



# Local Government Act 1972

## 1972 CHAPTER 70

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **270 General provisions as to interpretation.**

- (1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

[<sup>F1</sup>“alternative arrangements” has the same meaning as in Part II of the Local Government Act 2000;]

“appropriate Minister”, in relation to the making of an order or regulation or the giving of a direction with respect to any matter, means the Minister in charge of any Government department concerned with that matter; but the validity of any order, regulation or direction purporting to be made or given by any Minister by virtue of a power conferred on the appropriate Minister by this Act shall not be affected by any question as to whether or not that Minister was the appropriate Minister for the purpose;

“bank holiday break” means any bank holiday not included in the Christmas break or the Easter break and the period beginning with the last week day before that bank holiday and ending with the next week day which is not a bank holiday;

[<sup>F2</sup>“the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.]

“Christmas break” means the period beginning with the last week day before Christmas Day and ending with the first week day after Christmas Day which is not a bank holiday;

“the City” means the City of London;

<sup>F3</sup>  
...

“Common Council” means the Common Council of the City;

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“county”, without more, means, in relation to England, a metropolitan county or a non-metropolitan county [<sup>F4</sup>, but in the expression “county council”, “council of a county”, “county councillor” and “councillor of a county” means, in relation to England, a non-metropolitan county only:];

“district”, without more, means, in relation to England, a metropolitan district or a non-metropolitan district;

“Easter break” means the period beginning with the Thursday before and ending with the Tuesday after Easter Day;

[<sup>F5</sup>“elected mayor” has the same meaning as in Part II of the Local Government Act 2000;]

“electoral area” means any area for which councillors are elected to any local authority;

[<sup>F6</sup>“executive”, “executive arrangements” and “executive leader” have the same meaning as in Part II of the Local Government Act 2000;]

<sup>F3</sup> . . .

“existing”, in relation to a local government or other area or a local authority or other body, except in sections 1 and 20 above, means that area or body as it existed immediately before the passing of this Act;

“financial year” means the period of twelve months ending with 31st March in any year;

“grouped”, in relation to a parish or community, means grouped by or by virtue of any provision of this Act or any previous corresponding enactment under a common parish or community council, and “grouping order” shall be construed accordingly;

[<sup>F7</sup>“joint authority” means an authority established by Part IV of the Local Government Act 1985;]

“land” includes any interest in land and any easement or right in, to or over land;

[<sup>F8</sup>“leader and cabinet executive” has the same meaning as in Part II of the Local Government Act 2000;]

“local authority” means a county council, <sup>F9</sup> . . . a district council, a London borough council or a parish [<sup>F10</sup>council but, in relation to Wales, means a county council, county borough council or community council;]

“local government area” means—

(a) in relation to England, a county, Greater London, a district, a London borough or a parish;

(b) [<sup>F11</sup>in relation to Wales, a county, county borough or community;]

“local government elector” means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts;

“local statutory provision” means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act passed with respect only to the whole or part of an existing local government area or a provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act;

[<sup>F12</sup>“mayor and cabinet executive” and “mayor and council manager executive” have the same meaning as in Part II of the Local Government Act 2000;]

“new”, in relation to any area or authority, means an area or authority established by or under this Act [<sup>F13</sup>including one established by virtue of any provision of the Local Government (Wales) Act 1994];

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“1933 Act” means the <sup>M1</sup>Local Government Act 1933;

“1963 Act” means the <sup>M2</sup>London Government Act 1963;

[<sup>F14</sup>“open space” has the meaning assigned to it by [<sup>F15</sup>section 336(1) of the Town and Country Planning Act 1990];]

“prescribed” means prescribed by regulations made by the Secretary of State;

[<sup>F16</sup>“preserved county” means any county created by this Act as a county in Wales, as it stood immediately before the passing of the Local Government (Wales) Act 1994 but subject to any provision of the Act of 1994, or any provision made under this Act, redrawing its boundaries;]

“principal area” means a [<sup>F17</sup>non-metropolitan county], a district or a London borough [<sup>F18</sup>but, in relation to Wales, means a county or county borough.];

“principal council” means a council elected for a principal area;

“public body” includes—

- (a) a local authority and a joint board on which, and a joint committee on which, a local authority or parish meeting are represented;
- (b) any trustees, commissioners or other persons who, for public purposes and not for their own profit, act under any enactment or instrument for the improvement of any place, for the supply of water to any place, or for providing or maintaining a cemetery or market in any place; and
- (c) any other authority having powers of levying or issuing a precept for any rate for public purposes;

and “district” means, in relation to a public body other than a local authority, the area for which the public body acts;

<sup>F19</sup>

“specified papers”, in relation to a parish or community, means the public books, writings and papers of the parish or community (including any photographic copies thereof) and all documents directed by law to be kept therewith;

“the Temples” means the Inner Temple and the Middle Temple;

“Welsh Commission” has the meaning assigned to it by section 53 above.

