



# Local Government Act 1972

## 1972 CHAPTER 70

### PART XI

#### GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

##### *Miscellaneous provisions*

#### **239 Power to promote or oppose local or personal Bills.**

- (1) Subject to the provisions of this Act, where a local authority, other than a parish or community council, are satisfied that it is expedient to promote, or any local authority are satisfied that it is expedient to oppose, any local or personal Bill in Parliament, the local authority may, but only in accordance with the procedure hereinafter provided by this section, promote or oppose the Bill accordingly, and may defray the expenses incurred in relation thereto.
- (2) A resolution of a local authority to promote or oppose a Bill under subsection (1) above shall be—
  - (a) passed by a majority of the whole number of the members of the authority at a meeting of the authority held after the requisite notice of the meeting and of its purpose has been given by advertisement in one or more local newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority; and
  - (b) in the case of the promotion of a Bill, confirmed by a like majority at a further such meeting convened in accordance with paragraph (a) above and held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament and, if the resolution is not confirmed, the local authority shall take all necessary steps to withdraw the Bill.
- (3) For the purposes of subsection (2) above the requisite notice is thirty clear days' notice in the case of promotion of a Bill and ten clear days' notice in the case of opposition to a Bill.

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(4) The power conferred on a local authority by subsection (1) above shall be in substitution for any power conferred on that authority by a local Act.

[<sup>F1</sup>(4A) The powers conferred on a local authority by sub-section (1) above shall also be exercisable by a joint authority, <sup>F2</sup>. . .]

(5) No payment shall be made by a [<sup>F3</sup>an authority] to a member of the authority for acting as counsel or agent in promoting or opposing a Bill under this section.

#### Textual Amendments

- F1** S. 239(4A) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 32(1)**
- F2** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**
- F3** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 32(2)**

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

- C1** S. 239 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), **Sch. 13 para. 12(h)**  
S. 239 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(h)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
S. 239 extended (with modifications)(19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 7(1)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))  
S. 239: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), **Sch. 1**
- C2** S. 239 modified (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 32**  
S. 239 modified (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 32**
- C3** S. 239(4A) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(o)**

## 240 Provisional orders and orders subject to special parliamentary procedure.

(1) Where the Secretary of State is authorised to make a provisional order under this Act or any enactment passed on or after 1st June 1934 (being the date of commencement of the 1933 Act), the following provisions shall have effect—

- (a) before a provisional order is made, notice of the purport of the application for the order shall be given by the applicants by advertisement in the London Gazette and in one or more local newspapers circulating in the area to which the order will relate;
- (b) the Secretary of State shall consider any objections to the application which may be made by any persons affected thereby and shall, unless he considers that for special reasons an inquiry is unnecessary, cause a local inquiry to be held, of which notice shall be given in such manner as the Secretary of State may direct and at which all persons interested shall be permitted to attend and make objections;
- (c) the Secretary of State may submit the provisional order to Parliament for confirmation, and the order shall have no effect until it is confirmed by Parliament;
- (d) if while the Bill for the confirmation of the order is pending in either House of Parliament a petition is presented against the order, the petitioner shall be

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allowed to appear before the Select Committee to which the Bill is referred, and oppose the order, as in the case of a private Bill.

- (2) The reasonable costs incurred by a local authority in promoting or opposing a provisional order, and of the preliminary inquiry, or in supporting or opposing a Bill to confirm a provisional order, as sanctioned by the Secretary of State, shall be deemed to be expenses properly incurred by the local authority interested or affected by the order and shall be paid accordingly, and a local authority may borrow for the purpose of defraying any such costs.
- (3) Where the Secretary of State is authorised to make an order under this Act which is subject to special parliamentary procedure or an order under any enactment passed on or after 1st June 1934 which is so subject by virtue of section 8(3) of the <sup>M1</sup>Statutory Orders (Special Procedure) Act 1945, the following provisions shall have effect—
  - (a) before the order is made, notice of the purport of the application for the order shall be given by the applicants by advertisement in the London Gazette and in one or more local newspapers circulating in the area to which the order will relate;
  - (b) the Secretary of State shall consider any objections to the application which may be made by any persons affected thereby and shall, unless he considers that for special reasons an inquiry is unnecessary, cause a local inquiry to be held, of which notice shall be given in such manner as he may direct and at which all persons interested shall be permitted to attend and make objections.
- (4) Any order mentioned in subsection (1) or (3) above may repeal, revoke, modify or amend any Act confirming a provisional order or any order which has been subject to parliamentary procedure.
- (5) At any time before submitting any order mentioned in subsection (1) or (3) above to Parliament, the Secretary of State may revoke the order, either wholly or in part.
- (6) The making of any order mentioned in subsection (1) or (3) above shall be prima facie evidence that all the requirements of this section and any other enactment with respect to the steps to be taken before the making of the order have been complied with.
- (7) Subsections (3) to (6) above shall be included among the enactments which may be adapted or modified by an Order in Council under section 8(3) of the <sup>M2</sup>Statutory Orders (Special Procedure) Act 1945.

