



# Local Government Act 1972

## 1972 CHAPTER 70

### PART IX

#### FUNCTIONS

##### *General*

#### **179 General provision for transfer of functions.**

- (1) Subsections (2) to (4) below shall have effect for the purpose of adapting the provisions of—
- (a) public general Acts passed before, or during the same session as, this Act; and
  - (b) instruments made before the passing of this Act under public general Acts, being instruments of a legislative character and not being instruments in the nature of local enactments;

and, in particular, for the purpose of providing for the exercise of functions conferred by such provisions, but those subsections shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and shall be without prejudice to any express provision so made.

- (2) In any such provision any reference to an administrative county or its council, or any reference which is to be construed as such a reference, shall, except where it is a reference to a specified county or council or is to be construed as such, be construed as a reference to a new county or its council, as the case may be.
- (3) In any such provision any reference to an urban district (whether as such or as a district or county district) or to the council of such a district, or any reference which is to be construed as such a reference, shall, except where it is a reference to a specified district or council or is to be construed as such, be construed as a reference to a new district or its council, as the case may be.
- (4) In any such provision any reference to a rural parish (whether as such or as a parish) or the council or meeting of such a parish, or any reference which is to be construed

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as such a reference, shall, except where it is a reference to a specified parish or its council or meeting, be construed—

- (a) as respects England, as a reference to a parish or, as the case may be, its council or meeting; and
- (b) as respects Wales, as a reference to a community or, as the case may be, its council, if any.

### *The environment*

## **180 Public health.**

(1) For the purposes of the enactments to which this section applies, the local authority and sanitary authority (whether urban or not) shall—

- (a) for a district, be the district council;
- (b) for a London borough, be the borough council;
- (c) for the City, be the Common Council;
- (d) for the Inner Temple and Middle Temple, be the Sub-Treasurer and the Under Treasurer thereof respectively;

but the foregoing provision shall have effect subject to the other provisions of this Act and, in particular, to Schedule 14 to this Act and, as respects any area in Greater London, to Part I of Schedule 11 to the 1963 Act.

(2) The <sup>M1</sup>Public Health Act 1936 shall have effect subject to the amendments and modifications specified in Part I of Schedule 14 to this Act and Part II of that Schedule shall have effect for making amendments and modifications to other enactments relating to public health, building control, public parks, lighting and related matters.

(3) This section applies to the following enactments:—

- (a) the Public Health Acts 1875 to 1925;
- [<sup>F1</sup>(b) the <sup>M2</sup>Alkali, &c. Works Regulation Act 1906;]
- (c) the <sup>M3</sup>Public Health Act 1936, except so much of it as falls within section 181(1) or (2) below;
- [<sup>F2</sup>(d) section 8 of the <sup>M4</sup>Local Government (Miscellaneous Provisions) Act 1953;]
- (e) Part XIII of the <sup>M5</sup>Mines and Quarries Act 1954;
- (f) the <sup>M6</sup>Clean Air Acts 1956 <sup>M7</sup> and 1968;
- [<sup>F2</sup>(g) section 1 of the <sup>M8</sup>Noise Abatement Act 1960;]
- (h) the <sup>M9</sup>Public Health Act 1961, except so much of it as falls within section 181(2) below;
- (i) ..... <sup>F3</sup>
- (j) ..... <sup>F4</sup>
- (k) section 6 of the <sup>M10</sup>Chronically Sick and Disabled Persons Act 1970.

(4) Expressions used in this section and Schedule 14 to this Act and in the <sup>M11</sup>Public Health Act 1936 shall, except so far as the context otherwise requires, have the same meanings respectively in this section and that Schedule as they have in that Act.

#### **Textual Amendments**

- F1** S. 180(3)(b) repealed (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162(2), 164(3), **Sch. 16 Pt. I**

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- F2** S. 180(3)(d)(g) repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40), s. 109(2), **Sch. 4**
- F3** S. 180(3)(i) repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**
- F4** S. 180(3)(j) repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

#### Marginal Citations

- M1** 1936 c. 49.
- M2** 1906 c. 14.
- M3** 1936 c. 49.
- M4** 1953 c. 26.
- M5** 1954 c. 70.
- M6** 1956 c. 52.
- M7** 1968 c. 62.
- M8** 1960 c. 68.
- M9** 1961 c. 64.
- M10** 1970 c. 44.
- M11** 1936 c. 49.

## 181 Water and sewerage.

- (1) For the purposes of the following enactments, that is to say—
- (a) Part IV of the <sup>M12</sup>Public Health Act 1936 and Part XII of that Act, so far as relating to the said Part IV;
  - (b) the <sup>M13</sup>Rural Water Supplies and Sewerage Act 1944, so far as relating to water;
  - (c) section 12 of the <sup>M14</sup>Local Government (Miscellaneous Provisions) Act 1953;
  - (d) the <sup>M15</sup>Water Acts 1945 <sup>M16</sup> and 1948 and the <sup>M17</sup>Water Act 1958;
- the local authority shall, for any district, be the district council, and for any London borough, be the borough council.
- (2) For the purposes of the following enactments, that is to say—
- (a) [<sup>F5</sup>sections 15, 17–24, 27, 29–34, 36 and 42] of the <sup>M18</sup>Public Health Act 1936 and sections 90 and Part XII of that Act, so far as relating to those sections;
  - (b) the <sup>M19</sup>Public Health (Drainage of Trade Premises) Act 1937;
  - (c) the <sup>M20</sup>Rural Water Supplies and Sewerage Act 1944, so far as relating to sewerage and the disposal of sewage;
  - (d) section 13 of the <sup>M21</sup>Local Government (Miscellaneous Provisions) Act 1953;
  - (e) sections 12 to 15 and Part V of, and Schedule 2 to, the <sup>M22</sup>Public Health Act 1961;
- the local authority shall for any area outside Greater London be the district council.
- (3) ..... <sup>F6</sup>
- (9) An order under section 6 of the <sup>M23</sup>Public Health Act 1936 or under subsection (3) above or an order amending any such order may confer on a joint board constituted for the exercise of sewerage functions any of the sewerage functions of the constituent members and may confer such functions—
- (a) subject to any limitation or condition specified in the order (whether or not the limitation or condition applies to the discharge of the functions by the constituent member); or

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- (b) free from any limitation or condition so specified which applies to the discharge of those functions by the constituent member.
- (10) Schedule 15 to this Act shall have effect for making amendments and modifications to the enactments relating to water and sewerage.
- (11) In this section—  
  - “sewerage functions” means functions under any of the enactments mentioned in subsection (2) above; and

F7

**Textual Amendments**

**F5** Words substituted by [Building Act 1984 \(c. 55, SIF 15\)](#), ss. 133, 135, **Sch. 6 para. 14**

**F6** [Ss. 177\(1\)\(b\), 181\(3\)–\(8\)](#) repealed by [Water Act 1973 \(c. 37\)](#), **Sch. 9**

**F7** Definition repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

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

**C1** The text of ss. 181(10), 186(4) 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**

**M12** 1936 c. 49.

**M13** 1944 c. 26.

**M14** 1953 c. 26.

**M15** 1945 c. 42.

**M16** 1948 c. 22.

**M17** 1958 c. 67.

**M18** 1936 c. 49.

**M19** 1937 c. 40.

**M20** 1944 c. 26.

**M21** 1953 c. 26.

**M22** 1961 c. 64.

**M23** 1936 c. 49.

**182 Town and Country Planning.**

<sup>F8</sup>(1) .....

<sup>F9</sup>(2) .....

(3) In that Schedule—

<sup>F9</sup>(a) .....

(b) Part II shall have effect with respect to the exercise by such authorities of functions under other enactments relating to town and country planning and for making minor amendments and modifications of such other enactments; and

<sup>F9</sup>(c) .....

