



# Local Government Act 1985

## 1985 CHAPTER 51

### PART IV

#### POLICE, FIRE SERVICES, CIVIL DEFENCE AND TRANSPORT

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

**C1** Pt. IV (ss. 23–42) extended by [S.I. 1987/2110, art. 2\(2\)](#), [Sch. 1 para. 8](#)

*Establishment of joint authorities*

**23 Preliminary.**

In this Part of this Act “the appointed day”, in relation to the establishment of the authorities mentioned in the following provisions (in this Act referred to as “joint authorities”), means such day before the abolition date as the Secretary of State may by order appoint, and different days may be appointed for different authorities.

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

**C2** S. 23: 15.9.1985 appointed for the establishment of the authorities mentioned in ss. 24, 25, 26, 27, 28 by [S.I. 1985/1283, art. 3](#)

**F1**<sup>24</sup> .....

**Textual Amendments**

**F1** S. 24 repealed (1.4.1995) by [1994 c. 29, ss. 93, 94\(2\)](#), [Sch. 9 Pt. I](#); [S.I. 1994/3262, art. 4, Sch.](#)

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

<sup>F2</sup>25 .....

**Textual Amendments**  
**F2** S. 25 repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch**

**26 Metropolitan county fire and civil defence authorities.**

- (1) On the appointed day there shall be established for each metropolitan county a body corporate to be known by the name of that county with the addition of the words “Fire and Civil Defence Authority”.
- (2) The authorities established by this section shall be known as metropolitan county fire and civil defence authorities.
- (3) Each metropolitan county fire and civil defence authority shall consist of members of the constituent councils appointed by them to be members of the authority.
- (4) The constituent councils in relation to a metropolitan county fire and civil defence authority shall be the councils of the metropolitan districts comprised in the county.

<sup>F3</sup>27 .....

**Textual Amendments**  
**F3** S. 27 repealed (3.7.2000) by 1999 c. 29, ss. 328(1), 423, **Sch. 34 Pt. VIII** (with s. 328(2), Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(i)**

**28 [<sup>F4</sup>Integrated Transport Authorities]**

- (1) On the appointed day there shall be established for each metropolitan county a body corporate to be known by the name of that county with the addition of the words [<sup>F5</sup>“Integrated Transport Authority ”].
- (2) The [<sup>F6</sup>authorities] established by this section shall be known as [<sup>F7</sup>Integrated Transport Authorities] .
- (3) Each [<sup>F8</sup>Integrated Transport Authority established under this section] shall consist of members of the constituent councils appointed by them to be members of the authority.
- (4) The constituent councils in relation to [<sup>F9</sup>an Integrated Transport Authority established under this section] shall be the councils of the metropolitan districts comprised in the county.

**Textual Amendments**  
**F4** S. 28 heading substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(3)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1  
**F5** Words in s. 28(1) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(2)(a)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

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- F6** Word in s. 28(2) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(2)(b)(i)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F7** Words in s. 28(2) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(2)(b)(ii)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F8** Words in s. 28(3) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(2)(c)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F9** Words in s. 28(4) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(2)(d)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

### *Members of joint authorities*

## **29 Number of members.**

- (1) The number of members to be appointed to a joint authority by a constituent council <sup>F10</sup> . . . shall be the number specified for that council <sup>F10</sup> . . . in relation to that authority in Schedule 10 to this Act.
- (2) Subject to subsection (3) below, the Secretary of State may by order make alterations in the numbers for the time being specified in that Schedule, including alterations resulting in an increase or decrease in the total number of members of any joint authority.
- (3) In making any alternation in the number of members to be appointed to a joint authority by any of its constituent councils the Secretary of State shall have regard to the number of local government electors in the areas of those councils respectively; <sup>F10</sup> . . .
- (4) The Secretary of State shall consult a joint authority's constituent councils before making any order in respect of that authority under subsection (2) above.

#### **Textual Amendments**

- F10** Words in s. 29(1)(3) repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch.**

## <sup>F11</sup>**30 First appointments.**

#### **Textual Amendments**

- F11** **S. 30** repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 10** Group 3

## **31 Replacement of members.**

- (1) A constituent council may at any time terminate the appointment of a person appointed by it to a joint authority and appoint another member of the council in his place.
- (2) Where a constituent council exercises its powers under this section—
  - (a) it shall give notice of the new appointment and of the termination of the previous appointment to the authority to which those appointments were made; and

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- (b) subject to <sup>F12</sup>subsection (3) below and to] section 32(5) below, the new appointment shall take effect, and the previous appointment shall terminate, at the end of one month from the date on which the notice is given.

<sup>F13</sup>(3) Where a constituent council exercises its powers under this section to replace a person who has continued to be a member of a joint authority by virtue of section 32(1A) below and notice is given not later than seven days after the council's annual meeting next following his retirement and re-election, his appointment shall terminate and the new appointment shall take effect upon the notice being given.]

#### Textual Amendments

**F12** Words inserted by [Local Government Act 1986 \(c.10, SIF 81:1, 2\)](#), **s. 10(2)**

**F13** S. 31(3) added by [Local Government Act 1986 \(c.10, SIF 81:1, 2\)](#), **s. 10(2)**

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

**C3** S. 31 amended by [S.I. 1985/1884](#), **art. 4(1)(a)**

**C4** S. 31 modified by [S.I. 1987/2110](#), **art. 2(2)**, **Sch. 1 para. 7(a)**

**C5** S. 31 applied (with modifications) (8.1.1996) by [1995 c. x, s. 44](#), **Sch.**

## 32 Filling of vacancies.

- (1) The appointment of a person to a joint authority by a constituent council shall terminate if he ceases to be a member of the council; and where a person's appointment terminates by virtue of this subsection the constituent council shall as soon as practicable give notice of that fact to the authority to which he was appointed.

