non-metropolitan district specified in an order made in that behalf by the Secretary of State.”

- (2) In section 226 of the <sup>M34</sup>Local Government Act 1972—

- (a) in subsection (4), before the word “London”, there shall be inserted the words “metropolitan district,”; and
- (b) in subsection (5) for the words “Every county council” there shall be substituted the words “The council of every county or metropolitan district”, and after the word “meeting” in the first place where it occurs there shall be inserted the words “in their area”.

**Marginal Citations**

**M33** 1962 c. 56.

**M34** 1972 c. 70.

*Status: Point in time view as at 01/04/1995.*

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*Expenses of Commission for Local Administration in England*

- 23 In paragraph 6 of Schedule 4 to the <sup>M35</sup>Local Government Act 1974 for the words “the Greater London Council” there shall be substituted the words “the councils of metropolitan districts and London boroughs, the Common Council of the City of London”.

**Marginal Citations**

**M35** 1974 c. 6.

- 24 ..... <sup>F12</sup>

**Textual Amendments**

**F12** Sch. 8 para. 24 repealed 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. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

*Administrative functions transferred by Courts Act 1971*

- 25 Any functions which by virtue of paragraph 1 of Schedule 8 to the <sup>M36</sup>Courts Act 1971 are exercisable by, or by the clerk to, a metropolitan county council shall be exercisable respectively by the council, or the proper officer of the council, of each metropolitan district comprised in the county.

**Marginal Citations**

**M36** 1971 c. 23.

*Loan societies*

- 26 The functions under section 4 of the <sup>M37</sup>Loan Societies Act 1840 which by virtue of section 62(5) of the <sup>M38</sup>London Government Act 1963 became exercisable by the Greater London Council and the clerk to that council shall—
- (a) as respects a society formed in a London borough, be functions of the council of that borough and the proper officer of that council; and
  - (b) as respects a society formed in the City, be functions of the Common Council and the town clerk to the City.

**Marginal Citations**

**M37** 1840 c. 110.

**M38** 1963 c. 33.

*Mines and quarries*

- 27 In section 11(3) of the <sup>M39</sup>Mines and Quarries (Tips) Act 1969 after the word “county” there shall be inserted the words “metropolitan district”.

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**Marginal Citations**

**M39** 1969 c. 10.

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Point in time view as at 01/04/1995.

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