<sup>F9</sup>(4) .....

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**Textual Amendments**

- F8** S. 182(1) 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**
- F9** S. 182(2)(3)(a)(c)(4)–(6) 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**

**F10** **183** .....

**Textual Amendments**

- F10** S. 183 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**

**184 National Park and countryside functions.**

- (1) The functions conferred on a local planning authority by or under the National Parks and Access to the <sup>M24</sup>Countryside Act 1949 and the <sup>M25</sup>Countryside Act 1968 shall, as respects England elsewhere than [<sup>F11</sup>in the metropolitan counties,] Greater London and the Isles of Scilly and as respects Wales, be exercisable in accordance with the following provisions of this section.
- (2) The following of the said functions, that is to say those conferred by—
  - (a) Part II and sections 61, 62, 63, 78, 90(5), 92 (so far as relating to parking places in a National Park), 99(3) and 101(3) of the said Act of 1949; and
  - (b) sections 12(5), 13 and 14 of the said Act of 1968;shall, subject to subsection (3) below and Schedule 17 to this Act, be functions of the county planning authority.
- (3) The functions of a local planning authority under sections 9 and 11 of the said Act of 1949 shall as respects any area outside a National Park be exercisable both by county planning authorities and district planning authorities.
- (4) All other functions conferred by or under any other provision of the said Acts of 1949 and 1968 on a local planning authority shall, subject to Schedule 17 of this Act, be exercisable both by county planning authorities and district planning authorities.
- (5) References in the said Acts of 1949 and 1968 to a local planning authority shall be construed accordingly.
- (6) Part I of Schedule 17 to this Act shall have effect instead of section 8 of the said Act of 1949 (which, as amended by Schedule 4 to the said Act of 1968, provides for the administration of local authorities' planning and countryside functions in National Parks).
- (7) Sections 27 to 38 of the said Act of 1949 and Parts II to IV of Schedule 3 to the said Act of 1968 (survey of public paths, etc.) shall have effect subject to the modifications specified in Part II of the said Schedule 17 and those Acts shall have effect subject to the further modifications specified in Part III of that Schedule.

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- (8) In that Schedule “the 1949 Act” and “the 1968 Act” mean the said Acts of 1949 and 1968 respectively.

#### Textual Amendments

**F11** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 1, 7** Sch. 3 para. 3(2)

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

**C2** [S. 184](#) excluded (19.9.1995) by [1995 c. 25, ss. 68\(1\), 125\(2\)](#) (with [ss. 7\(6\), 115, 117, Sch. 8 para. 7](#))

#### Marginal Citations

**M24** [1949 c. 97.](#)

**M25** [1968 c. 41.](#)

### 185 Town development.

- (1) In the <sup>M26</sup>Town Development Act 1952 (in this section referred to as “the principal Act”) in section 1(1) (which defines the term “town development” as applying to development in a county district, the provision of which will relieve congestion or over-population elsewhere) for the word “elsewhere” there shall be substituted the words “ outside the county comprising the district or districts in which the development is carried out ”.

<sup>F12</sup>(2) .....

- (4) The principal Act shall have effect subject to the amendments specified in Schedule 18 to this Act, being—
- (a) amendments consequential on this Part of this Act, and
  - (b) amendments incorporating provisions of section 34 of the <sup>M27</sup>Housing Act 1961 and subsections (1) and (2) of section 61 of the <sup>M28</sup>London Government Act 1963 (modification of principal Act in relation to counties and to Greater London).
- (5) Notwithstanding anything in subsection (1) above, any development carried out after the date on which that subsection comes into force as part of a scheme begun before that date, being a scheme of town development within the meaning of the principal Act as then in force, shall be treated as town development for the purposes of that Act.

#### Textual Amendments

**F12** [S. 185\(2\)\(3\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, **Sch. 34 Pt. XIV**

#### Marginal Citations

**M26** [1952 c. 54.](#)

**M27** [1961 c. 65.](#)

**M28** [1963 c. 33.](#)

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## 186 Traffic and transportation functions.

- (1) . . . <sup>F13</sup> the <sup>M29</sup>Road Traffic Regulation Act 1967 shall have effect subject to the amendments specified in Part II of that Schedule, being—
- (a) amendments conferring on the councils of counties, and in certain cases also on the councils of districts, functions previously exercised outside Greater London by the councils of county boroughs (together with other local authorities),
  - (b) amendments extending the powers of parish and community councils in relation to parking places so as to empower them to provide, maintain, and regulate the use of off-street parking places for all classes of vehicles, as well as parking places for bicycles and motor cycles, and
  - (c) minor amendments and other amendments consequential on the establishment of new local authorities by or under this Act and on the provisions of this Act relating to highways.
- (2) . . . . . <sup>F14</sup>
- (3) . . . . . <sup>F15</sup>
- (4) In section 2(5) of the <sup>M30</sup> Vehicle and Driving Licences Act 1969 (certain local authorities enabled to exercise, on behalf of the Secretary of State, functions transferred to him under that Act) after the word “authority”, in the first two places where it occurs, there shall be inserted the words “or district council”.
- (5) . . . . . <sup>F16</sup>
- (6) So much of section 6 of the <sup>M31</sup>Transport Charges &c. (Miscellaneous Provisions) Act 1954 as requires the making of an order by the Secretary of State for the revision of any charges in connection with a ferry undertaking shall cease to have effect in relation to an undertaking operated by a local authority or a Passenger Transport Executive, and accordingly a local authority or Passenger Transport Executive operating any such ferry undertaking as is referred to in subsection (1)(c) of that section—
- (a) may from time to time make such revision of any of the charges which they are authorised to demand in connection with the undertaking as seems to them appropriate; and
  - (b) may, if they think fit, determine that any such charges shall no longer be made; and so much of section 1(2) of the <sup>M32</sup>Ferries (Acquisition by Local Authorities) Act 1919 as requires the approval of the Secretary of State to any scale of tolls fixed by a local authority or to a determination by a local authority to free a ferry from tolls shall cease to have effect.
- (7) In subsection (6) above, “local authority” includes any existing county borough or county district council and the Common Council.

### Textual Amendments

- F13** Words repealed by [Road Traffic \(Consequential Provisions\) Act 1988](#) (c. 54, SIF 107:1) ss. 3(1)(2), 5, Sch. 1 Pt. I, Sch. 4 paras. 1, 2
- F14** [S. 186\(2\)](#) repealed by [Refuse Disposal \(Amenity\) Act 1978](#) (c. 3, SIF 100:3), s. 12, **Sch. 2**
- F15** [S. 186\(3\)](#) repealed by [Transport Act 1980](#) (c. 34, SIF 107:1), s. 69, **Sch. 9 Pt. I**
- F16** [S. 186\(5\)](#) repealed by [Transport Act 1985](#) (c. 67, SIF 126), s. 139(3), **Sch. 8**

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

**C3** The text of ss. 181(10), 186(4) 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** 1967 c. 76.

**M30** 1969 c. 27.

**M31** 1954 c. 64.

**M32** 1919 c. 75.

**187 Local highway authorities and maintenance powers of district councils.**

(1) ..... <sup>F17</sup>

(3) With respect to footpaths and bridleways within their area a district council shall have—

(a) the like powers as a highway authority under section 57(3) of the National Parks and Access to the <sup>M33</sup>Countryside Act 1949 (prosecution of offences of displaying on footpaths notices deterring public use), and

(b) ..... <sup>F17</sup>

(4) ..... <sup>F17</sup>

**Textual Amendments**

**F17** S. 187(1)(2)(3)(b)(4)–(8) repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), s. 343(3), [Sch. 25](#)

**Marginal Citations**

**M33** 1949 c. 97.

<sup>F18</sup>**188** .....