- (2) In this Act and in any other enactment, whether passed before, at the same time as, or after this Act, the expression “non-metropolitan county” means any county other than a metropolitan county, and the expression “non-metropolitan district” means any district other than a metropolitan district.
- (3) Any reference in this Act to a proper officer and any reference which by virtue of this Act is to be construed as such a reference shall, in relation to any purpose and any local authority or other body or any area, be construed as a reference to an officer appointed for that purpose by that body or for that area, as the case may be.
- (4) In any provision of this Act which applies to a London borough, except Schedule 2 to this Act,—
  - (a) any reference to the chairman of the council or of any class of councils comprising the council or to a member of a local authority shall be construed as or, as the case may be, as including a reference to the mayor of the borough;
  - (b) any reference to the vice-chairman of the council or any such class of councils shall be construed as a reference to the deputy mayor of the borough; and
  - (c) any reference to the proper officer of the council or any such class of councils shall be construed as a reference to the proper officer of the borough.

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[<sup>F20</sup>(4A) Where a London borough council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, subsection (4) above shall have effect with the omission of paragraphs (a) and (b).]

(5) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

#### Textual Amendments

- F1** S. 270(1): definition of "alternative arrangements" inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 9 and (W.) (1.4.2002) by S.I. 2002/808, art. 9
- F2** Definition inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(9)**
- F3** Definitions of "the Commission" and "the English Commission" in s. 270(1) repealed (31.10.1992) by Local Government Act 1992 (c. 19), s. 29(2), **Sch. 4 Pt. II**; S.I. 1992/2371, art. 2
- F4** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 16 para. 8(a)**
- F5** S. 270(1): definition of elected mayor inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 12(1)(2)**; S.I. 2000/2849, art. 2(e)
- F6** S. 270(1): definition of executive inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 12(1)(3)**; S.I. 2000/2849, art. 2(e)
- F7** Definition inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 34**
- F8** S. 270(1): definition of "leader and cabinet executive" inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 12(1)(4)**; S.I. 2000/2849, art. 2(e)
- F9** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F10** S. 270(1): words in definition of local authority substituted (24.10.1994, 20.3.1995, 3.4.1995, 1.10.1995 for certain purposes otherwise 1.4.1996) by 1994 c. 19, s. 1(5) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2, **Sch.**; S.I. 1995/546, art. 3, 4, **Sch.**; S.I. 1995/852, art. 3, **Sch. 1**; S.I. 1995/2490, art. 3, **Sch. 1**; S.I. 1995/3198, art. 3, **Sch. 1**
- F11** S. 270(1): definition of local government area para.(b) substituted (24.10.1994, 3.4.1995 otherwise 1.4.1996) by 1994 c. 19, s. 1(6) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2, **Sch.**; S.I. 1995/852, arts. 3, **Sch. 1**; S.I. 1995/3198, art. 3, **Sch. 1**
- F12** S. 270(1): definition of mayor and cabinet executive inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 12(1)(5)**; S.I. 2000/2849, art. 2(e)
- F13** S. 270(1): words in definition of new added (24.10.1994) by 1994 c. 19, s. 66(5), **Sch. 15 para. 57** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2, **Sch.**
- F14** Words inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2), **Sch. 23 para. 20**
- F15** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 28(3)**
- F16** S. 270(1): definition of preserved county inserted (5.7.1994) by 1994 c. 19, ss. 1(7), 66(2)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- F17** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 16 para. 8(b)**
- F18** S. 270(1): words in definition of principal area inserted (24.10.1994, 20.3.1995, 3.4.1995, 1.10.1995 otherwise 1.4.1996) by 1994 c. 19, s. 1(8) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2, **Sch.**; S.I. 1995/546, arts. 3, 4, **Sch.**; S.I. 1995/852, art. 3, **Sch. 1**; S.I. 1995/2490, art. 3, **Sch. 1**; S.I. 1995/3198, art. 3, **Sch. 1**
- F19** Definition of "special community review" in s. 270(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

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**F20** S. 270(4A) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 12(1)(6)**; S.I. 2000/2849, **art. 2(e)**

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

**C1** S. 270 applied (11.9.1998) by 1998 c. 18, **ss. 53(2), 55(2)**

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**Marginal Citations**

**M1** 1933 c. 51.

**M2** 1963 c. 33.

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