



Local Government Act 1972

1972 CHAPTER 70

PART IX

FUNCTIONS

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;
 - [^{F1}(e) for a Welsh county or county borough, be the county council or county borough council;]

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 ^{M1}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;
 - [^{F2}(b) the ^{M2}Alkali, &c. Works Regulation Act 1906;]
 - (c) the ^{M3}Public Health Act 1936, except so much of it as falls within section 181(1) or (2) below;

Status: Point in time view as at 15/11/2001.

Changes to legislation: Local Government Act 1972, Cross Heading: The environment is up to date with all changes known to be in force on or before 22 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F3}(d) section 8 of the ^{M4}Local Government (Miscellaneous Provisions) Act 1953;]
- (e) Part XIII of the ^{M5}Mines and Quarries Act 1954;
- ^{F4}(f)
- [^{F3}(g) section 1 of the ^{M6}Noise Abatement Act 1960;]
- (h) the ^{M7}Public Health Act 1961, except so much of it as falls within section 181(2) below;
- ^{F5}(i)
- ^{F6}(j)
- (k) section 6 of the ^{M8}Chronically Sick and Disabled Persons Act 1970.

- (4) Expressions used in this section and Schedule 14 to this Act and in the ^{M9}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(1) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 35** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F2** 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**
- F3** S. 180(3)(d)(g) repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40), s. 109(2), **Sch. 4**
- F4** S. 180(3)(f) repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), **Sch. 6**.
- F5** S. 180(3)(i) repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**
- F6** 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** 1960 c. 68.
- M7** 1961 c. 64.
- M8** 1970 c. 44.
- M9** 1936 c. 49.

181 Water and sewerage.

- (1) For the purposes of the following enactments, that is to say—
- (a) Part IV of the ^{M10}Public Health Act 1936 and Part XII of that Act, so far as relating to the said Part IV;
 - (b) the ^{M11}Rural Water Supplies and Sewerage Act 1944, so far as relating to water;
 - (c) section 12 of the ^{M12}Local Government (Miscellaneous Provisions) Act 1953;
 - (d) the ^{M13}Water Acts 1945 ^{M14} and 1948 and the ^{M15}Water Act 1958;

the local authority shall, for any district, be the district council, and for any London borough, be the borough council [^{F7}and for any principal area in Wales, be the principal council].

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(2) For the purposes of the following enactments, that is to say—

- (a) [^{F8}sections 15, 17–24, 27, 29–34, 36 and 42] of the ^{M16}Public Health Act 1936 and sections 90 and Part XII of that Act, so far as relating to those sections;
- (b) the ^{M17}Public Health (Drainage of Trade Premises) Act 1937;
- (c) the ^{M18}Rural Water Supplies and Sewerage Act 1944, so far as relating to sewerage and the disposal of sewage;
- (d) section 13 of the ^{M19}Local Government (Miscellaneous Provisions) Act 1953;
- (e) sections 12 to 15 and Part V of, and Schedule 2 to, the ^{M20}Public Health Act 1961;

the local authority shall for any area outside Greater London be the district council.

^{F9}(3)

(9) An order under section 6 of the ^{M21}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
- (b) free from any limitation or condition so specified which applies to the discharge of those functions by the constituent member.

^{X1}(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

^{F10}

Editorial Information

X1 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.

Textual Amendments

- F7** Words in s. 181(1) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 36** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F8** Words substituted by **Building Act 1984** (c. 55, SIF 15), ss. 133, 135, **Sch. 6 para. 14**
- F9** Ss. 177(1)(b), 181(3)–(8) repealed by **Water Act 1973** (c. 37), **Sch. 9**
- F10** Definition repealed by **Local Government Act 1985** (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

Marginal Citations

- M10** 1936 c. 49.
- M11** 1944 c. 26.
- M12** 1953 c. 26.
- M13** 1945 c. 42.
- M14** 1948 c. 22.
- M15** 1958 c. 67.

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- M16 1936 c. 49.
- M17 1937 c. 40.
- M18 1944 c. 26.
- M19 1953 c. 26.
- M20 1961 c. 64.
- M21 1936 c. 49.

182 Town and Country Planning.

^{F11}(1)

^{F12}(2)

(3) In that Schedule—

^{F12}(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

^{F12}(c)

^{F12}(4)

Textual Amendments

F11 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

F12 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

^{F13}**183**

Textual Amendments

F13 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.

[^{F14}(1) The functions conferred on a local planning authority by or under the National Parks and Access to the ^{M22}Countryside Act 1949 and the ^{M23}Countryside Act 1968 shall—

(a) as respects England elsewhere than in the metropolitan counties, Greater London and the Isles of Scilly, be exercisable in accordance with the following provisions of this section; and

(b) as respects Wales, be exercisable in accordance with [^{F15}subsections (7) and (8) below].]