**Textual Amendments**

**F18** S. 188 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), s. 343(3), [Sch. 25](#)

**189 Commons.**

(1) Without prejudice to the making of any new agreement under section 2(2) of the <sup>M34</sup>Commons Registration Act 1965 (agreement for one local authority to be registration authority for land which spans the boundaries of two or more authorities) any agreement under that section which is in force immediately before 1st April 1974 shall cease to have effect on that day.

(2) For subsection (5) of section 8 of the Commons Registration Act 1965 (council in which unclaimed land is to be vested) there shall be substituted the following subsections:—



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“(5) Subject to subsection (6) of this section, the local authority in which any land is to be vested under this section is—

- (a) if the land is in a parish or community where there is a parish or community council, that council, but, if the land is regulated by a scheme under the Commons Act 1899, only if the powers of management under Part I of that Act are, in accordance with arrangements under Part VI of the Local Government Act 1972, being exercised by the parish or community council;
- (b) if the land is in a London borough, the council of that borough; and
- (c) in any other case, the council of the district in which the land is situated.

(6) Where—

- (a) any land has been vested in a district council in accordance with subsection (5)(c) of this section, and
- (b) after the land has been so vested a parish or community council comes into being for the parish or community in which the land is situated (whether by the establishment of a new council or by adding that parish or community to a group of parishes or communities for which a council has already been established),

then, if the circumstances are such that, had the direction under subsection (3) of this section been given at a time after the parish or community council had come into being, the land would in accordance with subsection (5)(a) of this section have been vested in the parish or community council, the district council shall, if requested to do so by the parish or community council, direct the registration authority to register the parish or community council, in place of the district council, as the owner of the land; and the registration authority shall comply with any such direction.

(7) The council of any district, parish or community affected by any registration made in pursuance of subsection (6) above shall pay to the other of those councils so affected such sum, if any, as may be agreed between them to be appropriate to take account of any sums received or to be received, or any expenditure incurred or to be incurred, in respect of the land concerned, and, in default of agreement, the question of what sum, if any, is appropriate for that purpose shall be determined by arbitration.”

(3) The references in section 12 of the <sup>M35</sup>Inclosure Act 1857 (prevention of nuisances in town and village greens, etc.) to a churchwarden or overseer of the parish in which the town or village green or land is situated shall be construed—

- (a) with respect to a green or land in a parish, as references to the parish council, or, where there is no parish council, the parish meeting;
- (b) with respect to a green or land in a community where there is a community council, as references to the community council;
- (c) with respect to any other green or land, as references to the council of the district in which the green or land is situated;

and where those references fall to be construed in accordance with paragraph (c) above, the reference in the said section 12 to highways in the parish shall be construed as a reference to highways in the district.

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- (4) In section 193(1) of the <sup>M36</sup> Law of Property Act 1925 (right of the public over certain commons, including those situated within a borough or urban district) after the words “situated within” there shall be inserted the words “an area which immediately before 1st April 1974 was”.

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

- C4** The text of s. 189(2)(4) 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

- M34** 1965 c. 64.  
**M35** 1857 c. 31.  
**M36** 1925 c 20.

## 190 Sites for gipsy encampments.

- (1) In section 6 of the <sup>M37</sup> Caravan Sites Act 1968 in subsection (1) (duty of local authorities to provide sites for gipsies) the words “county borough” shall be omitted and in subsection (2) of that section (modifications in relation to county boroughs and London boroughs), for the words “county borough” in the first place where they occur, there shall be substituted the words “metropolitan county” and after the words “at a time” there shall be inserted the words “in each district in the county or, as the case may be, in the London borough”<sup>F19</sup> . . .

<sup>F20</sup>(2) . . . . .

- (4) On an application made before 1st April 1974 by the council of an existing county or county borough, the Secretary of State may, by an order made under and in accordance with section 12 of the <sup>M38</sup> Caravan Sites Act 1968, designate as an area to which section 10 of that Act applies so much of a new county as comprises the whole or any part of the existing county or county borough.

#### Textual Amendments

- F19** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), [Sch. 34](#)  
**F20** [S. 190\(2\)\(3\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), [s. 194](#), [Sch. 34 Pt. XVI](#)

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

- C5** The text of s. 190(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M37** 1968 c. 52.  
**M38** 1968 c. 52.

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## 191 Ordnance survey.

- (1) In its application outside Greater London, the <sup>M39</sup>Ordnance Survey Act 1841 (in this section referred to as “the 1841 Act”) shall have effect subject to the following modifications.
- (2) An application under section 1 of the 1841 Act shall be sent to the proper officer of either a county council or a district council and, where such an application is made, the function of appointing a person to assist in examining, ascertaining and marking out reputed boundaries shall be exercisable by the council to whose proper officer the application was sent.
- (3) The newspapers in which copies of an application under section 1 of the 1841 Act are to be inserted shall be those circulating in the area of the council to whose proper officer the application was sent.
- (4) References, in whatever terms, in the 1841 Act—
  - (a) to the justices by whom a person is appointed under section 1 of that Act shall be construed as references to the county council or the district council, as the case may require, and
  - (b) to the clerk of the peace for a county shall be construed as references to the proper officer of the county council or the district council as the case may require.
- (5) Without prejudice to section 15 of the 1841 Act (which among other things extends the meaning of the word “county” in that Act) references in that Act to a county include references to any local government area within the meaning of this Act.

### Marginal Citations

M39 1841 c. 30.

## *Education, social and welfare services*

## 192 Education.

- (1) The local education authority for each non-metropolitan county shall be the council of the county and the local education authority for each metropolitan district shall be the council of the district.
- (2) No scheme of divisional administration shall be made under Part III of Schedule I to the <sup>M40</sup>Education Act 1944 and that Part of that Schedule shall cease to have effect.
- (3) Section 52 of the <sup>M41</sup>Local Government Act 1958 shall cease to have effect on the passing of this Act.
- (4) For the definition of “minor authority” in section 114(1) of the Education Act 1944 there shall be substituted the following definition:—

““minor authority” means, in relation to a school maintained by a local education authority,—

  - (a) where the area which appears to the local education authority to be served by the school is a parish or community, the parish or

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community council or, in the case of a parish which has no council, the parish meeting;

- (b) where the said area is a community having no community council or is an area in England which is not within a parish and is not situated in a metropolitan county, the council of the district for the area concerned;
- (c) where the said area comprises two or more of the following, a parish, a community or an area in England which is not within a Parish and is not situated in a metropolitan county—
  - (i) the parish or community council or councils, if any ;
  - (ii) in the case of a parish which has no council the parish meeting;
  - (iii) in the case of an area which is a community having no community council or which is in England and is not within a parish, the council of the district concerned ;

acting jointly.”

(5) Subject to subsection (6) below any instrument made by an existing local education authority for an area outside Greater London in connection with the discharge of any of their functions, and any other thing done by or to or in relation to such an authority in connection therewith, shall be treated as having been made by, or done by or to or in relation to, the new local education authority to whom those functions are transferred by or by virtue of this Act, and any instrument relating to the exercise of those functions, or to things done in their exercise or property held or maintained for the purposes of those functions shall, so far as it so relates, have effect as if any reference to a specified existing local education authority for an area outside Greater London by whom those functions were exercisable or to the area of such an authority were a reference to the new local education authority to whom those functions are so transferred or to so much of the area of the new authority as includes the area of the existing authority, as the case may be.

(6) Subsection (5) above is without prejudice to any express provision made by, or by any instrument made under, this Act, but has effect subject to any provision to the contrary so made and in particular may be excluded from applying, either wholly or to any specified extent, in any particular case by an order made by the Secretary of State.

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

**C6** The text of s. 192(2)–(4) 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**

- M40** 1944 c. 31.
- M41** 1958 c. 55.