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

- C4** S. 240 modified by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), **ss. 4(4)(a)**, 79
- C5** S. 240 amended (1.7.1999) by [S.I. 1999/672](#), **art. 2, Sch. 1**
- C6** S. 240(2) modified (07.08.1991) by [S.I.1991/1773 art.8\(2\)](#), **Sch.2**.  
S. 240(2): certain functions transferred (07.08.1991) by [S.I.1991/1773, art. 8, Sch. 2](#).
- C7** S. 240(2) modified (10.01.1992) by [S.I.1991/2913, art.8\(2\)](#), **Sch.2**.  
S. 240(2): certain functions transferred (10.01.1992) by [S.I.1991/2913, art.8, Sch.2](#).

#### **Marginal Citations**

- M1** 1945 c. 18 (9 & 10 Geo. 6).  
**M2** 1945 c. 18 (9 & 10 Geo. 6).

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## 241 Power to apply provisions of Act to joint boards, etc.

Where any enactment, whether passed before or after 1st April 1974, authorises the formation by a provisional or other order of a joint board or joint committee, the constituent members of which are local authorities, for the discharge of any of the functions of those authorities, the provisional order or order may apply to the joint board or joint committee, subject to any necessary modifications, any of the provisions of this Act.

### Modifications etc. (not altering text)

- C8** S. 241 extended by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), **ss. 3(3)**, 79  
S. 241 modified (28.7.1995) by [1990 c. 8, s. 2\(6A\)](#) (as inserted (28.7.1995) by [1995 c. 25, s. 120\(1\)](#), **Sch. 22 para. 42** (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1995/1983, art. 2](#))

## 242 Effect of inaccurate description.

No misnomer or inaccurate description of any person or place named in any voting paper or notice relating to an election under Part I or II of this Act shall affect its full operation with respect to that person or place, in any case where the description of the person or place is such as to be commonly understood.

## 243 Computation of time and timing of elections, etc.

- (1) Where the day or the last day on which anything is required or permitted to be done by or by virtue of any provision to which this subsection applies is a Sunday, day of the Christmas break, of the Easter break or of a bank holiday break or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days specified above.
- (2) Subsection (1) above applies to any provision of this Act or of an instrument under this Act, except a provision in Part IX or X or a provision of rules under <sup>F4</sup> . . . paragraph 18 or 34 of Schedule 12 to this Act [<sup>F5</sup>and applies also to sections <sup>F6</sup> . . . , 31 and 32 of the Local Government Act 1985].
- (3) [<sup>F7</sup>Where under subsection (4) below] the day of a poll consequent on a parish or community meeting is postponed, the day to which it is postponed shall be treated for the purposes of this Act as the day <sup>F8</sup> . . . of the poll, <sup>F8</sup> . . .
- (4) In computing any period of time for the purpose of any rules mentioned in subsection (2) above or for the purposes of <sup>F9</sup> . . . 89(1) above any day specified in subsection (1) above shall be disregarded, but where between the giving of a notice <sup>F10</sup> . . . of the poll and the completion of the poll a day is declared to be a bank holiday or day of public thanksgiving or mourning, the foregoing provision, so far as it relates to any such rules, shall not operate to invalidate any act which would have been valid apart from that provision.
- (5) Subsection (4) above, so far as it relates to any such rules shall have effect subject to the provisions of those rules.

### Textual Amendments

- F4** Words repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 9 Pt. II**

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- F5** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 33**
- F6** In s. 243(2) the reference to section 19 repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F7** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(a)**, 29
- F8** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(a)**, 28, 29, **Sch. 5**
- F9** Words repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 9 Pt. II**
- F10** Words in s. 243(4) repealed (8.11.1995) by 1995 c. 44, s. 1(1), **Sch. 1 Pt. VI**

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

- C9** S. 243(1) modified by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(b)**, 29  
S. 243(1) applied (1.5.2000 for specified purposes otherwise 3.7.2000) by 1999 c. 29, s. 328, **Sch. 28 para. 8(2)(3)** (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1094, **arts. 3(a)(b)**, 4(a)(g)
- C10** S. 243(4) modified by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(b)**, 29  
S. 243(4) applied (14.12.1999) by 1999 c. 29, **ss. 10(7)**, 16(8) (with [Sch. 12 para. 9\(1\)](#)); S.I. 1999/3376, **art. 2**

**244 Saving of transfer of certain powers under local Acts from Treasury to Secretary of State.**

- (1) The Secretary of State shall, as regards every local authority, exercise any power conferred on the Treasury by any local or private Act passed before 4th August 1906 with respect to dealings with property, loans and matters connected therewith and all such enactments, and all enactments referring to the power so conferred, shall be construed accordingly.
- (2) If any question arises whether subsection (1) above applies to any power conferred by, or referred to in, any enactment, the decision of the Treasury shall be final.

**[<sup>F11</sup>244A Application of this Part to London Fire and Emergency Planning Authority.**

This Part shall have effect as if any reference to a joint authority included a reference to the London Fire and Emergency Planning Authority.]

**Textual Amendments**

- F11** S. 244A inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 21** (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1094, **art. 4(a)(h)**

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