(2) The following of the said functions, that is to say those conferred by—

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- (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 ^{F16} . . . , be functions of the county planning authority.
- (3) The functions of a local planning authority under [^{F17}section 9] 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, ^{F18} . . . , 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.
- ^{F19}(6)
- (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.
 - (8) In that Schedule “the 1949 Act” and “the 1968 Act” mean the said Acts of 1949 and 1968 respectively.

Textual Amendments

- F14** S. 184(1) substituted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 para. 1** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F15** Words in s. 184(1)(b) substituted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 10(2)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2560, **art. 2**
- F16** Words in s. 184(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, **art. 2, Sch.**
- F17** Words in s. 184(3) substituted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 10(3)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F18** Words in s. 184(4) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, **art. 2, Sch.**
- F19** S. 184(6) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, **art. 2, Sch.**

Modifications etc. (not altering text)

- C1** 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

- M22** 1949 c. 97.
- M23** 1968 c. 41.

185 Town development.

- (1) In the ^{M24}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

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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 ”.

^{F20}(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 ^{M25}Housing Act 1961 and subsections (1) and (2) of section 61 of the ^{M26}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.

<p>Textual Amendments</p> <p>F20 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</p>
<p>Marginal Citations</p> <p>M24 1952 c. 54.</p> <p>M25 1961 c. 65.</p> <p>M26 1963 c. 33.</p>

186 Traffic and transportation functions.

^{F21}(1)

^{F22}(2)

^{F23}(3)

^{F21}(4)

^{F24}(5)

(6) So much of section 6 of the ^{M27}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;

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and so much of section 1(2) of the ^{M28}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

- F21** S. 186(1)(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Gp. 1.
- F22** S. 186(2) repealed by Refuse Disposal (Amenity) Act 1978 (c. 3, SIF 100:3), s. 12, **Sch. 2**
- F23** S. 186(3) repealed by Transport Act 1980 (c. 34, SIF 107:1), s. 69, **Sch. 9 Pt. I**
- F24** S. 186(5) repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

Marginal Citations

- M27** 1954 c. 64.
- M28** 1919 c. 75.

187 Local highway authorities and maintenance powers of district councils.

^{F25}(1)

(3) With respect to footpaths and bridleways within their area a district council [^{F26}or, where they are not the highway authority, a Welsh principal council] shall have—

- (a) the like powers as a highway authority under section 57(3) of the National Parks and Access to the ^{M29}Countryside Act 1949 (prosecution of offences of displaying on footpaths notices deterring public use), and

^{F25}(b)

^{F25}(4)

Textual Amendments

- F25** S. 187(1)(2)(3)(b)(4)–(8) repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), **Sch. 25**
- F26** Words in s. 187(3) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 37** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Marginal Citations

- M29** 1949 c. 97.

^{F27}**188**

Textual Amendments

- F27** S. 188 repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), **Sch. 25**

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189 Commons.

- (1) Without prejudice to the making of any new agreement under section 2(2) of the ^{M30}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.
- ^{x2}(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:—
- “(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 ^{M31}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—

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- (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 [^{F28}or Welsh principal area] 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 [^{F29}or (as the case may be) area].

^{X2}(4) In section 193(1) of the ^{M32} 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”.

Editorial Information

X2 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.

Textual Amendments

F28 Words in s. 189(3)(c) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 38(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F29 Words in s. 189(3) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 38(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Marginal Citations

M30 1965 c. 64.

M31 1857 c. 31.

M32 1925 c 20.

190 Sites for gipsy encampments.

(1) In section 6 of the ^{M33} 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”^{F30} . . .

^{F31}(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 ^{M34} 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.

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Textual Amendments

- F30** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), [Sch. 34](#)
- F31** [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)

- C2** 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

- M33** [1968 c. 52](#).
- M34** [1968 c. 52](#).

191 Ordnance survey.

- (1) In its application outside Greater London, the ^{M35}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 [^{F32}(or, in Wales, a principal 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.
- ^{F33}(3)
- (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 [^{F32}or, in Wales, the principal council)], 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 [^{F32}(or, in Wales, the principal council)].
- (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 [^{F34}preserved county or] local government area within the meaning of this Act.

Textual Amendments

- F32** Words in s. 191(2)(4)(a)(b) inserted (1.4.1996) by [1994 c. 19, s. 66\(5\)](#), [Sch. 15 para. 39\(a\)\(b\)\(c\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)
- F33** [S. 191\(3\)](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII Gp. 1](#).
- F34** Words in s. 191(5) inserted (1.4.1996) by [1994 c. 19, s. 66\(5\)](#), [Sch. 15 para. 39\(d\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)

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Marginal Citations

M35 1841 c. 30.

Status:

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