<sup>F21</sup>193, .....  
194.

*Status: Point in time view as at 17/07/1992.*

*Changes to legislation: Local Government Act 1972, Part IX is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

**F21** Ss. 193, 194 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 67, SIF 61\)](#), ss. 3, 6, [Sch. 1 Pt. 1](#)

## 195 Social services functions.

- (1) Outside Greater London, the local authorities for the purposes of the <sup>M42</sup>Local Authority Social Services Act 1970 (in this section referred to as “the Act of 1970”) shall be the councils of non-metropolitan counties and the councils of metropolitan districts; and accordingly in section 1 of that Act for the words “counties, county boroughs” there shall be substituted the words “non-metropolitan counties, metropolitan districts”.
- (2) In a non-metropolitan county each district council and the county council shall from time to time consult together with respect to the nature and extent of the accommodation needed for people who by reason of infirmity or disability (whether arising from age or otherwise) are in need of accommodation of a special character.
- (3) The following proposals and schemes, so far as in force immediately before 1st April 1974, that is to say,—
  - (a) proposals approved under section 20 of the <sup>M43</sup>National Health Service Act 1946 relating to the duties of local health authorities under section 22 of that Act (care of mothers and young children) or under section 12 of the <sup>M44</sup>Health Services and Public Health Act 1968 (prophylaxis, care and after-care), and
  - (b) schemes approved under section 34 of the <sup>M45</sup>National Assistance Act 1948 (relating to the provision of accommodation, the welfare of handicapped persons and the employment of disabled persons),shall cease to have effect; and the local authorities who, by virtue of section 1 of the Act of 1970, as amended by subsection (1) above, are the local authorities for the purposes of that Act may, with the approval of the Secretary of State, and to such extent as he may direct shall, make arrangements for carrying out the functions to which those proposals and schemes formerly related.
- (4) Any delegation scheme under section 46 of the <sup>M46</sup>Local Government Act 1958 (relating to health and welfare functions) which is in force immediately before 1st April 1974 shall cease to have effect.
- (5) Any scheme or regional plan made by a children’s regional planning committee under the <sup>M47</sup>Children and Young Persons Act 1969 and in force immediately before 1st April 1974 shall, subject to the provisions of that Act, continue in force with such modifications as may be necessary to take account of the replacement of the existing local authorities by the new authorities.
- (6) The enactments specified in Schedule 23 to this Act, being enactments conferring social services functions on local authorities in varying capacities, shall have effect subject to the amendments specified in that Schedule, being amendments designed—
  - (a) to vest those functions in the local authorities who, by virtue of section 1 of the Act of 1970, as amended by subsection (1) above, are the local authorities for the purposes of that Act; and
  - (b) to give effect to subsection (3) above, as it affects those authorities.

*Status: Point in time view as at 17/07/1992.*

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[<sup>F22</sup>(7) In section 64(1) of the National Assistance Act <sup>M48</sup>1948 (interpretation), in the definition of “local authority”, the words “county borough” shall be omitted and, after word “district”, there shall be inserted the words “or London borough or the Common Council of the City of London”.]

#### Textual Amendments

**F22** S. 195(7) added (*retrospectively*) by Health Services Act 1980 (c. 53, SIF 113:2), s. 23

#### Marginal Citations

**M42** 1970 c. 42.

**M43** 1946 c. 81.

**M44** 1968 c. 46.

**M45** 1948 c. 29.

**M46** 1958 c. 55.

**M47** 1969 c. 54.

**M48** 1948 c.29(81:3).

### Miscellaneous functions

#### 196 Police.

- (1) The <sup>M49</sup>Police Act 1964 shall be amended in accordance with the following provisions of this section.
- (2) For section 2(6) of that Act there shall be substituted the following subsection:—
  - “(6) Section 102(5) of the Local Government Act 1972 shall apply to a committee appointed under this section as it applies to a committee appointed under that section.”
- (3) In subsection (3) of section 8 of the said Act of 1964 (audit of accounts of police authorities) for the words from “and the accounts” to the end of the subsection there shall be substituted the words “shall be treated for the purposes of Part VIII of the Local Government Act 1972 as though it were included among the accounts of the council of that county, and the accounts of every combined police authority shall be audited in such manner as may be prescribed by the amalgamation scheme, and for that purpose an amalgamation scheme may apply, in relation to the accounts of the combined police authority, all or any of the provisions of the said Part VIII relating to accounts and audit, subject to such adaptations and modifications as may be prescribed by the amalgamation scheme.”
- (4) Section 9 of the said Act of 1964 (acquisition of land for police purposes) shall be amended as follows:—
  - (a) in subsection (1), for the words from “section 176” onwards there shall be substituted the words “subsections (3) and (4) of section 120 of the Local Government Act 1972 shall apply to the acquisition of land under this subsection as they apply to the acquisition of land under that section”;
  - (b) at the end of subsection (2) there shall be added the words “and subsection (3) of section 121 of the Local Government Act 1972 shall apply in relation to a proposal to acquire any land in exercise of the power conferred by this

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subsection as it applies in relation to a proposal to acquire land in exercise of the power conferred by subsection (1) of that section”.

- (5) For section 19(3) of the said Act of 1964 (powers of special constables outside their area) there shall be substituted the following subsection:—

“(3) Without prejudice to subsection (2) above, a special constable appointed for any police area shall have all the powers and privileges of a constable—

- (a) in the case of a police area other than the City of London, in any other police area which is contiguous to his own police area;
- (b) in the case of the City of London, in the metropolitan police district and in any area which is contiguous to that district.”

- (6) For section 23(1) of the said Act of 1964 there shall be substituted the following subsections—

“(1) An amalgamation scheme may be approved or made under this Act—

- (a) with respect to two or more counties established by the Local Government Act 1972;
- (b) with respect to two or more counties proposed to be constituted, or the areas of which are proposed to be altered, by an order under Part IV of the Local Government Act 1972;

and subject to subsection (1A) below may be so approved or made before the relevant date.

(1A) A scheme under this section shall not come into force before the relevant date, except so far as it relates to the constitution of the combined police authority and to the performance by that authority of functions necessary for bringing the scheme into full operation on that date.

(1B) In subsections (1) and (1A) above “the relevant date” means in relation to an amalgamation scheme approved or made as mentioned in paragraph (a) of the said subsection (1), 1st April 1974, and in relation to an amalgamation scheme approved or made as mentioned in paragraph (b) of that subsection, the date on which the order mentioned in that paragraph comes into force.”

- (7) In relation to an amalgamation scheme under section 23(1)(a) of the said Act of 1964, section 23(2) of that Act (modifications of provisions of that Act in relation to amalgamation schemes) shall have effect as if in paragraph (c)(i) for the reference to the police authority for any county there were substituted references both to the police authority for any police area existing immediately before 1st April 1974 and wholly or partly to be included in the new county and references to the council of the new county.

- (8) For section 23(3) of the said Act of 1964 there shall be substituted the following subsection:—

“(3) In the case of an amalgamation scheme to be approved or made by virtue of this section with respect to any county, any steps required by this Part of this Act to be taken before the amalgamation scheme is approved or made may be taken at any time after a report on a review affecting that county, together with any proposals formulated thereon, has been submitted to the Secretary of State under sections 51(1), 58(1) and 62(5) of the Local Government Act 1972, and the Secretary of State has notified the county councils concerned

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of the general nature of the order which he intends to make to give effect to those proposals.”

- (9) Schedule 3 to the said Act of 1964 (procedure for compulsory amalgamation schemes) shall not apply to an amalgamation scheme made by the Secretary of State under section 21(2) of that Act before 1st April 1974.

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

**C7** The text of s. 196(2)–(6)(8) 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**

**M49** 1964 c. 48.

**197 Fire services.**

- (1) The proviso to section 6(1) of the <sup>M50</sup> Fire Services Act 1947 (obligation of Secretary of State to obtain consent of county council to a combination scheme made by him where population of the county exceeds 100,000) shall cease to have effect.
- (2) A combination scheme may be made under section 5 of the said Act of 1947 before 1st April 1974 with respect to two or more new counties, but except so far as it relates to the constitution of an authority as the fire authority for the combined area and to the performance by that authority of their functions under subsection (3) below or any functions necessary for bringing the scheme into full operation on that date, the scheme shall not come into force before that date.
- (3) Not later than the 1st January 1974 every council of a new county or every new fire authority established for a combined area by any such scheme which will not come into full operation until 1st April 1974 shall prepare and submit to the Secretary of State for his approval an establishment scheme for a fire brigade for the county or combined area under section 19 of the said Act of 1947 to come into force on 1st April 1974, and the Secretary of State shall, not later than 15th March 1974, approve that scheme either as submitted or subject to such modifications as he may direct.
- (4) ..... <sup>F23</sup>
- (5) In section 10 of the <sup>M51</sup> Fire Services Act 1947, as amended by Schedule 8 to the <sup>M52</sup> Local Government Act 1958 (power to make schemes in advance of alterations of local government areas) for the words from the beginning to “combined authorities” there shall be substituted the words “If an order is made under Part IV of the Local Government Act 1972 constituting any area as a new county or altering the area of a county” and for the words “the new county or county borough” there shall be substituted the words “the new or altered county”

**Textual Amendments**

**F23** S. 197(4) repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38, [Sch. 6 Pt. IV](#)



*Status: Point in time view as at 17/07/1992.*

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

- C8** The text of s. 197(1)(5) 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.
- C9** “the said Act of 1947” means [Fire Services Act 1947 \(c. 41\)](#)

**Marginal Citations**

- M50** [1947 c. 41.](#)
- M51** [1974 c. 41.](#)
- M52** [1958 c. 55.](#)

<sup>F24</sup>**198**, .....  
**199**.

**Textual Amendments**

- F24** Ss. 198, 199 repealed by [Food Act 1984 \(c. 30, SIF 53:1\)](#), ss. 134, 136, [Sch. 11](#)

**200 Power to confer on district councils in Wales certain functions relating to agriculture.**

- (1) The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may make an order conferring on the council of a district in Wales, with respect to the district, the functions which, apart from the order, would be exercisable by the county council under sections 4 and 5 of the <sup>M53</sup>Agricultural Produce (Grading and Marking) Act 1928 (cold and chemical storage of eggs in registered premises).
- (2) The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may make an order imposing on the council of a district in Wales, with respect to the district, the duty which, apart from the order, would be imposed on the county council by section 67 of the <sup>M54</sup>Agriculture Act 1970 (enforcement of provisions of that Act relating to fertilisers and feeding stuffs).
- (3) The Minister of Agriculture, Fisheries and Food may make an order imposing on the council of a district in Wales, with respect to the district, the duty which, apart from the order, would be imposed on the county council by section 108(8) of the <sup>M55</sup>Medicines Act 1968 (enforcement of certain provisions made by or under that Act).
- (4) If and so long as an order under subsection (1), subsection (2) or subsection (3) above confers any functions or imposes any duty on a district council in Wales, references in the enactment or enactments to which the order relates—
  - (a) to the county council shall be construed as including references to that district council, and
  - (b) to the area of the county (however expressed) shall be construed, in relation to the council of the county in which the district is situated, as references to the area of the county exclusive of that district.
- (5) The power to make an order—
  - (a) under subsection (1) above conferring functions on a district council in Wales, or

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(b) under subsection (2) or subsection (3) above imposing a duty on a district council in Wales,

shall cease to be exercisable on 1st April 1974, but an order made under any of those subsections may be revoked at any time after that date, by a further order made under the same subsection.

(6) A statutory instrument containing an order under subsection (1), subsection (2) or subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Notwithstanding anything in section 5 of the <sup>M56</sup>Agricultural Produce (Grading and Marking) Act 1928, in respect of any period during which, by virtue of an order under subsection (1) above, functions under sections 4 and 5 of that Act are conferred on the council of a district in Wales, any expenses incurred under that Act by the council of the county in which that district is situated shall be treated as special expenses chargeable only on the remainder of the county.

(8) In any case where, by virtue of an order under subsection (1), subsection (2) or subsection (3) above revoking a previous order under that subsection, functions conferred or a duty imposed by that previous order on a district council in Wales cease to be so conferred or imposed, anything done before the date on which the order takes effect by, to or before the district council shall have effect for the purposes of the enactment or enactments to which the order relates as if done by, to or before the county council by whom those functions become exercisable on that date or, as the case may be, on whom that duty is imposed on that date; and any proceedings under that enactment or those enactments which on that date were pending by or against the district council may be continued accordingly by or against the county council.

**Marginal Citations**

**M53** 1928 c. 19.

**M54** 1970 c. 40.

**M55** 1968 c. 67.

**M56** 1928 c. 19.

<sup>F25</sup>**201** .....

**Textual Amendments**

**F25** S. 201 repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), ss. 95, 98, [Sch. 10 para. 1\(j\)](#), Sch. 13

**202 Public transport in passenger transport areas.**

<sup>F26</sup>(1) .....

(2) <sup>F27</sup>... Part II of the <sup>M57</sup>Transport Act 1968 shall have effect in its application to England and Wales subject to the amendments specified in Part I of Schedule 24 to this Act, being amendments—

(a) to assimilate in certain respects the provisions of the said Part II to those of Part II of the <sup>M58</sup>Transport (London) Act 1969;

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- (b) to make further provision with respect to the control of a Passenger Transport Executive by the Passenger Transport Authority; and
  - (c) to remove, or to transfer to the Passenger Transport Authority, certain functions originally conferred on the Secretary of State.
- (3) <sup>F28</sup> .....
- <sup>F29</sup>(4) .....
- (8) Expressions used in this section have the same meanings as in the <sup>M59</sup>Transport Act 1968.

**Textual Amendments**

- F26** S. 202(1) repealed (6.1.1986) by Transport Act 1985 (c. 67, SIF 126), ss. 57(6), 139(3), Sch. 3 para. 24, **Sch. 8**; S.I. 1985/1887, art. 3(1), **Sch.**, Appendix
- F27** Words repealed (1.4.1986) by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**; S.I. 1986/414, art. 2, **Sch.**, Appendix
- F28** S. 202(3) repealed (1.4.1986) by Transport Act 1985 (c. 67, SIF 126), s. 57(6), Sch. 3 para 24, **Sch. 8**; S.I. 1986/414, art. 2, **Sch.**, Appendix
- F29** S. 202(4)-(7) repealed (6.1.1986) by Transport Act 1985 (c. 67, SIF 126), s. 57(6), Sch. 3 para 24, **Sch. 8**; S.I. 1985/1887, art. 3(1), **Sch.**, Appendix

**Marginal Citations**

- M57** 1968 c. 73.
- M58** 1969 c. 35.
- M59** 1968 c. 73.

<sup>F30</sup>**203** .....

**Textual Amendments**

- F30** S. 203 repealed by Transport Act 1978 (c. 55, SIF 126), s. 24(4), **Sch. 4**

**204 Licensing: licensed premises, cinemas, theatres and refreshment houses.**

- (1) The districts in Wales shall be the areas for which polls under section 66 of the <sup>M60</sup>Licensing Act 1964 (Sunday closing in Wales) may be held, but in relation to each such district, until such a poll is held and the decision on the poll takes effect in the district in accordance with section 67(4) of that Act, the areas in which subsection (1) of the said section 66 does or does not have effect shall be the same on and after 1st April 1974 as before that date.
- (2) Any reference in Part VII of the <sup>M61</sup>Licensing Act 1964 (licensing planning areas) to a local planning authority shall be construed as a reference to a district planning authority only.
- (3) In the case of premises situated outside Greater London, notice of an application for a justices' licence under Schedule 2 to the <sup>M62</sup>Licensing Act 1964 shall be given to the proper officer of the district council instead of to the clerk to the rating authority.

*Status: Point in time view as at 17/07/1992.*

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- (4) In consequence of the preceding provisions of this section and of section 217 below, the <sup>M63</sup>Licensing Act 1964 shall have effect subject to the amendments specified in Part I of Schedule 25 to this Act.
- (5) ..... <sup>F31</sup>
- (6) In section 18(1) of the <sup>M64</sup>Theatres Act 1968, in the definition of “licensing authority”, for paragraph (b) there shall be substituted the following paragraph:—
  - “(b) as respect premises in a district in England or Wales, the council of that district;”
 ..... <sup>F32</sup>
- (7) ..... <sup>F33</sup>
- (8) The provisions of Part II of Schedule 25 to this Act shall have effect for the purpose of conferring a right of appeal with respect to licences under the <sup>M65</sup>Home Counties (Music and Dancing) Licensing Act 1926; and any reference in that Part of that Schedule—
  - (a) to the 1926 act is a reference to the said Act of 1926, or
  - (b) to a licence is a reference to a licence under section 3 of the 1926 Act.
- (9) In section 2(2) of the <sup>M66</sup>Late Night Refreshment Houses Act 1969 (licensing authorities under that Act) for the words “county and county borough councils” there shall be substituted the words “district councils”.

**Textual Amendments**

- F31** S. 204(5) repealed by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), s. 24(2), [Sch. 3](#)
- F32** Words repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, [Sch. 7 Pt. IV](#)
- F33** S. 204(7) repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, [Sch. 7 Pt. I](#)

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

- C10** The text of s. 204(9), 208(3) 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**

- M60** 1964 c. 26.
- M61** 1964 c. 26.
- M62** 1964 c. 26.
- M63** 1964 c. 26.
- M64** 1968 c. 54.
- M65** 1926 c. 31.
- M66** 1969 c. 53.

<sup>F34</sup>205 .....

*Status: Point in time view as at 17/07/1992.*

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#### Textual Amendments

- F34** S. 205 repealed by [Rent Act 1977 \(c. 42, SIF 75:3\)](#), s. 155, [Sch. 25](#) (subject to the savings and transitional provisions in [Sch. 24](#))

### 206 Public libraries and museums (England).

The local authorities for the purposes of the <sup>M67</sup>Public Libraries and Museums Act 1964 in England shall be county councils, <sup>F35</sup> . . . , London borough councils, district councils, the Common Council and the Council of the Isles of Scilly and, subject to the provisions of section 5 of that Act, each of the following authorities, that is to say—

- (a) the council of a non-metropolitan county;
- (b) the council of a London borough and the Common Council;
- (c) the council of a metropolitan district;

shall be a library authority for those purposes.

#### Textual Amendments

- F35** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

#### Marginal Citations

- M67** 1964 c. 75.

### 207 Public libraries and museums (Wales).

- (1) The local authorities for the purposes of the <sup>M68</sup>Public Libraries and Museums Act 1964 in Wales shall be county councils and district councils and, subject to the provisions of section 5 of that Act, each of the following authorities, that is to say—

- (a) the council of a county;
- (b) the council of a district who have been constituted a library authority under the following provisions of this section;

shall be a library authority for those purposes.

- (2) The council of a district in Wales may at any time before 1st April 1974 apply to the Secretary of State for an order constituting the council a library authority and the Secretary of State may, if he thinks it expedient to do so having regard to—

- (a) the capacity of the council to provide an efficient library service for their district; and
- (b) the effect which the order would have on the library service which is to be provided by the council of the new county comprising that district;

and after consulting the council of the new county, make an order constituting the district council a library authority as from a date, not earlier than 1st April 1974, specified in the order.

- (3) While the Secretary of State is considering an application by the council of a district for an order under subsection (2) above, he may make an order constituting that council a library authority for a period beginning with 1st April 1974 and ending on a date specified by the Secretary of State on deciding to make or not to make the order applied for.

*Status: Point in time view as at 17/07/1992.*

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- (4) A council of a district in Wales which is not a library authority may within the period of six months beginning with any review date apply to the Secretary of State for an order constituting the council a library authority and if, after consulting the authority which is then the library authority for that district and after taking account of any likely changes in the area and population of that district and of any other matters appearing to him to be relevant, the Secretary of State is of the opinion that the order would lead to an improvement in the library facilities in that district and would not prejudicially affect the library facilities in the county or the area of the joint board, as the case may be, he may make an order constituting the council a library authority as from a date specified in the order.
- (5) Where during the said period of six months the Secretary of State is satisfied, after consulting the council of a district which is a library authority and such other library authorities as appear to him to be concerned, that if the council of the district ceased to be a library authority, that would lead to an improvement in the library facilities in that district or in the county or area of the joint board, as the case may be, he may by order provide that as from a date specified in the order the council of that district shall cease to be a library authority.
- (6) An order under this section constituting a district council a library authority may impose on the district council such conditions as the Secretary of State thinks fit for securing the performance by them of their functions under the <sup>M69</sup>Public Libraries and Museums Act 1964.
- (7) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section “review date” means 1st April in 1984 and every tenth year thereafter.

#### Marginal Citations

**M68** 1964 c. 75.

**M69** 1964 c. 75.

## 208 Amendments of Public Libraries and Museums Act 1964.

- (1) It shall not be necessary for any local authority within the meaning of the <sup>M70</sup>Public Libraries and Museums Act 1964 to obtain the consent of the Secretary of State to the provision of a museum or art gallery under section 12(1) of that Act or to the transfer of a museum or art gallery and its collections under section 12(2) of that Act, or to apply for an order under section 15(2) of that Act for the purpose of amalgamating a fund established under that section with a similar fund maintained under a local Act, and accordingly in the said section 15(2) for the words after “aforesaid” there shall be substituted the words “ it may amalgamate the funds, but without prejudice to the effect of any condition attached to any particular gift received by the authority ”.
- (2) The powers conferred by section 14 of the said Act of 1964 (contributions to expenses of museums and art galleries) on certain local authorities shall be exercisable by every local authority within the meaning of that Act, whether or not a library authority or maintaining a museum or art gallery.
- <sup>X1</sup>(3) The following additional amendments shall be made in the said Act of 1964—

*Status: Point in time view as at 17/07/1992.*

*Changes to legislation: Local Government Act 1972, Part IX is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) in section 4(2)(a), after the word “council” there shall be inserted the words “ in Wales ”;
- (b) in sections 5(3), 6(5) and (6), 10(2), 11(2) and 21, for the words “non-county borough or urban district”, wherever occurring, there shall be substituted the words “ district in Wales ”;
- (c) in the proviso to section 5(3), for the words from “at the request” to “40,000” there shall be substituted the words “ if the Secretary of State thinks fit ”;
- (d) in section 6(6), after the word “above” there shall be inserted the words “ or under section 207 of the Local Government Act 1972 ”;
- (e) in section 6(7), for the words from the beginning to “above he” there shall be substituted the words “ Where the council of a district in Wales are constituted a library authority under section 207 of the Local Government Act 1972, the Secretary of State ”, and for the words “approved council” there shall be substituted the words “ council so constituted ”;
- (f) in section 11(2), the reference to section 60(2) of the <sup>M71</sup> Local Government Act 1958 shall be construed as a reference to section 255 below ;
- (g) in section 15(1), after the word “maintaining” there shall be inserted the words “ or proposing to provide ” and for the words from “for the time being” onwards there shall be substituted the words “ which the authority maintains or proposes to provide under that section ” ;
- (h) in section 16, for the words “local authority” there shall be substituted the words “ library authority ”;
- (i) in section 21, in subsections (1) and (3) after the words “county council” there shall be inserted the words “ in Wales ” and in subsection (1) the words from “and expenses” onwards shall cease to have effect;
- (j) in section 24(1), for the words “this Act” there shall be substituted the words “ the provisions of this Act relating to libraries ” and for the word “county” there shall be substituted the words “ non-metropolitan county ”;
- (k) in Schedule 2, in paragraph 2(1), the words from “but except” onwards shall cease to have effect.

**Editorial Information**

**X1** The text of s. 204(9), 208(3) 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**

**M70** 1964 c. 75.

**M71** 1958 c. 55.

F36 **209** .....

**Textual Amendments**

**F36** S. 209 repealed by [Employment and Training Act 1973 \(c. 50\)](#), [Sch. 4](#)

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## 210 Charities.

- (1) Where, immediately before 1st April 1974, any property is held, as sole trustee, exclusively for charitable purposes by an existing local authority for an area outside Greater London, other than the parish council, parish meeting or representative body of an existing rural parish in England (but including the corporation of a borough included in a rural district), that property shall vest (on the same trusts) in a new local authority in accordance with subsections (2) to (5) below.
- (2) Subject to subsection (3) below, where the property is held by one of the existing authorities specified below, and is so held for the benefit of, or of the inhabitants of, or of any particular class or body of persons in, a specified area, the property shall vest in the new authority specified below, the area of which comprises the whole or the greater part of that specified area, and where the property is so held but is not held for such a benefit, it shall vest in the new authority specified below, the area of which comprises the whole or the greater part of the area of the existing authority, that is to say—
  - (a) where the existing authority is a county council, the new authority is the council of the new county;
  - (b) where the existing authority is the council of a borough or urban district in England, the new authority is the council of the parish constituted under Part V of Schedule 1 to this Act or, where there is no such parish, the council of the district;
  - (c) where the existing authority is the council of a borough or urban district in Wales, the new authority is the council of the community or, where there is no such council, the council of the district; and
  - (d) where the existing authority is a rural district council, then, if the rural district is coextensive with a parish, the new authority is the parish council, and in any other case the new authority is the council of the district.
- (3) Where the property is held by an existing county council or county borough council for the purposes of a charity registered in the register established under section 4 of the <sup>M72</sup>Charities Act 1960 in any part of that register which is maintained by the Secretary of State by virtue of section 2 of that Act (educational charities) then—
  - (a) if the property is so held for the benefit of, or of the inhabitants of, or of any particular class or body of persons in, a specified area, the property shall vest in the new authority which is the local education authority for the whole or the greater part of that specified area, and
  - (b) in any other case, the property shall vest in the new authority which is the local education authority for the whole or the greater part of the area of the existing county council or county borough council by which the property is held.
- (4) Where the property is held by the corporation of a borough included in a rural district, it shall vest in the parish council for the parish consisting of the area of the existing borough.
- (5) Where the property is held by the parish council, parish meeting or representative body of an existing rural parish in Wales, then—
  - (a) in the case of property held by an existing parish council, the property shall vest in the community council for the community or group of communities, the area or areas of which are co-extensive with the area of the parish or parishes for which the existing parish council act;



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- (b) in the case of property held by the parish meeting or representative body of an existing parish the area of which is comprised in a community for which there is a community council, the property shall vest in that community council; and
  - (c) in any other case, the property shall vest in the council of the district which comprises the area of the existing rural parish.
- (6) Where, immediately before 1st April 1974, any power with respect to a charity, not being a charity incorporated under the Companies Acts or by charter, is under the trusts of the charity or by virtue of any enactment vested in, or in the holder of an office connected with, any existing local authority to which subsection (1) above applies, that power shall vest in, or in the holder of the corresponding office connected with, or (if there is no such office) the proper office of, the corresponding new authority, that is to say, the new authority in which, had the property of the charity been vested in the existing local authority, that property would have been vested under subsections (1) to (5) above.
- (7) References in subsection (6) above to a power with respect to a charity do not include references to a power of any person by virtue of being a charity trustee thereof; but where under the trusts of any charity, not being a charity incorporated under the Companies Acts or by charter, the charity trustees immediately before 1st April 1974 include either an existing local authority to which subsection (1) above applies or the holder of an office connected with such an existing local authority, those trustees shall instead include the corresponding new authority as defined in subsection (6) above or, as the case may require, the holder of the corresponding office connected with, or (if there is no such office) the proper officer of, that authority.
- (8) In section 10(1) of the <sup>M73</sup> War Charities Act 1940 (registration authorities) for paragraph (b) there shall be substituted the following paragraph—
  - “(b) as respects any London borough, the council of the borough” and in paragraph (d) for the word “county” there shall be substituted the words “non-metropolitan county or metropolitan district”.
- (9) The <sup>M74</sup> Charities Act 1960 shall have effect subject to the following amendments:—
  - (a) in section 10(1) (local authorities’ index of local charities) for the word “borough” there shall be substituted the words “district or London borough”;
  - (b) in section 11 (reviews of local charities by local authority) in subsections (1) and (4) for the word “borough” there shall be substituted the words “district or London borough”, and in subsection (5) for the words “to (7)” there shall be substituted the words “and (5)”;
  - (c) in section 12(1) (co-operation between charities and local authorities) for the words “county borough, of a metropolitan borough” there shall be substituted the words “London borough”;
  - (d) all the words in section 18(12) from “but a parish” to the end shall be omitted;
  - (e) the powers of appointment under subsections (3), (4) and (5) of section 37 (parochial charities) shall, in the case of a community in Wales for which there is no community council, be exercisable by the district council, and, in the case of an existing urban parish in England which after 1st April 1974 is not comprised in a parish, the power of appointment under subsection (5) of that section shall be exercisable by the district council; and
  - (f) in Schedule 3 (enlargement of areas of local charities) in both columns of paragraphs 3 and 4, for the word “borough”, in each place where it occurs, there shall be substituted the word “district”; in paragraph 4(iv) (in column

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2) for the words “parish or parishes (Civil or ecclesiastical)” there shall be substituted the word “district”.

(10) Nothing in the foregoing provisions of this section shall affect any power of Her Majesty, the court or any other person to alter the trusts of any charity and nothing in those provisions shall apply in a case to which section 211 below applies.

(11) In this section the expression “local authority”, in relation to a parish, includes a parish meeting and the representative body of a parish, and the expressions “charitable purposes”, “charity”, “charity trustees”, “court” and “trusts” have the same meanings as in the <sup>M75</sup>Charities Act 1960.

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

**C11** S. 210 excluded by [National Health Service Reorganisation Act 1973 \(c. 32\), s. 25\(4\)](#)

**C12** The text of s. 210(8)(9)(a)–(d)(f) 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**

**M72** 1960 c. 58.

**M73** 1940 c. 31.

**M74** 1960 c. 58.

**M75** 1960 c. 58.

## **211 Welsh Church funds.**

- (1) Any property which, immediately before 1st April 1974, is vested in the council of an existing county or county borough in Wales and is required to be applied in accordance with a scheme under section 19 of the <sup>M76</sup>Welsh Church Act 1914 (application of Welsh Church funds for charitable or eleemosynary purposes) shall be vested, by virtue of this Act, in the council of the new county which comprises the whole or the greater part of the area of that existing county or county borough.
- (2) Where, by virtue of subsection (1) above, property vested in the council of an existing county becomes vested in the council of a new county which does not comprise the whole of the area of the existing county, the new county council shall transfer an apportioned part of the property to each of the other new county councils whose areas include parts of the area of the existing county.
- (3) An apportionment for the purposes of subsection (2) above shall be made by agreement between the new county councils concerned, or, in default of such an agreement, shall be determined by arbitration before a single arbitrator appointed by agreement between those councils or, in default of such an agreement, appointed by the Secretary of State.
- (4) The vesting or transfer of any property by virtue of this section shall not affect the application of the property in accordance with the scheme under section 19 of the <sup>M77</sup>Welsh Church Act 1914 which is applicable to it immediately before 1st April 1974 or the amendment or revocation of any such scheme by a further scheme under that section.

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**Marginal Citations**

M76 1914 c. 91.

M77 1914 c. 91.

<sup>F37</sup> 212 .....

**Textual Amendments**

F37 S. 212 repealed by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\)](#), s. 19(1), [Sch. 2](#)

**213 Local licence duties.**

(1) The power to levy the duties on the following licences, namely—

(a) ..... <sup>F38</sup>

(c) ..... <sup>F39</sup>

(d) licences for dealing in game or for killing game,

shall, in England and Wales outside Greater London, be vested in the councils of districts.

(2) In accordance with subsection (1) above, section 6 of the <sup>M78</sup> Finance Act 1908 (licences for dealing in game and killing game) shall be amended as follows:—

(a) in subsection (1), for the words from “as from” to the end of the subsection there shall be substituted the words “in England and Wales be vested in the councils of districts” ;

(b) in subsection (2), the words from “fix” to “transfer, and may” shall be omitted, for the words “county councils” there shall be substituted the words “district councils”, and the words from “The transfer under this section” to “any such adjustment” shall be omitted and at the end of the subsection there shall be added the words “and as if any reference in those provisions to a county council were a reference to a council having power to levy those duties after 1st April 1974”; and

(c) for subsection (5) there shall be substituted the following subsection:—

“(5) In relation to Greater London, references in this section to a district council shall be construed as references to the council of a London borough or the Common Council of the City of London”.

(3) ..... <sup>F40</sup>

(4) In accordance with subsection (1) above, in subsection (1) of section 7 of the <sup>M79</sup> Dog Licences Act 1959 for the words “counties and county boroughs” there shall be substituted the words “districts and London boroughs and the Common Council of the City of London” and in subsection (2) of that section for the words “counties and county boroughs” there shall be substituted the words “districts and London boroughs and the City of London”.

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#### Textual Amendments

- F38** S. 213(1)(a)(b) repealed by [Consumer Credit Act 1974 \(c. 39\), s. 192\(3\)\(4\), Sch. 5](#)  
**F39** S. 213(c) repealed by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\), s. 41, Sch. 7 Pt. IV](#)  
**F40** S. 213(3) repealed by [Consumer Credit Act 1974 \(c. 39, SIF 60\), s. 192\(3\)\(b\), Sch. 5](#)

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

- C13** The text of s. 213(2)(a)–(c)(4) 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

- M78** 1908 c. 16.  
**M79** 1959 c. 55.

## 214 Cemeteries and crematoria.

- (1) The following authorities, that is to say, the councils of districts, London boroughs, parishes and communities, the Common Council and the parish meetings of parishes having no parish council, whether separate or common, shall be burial authorities for the purposes of, and have the functions given to them by, the following provisions of this section and Schedule 26 to this Act; and—
  - (a) the powers conferred by the Burial Acts 1852 to 1906 to provide burial grounds shall cease to be exercisable; and
  - (b) any existing burial board, joint burial board or joint committee with the powers of such a board established under the <sup>M80</sup>Burial Act 1852 or section 53(2) of the <sup>M81</sup>Local Government Act 1894 or by any local statutory provision shall cease to exist.
- (2) Burial authorities may provide and maintain cemeteries whether in or outside their area.
- (3) The Secretary of State may by order make provision with respect to the management, regulation and control of the cemeteries of burial authorities and any such order may—
  - (a) impose a fine for any contravention of the order; and
  - (b) contain such provision amending or repealing any enactment (including any enactment in Schedule 26 to this Act) or revoking any instrument made under any enactment as appears to the Secretary of State to be necessary or proper in consequence of the order.
- (4) An order under this section may only be made after consultation with associations appearing to the Secretary of State to be representative of local authorities and with other bodies appearing to him to be concerned, and any such order shall be of no effect unless approved by a resolution of each House of Parliament.
- (5) A burial authority within the meaning of this section, other than a parish meeting, shall also be a burial authority for the purposes of the <sup>M82</sup>Cremation Acts 1902 <sup>M83</sup>and 1952.
- (6) A burial authority may contribute towards any expenses incurred by any other person in providing or maintaining a cemetery in which the inhabitants of the authority's area may be buried.

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- (7) Schedule 26 to this Act shall have effect with respect to the exercise of functions of burial authorities and the management of cemeteries and crematoria and for making amendments and modifications of the enactments relating to cemeteries and crematoria.
- (8) In this section and that Schedule “cemetery” includes a burial ground or any other place for the interment of the dead (including any part of any such place set aside for the interment of a dead person’s ashes).

#### Marginal Citations

- M80** 1852 c. 85.
- M81** 1894 c. 73 (56 & 57 Vict.).
- M82** 1902 c. 8.
- M83** 1952 c. 31.

## 215 Maintenance of a closed churchyard.

- (1) Subject to subsection (2) below, where outside the area subject to the <sup>M84</sup>Welsh Church Act 1914 a churchyard has been closed by an Order in Council, the parochial church council shall maintain it by keeping it in decent order and its walls and fences in good repair.
- (2) A parochial church council which is liable under subsection (1) above to maintain a closed churchyard may—
  - (a) if the churchyard is in a parish or community having a separate parish or community council, serve a written request on that council to take over the maintenance of the churchyard;
  - (b) if the churchyard is in a parish not having a separate parish council, serve such a request on the chairman of the parish meeting;
  - (c) if the churchyard is in a community not having a separate community council, serve such a request on the council of the district in which the community is situated; or
  - (d) if the churchyard is in England elsewhere than the City and the Temples and is not in any parish, serve such a request on the council of the district or London borough in which the churchyard is situated;and, subject to subsection (3) below, the maintenance of the churchyard shall be taken over by the authority on whom the request is served or the parish meeting, as the case may be, three months after service of the request.
- (3) If, pursuant to subsection (2) above, a request is served on a parish or community council or the chairman of a parish meeting and, if that council or meeting so resolve and, before the expiration of the said three months, give written notice of the resolution to the council of the district and to the parochial church council maintaining the churchyard, the council of the district, and not the parish or community council or parish meeting, shall take over the maintenance of the churchyard at the expiration of the said three months.
- (4) Where before the passing of this Act a church council established under the constitution of the Church in Wales, in purported exercise of the powers conferred by section 18 of the <sup>M85</sup>Burial Act 1855 (maintenance of closed churchyard payable out of rates), issued a certificate with respect to a closed churchyard to a local authority, and

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that authority thereupon took over the maintenance of the churchyard, the authority's action shall be deemed to have been lawful for all purposes, and the authority for the time being responsible for the maintenance of the churchyard shall have the like duty with respect to its maintenance as a parochial church council elsewhere than the area subject to the <sup>M86</sup>Welsh Church Act 1914.

- (5) In subsection (1) above, “the area subject to the <sup>M87</sup>Welsh Church Act 1914” means the area in which the Church of England was disestablished by that Act.

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**Marginal Citations**

**M84** 1914 c. 91.

**M85** 1855 c. 128.

**M86** 1914 c. 91.

**M87** 1914 c. 91.

**Status:**

Point in time view as at 17/07/1992.

**Changes to legislation:**

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