<sup>F14</sup>(1A) For the purposes of this section a person shall not be treated as ceasing to be a member of a constituent council where he retires by virtue of—

- (a) section 7(3) of the Local Government Act 1972 (retirement of metropolitan district councillors), or
- (b) paragraph 6(3) of Schedule 2 to that Act (retirement of London borough councillors),

and is re-elected to membership of the council not later than the day of his retirement.]

- (2) Where a vacancy among the persons appointed to a joint authority by a constituent council occurs for any reason other than that mentioned in subsection (1) above, the joint authority shall give notice of that fact to the constituent council—

- (a) in a case where the authority declares the office to be vacant, immediately after the declaration;
- (b) in a case where the High Court declares the office to be vacant, as soon as practicable after the date of the declaration; and
- (c) in the case of resignation, as soon as practicable after the date of receipt of the notice of resignation by the officer to whom it is required to be delivered.

- (3) Where a vacancy occurs among the persons appointed to a joint authority by a constituent council, that council shall not later than one month after the relevant date—

- (a) appoint another member of the council to fill the vacancy; and
- (b) give notice of that appointment to the joint authority;

and any appointment made under this subsection shall take effect when notice of the appointment is given as aforesaid.

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- (4) In subsection (3) above “the relevant date” means, in a case within subsection (1) above, the date on which the person in question ceased to be a member of the constituent council and, in a case within subsection (2) above, the date on which notice of the vacancy is given to the constituent council under that subsection.
- (5) So much of subsection (2)(b) of section 31 above as provides that the previous appointment shall terminate at the end of the period there mentioned shall not be construed as precluding its earlier termination by virtue of subsection (1) above or for any other reason; but in that event—
- (a) the new appointment and the notice of it given under that section shall be treated as a sufficient compliance with subsection (3) above; and
  - (b) the new appointment shall take effect on the termination of the previous appointment or on the giving of that notice, whichever is the later.
- (6) For the purposes of subsection (5)(b) above an appointment which terminates by virtue of subsection (1) above shall be treated as terminating when notice of that fact is given in accordance with that subsection.
- (7) Where a person is appointed to a joint authority by a constituent council and before his appointment takes effect he—
- (a) ceases to be a member of that council; or
  - (b) otherwise becomes disqualified for appointment,
- that council shall as soon as practicable replace his appointment by a further appointment and give notice of it to the joint authority; and the further appointment shall take effect when the original appointment would have taken effect or on the giving of that notice, whichever is the later.

<sup>F15</sup>(8) .....

**Textual Amendments**

- F14** S. 32(1A) inserted by [Local Government Act 1986 \(c.10, SIF 81:1, 2\)](#), s. **10(1)**
- F15** S. 32(8) repealed (1.4.1995) by [1994 c. 29, s. 93, Sch. 9 Pt. I](#); S.I. 1994/3236, art. 4, [Sch.](#)

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

- C6** S. 32(1) amended by [S.I. 1985/1884, art. 4\(1\)\(b\)](#)
- C7** S. 32(1) modified by [S.I. 1987/2110, art. 2\(2\)](#), [Sch. 1 para. 7\(b\)](#)
- C8** S. 32(1)(1A)(5) applied (with modifications) (8.1.1996) by [1995 c. x, s. 44, Sch.](#)
- C9** S. 32(2)–(7) amended by [S.I. 1985/1884, art. 4\(1\)\(b\)](#)
- C10** S. 32(2)–(7) modified by [S.I. 1987/2110, art. 2\(2\)](#), [Sch. 1 para. 7\(b\)](#)

**33** ..... <sup>F16</sup>

**Textual Amendments**

- F16** S. 33 repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(4), [Sch. 12 Pt. II](#)

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### 34 **Chairman, vice-chairman, and clerk.**

- (1) A joint authority shall in each year appoint a chairman and vice-chairman from among its members.
- (2) The appointments under subsection (1) above shall be the first business transacted at the annual meeting of the authority.
- (3) Subject to any standing orders made by the authority, anything authorised or required to be done by or in relation to the chairman may be done by or in relation to the vice-chairman.
- (4) The authority may pay to the chairman and vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the authority thinks reasonable.
- (5) In the case of an equality of votes in respect of the appointment of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (6) On a casual vacancy occurring in the office of chairman, an appointment to fill the vacancy shall be made at the next ordinary meeting of the authority held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date then not later than the next following meeting; and any such meeting may be convened by the proper officer of the authority.
- (7) For the purposes of subsection (6) above the vacancy shall be deemed to have occurred—
  - (a) if the chairman has ceased to be a member of the authority by reason of section 31 above, at the time specified in subsection (2)(b) of that section;
  - (b) if the chairman has ceased to be a member by reason of section 32(1) above, when notice thereof is given to the authority under that provision; and
  - (c) in any other case, on the date of the declaration or of receipt of the notice of resignation mentioned in section 32(2) above.
- (8) Each joint authority shall appoint a person to be the clerk to the authority and in making the appointment the authority shall have regard to the desirability of that person being the chief officer of a constituent council of the authority.

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

**C11** S. 34 amended by S.I. 1985/1884, arts. 4(1)(c), 11(1)

**C12** S. 34 modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 7(d)

### 35 **Disqualification.**

- (1) A person shall be disqualified for being appointed or being a member of a joint authority if he holds any paid office or employment (other than the office of chairman or vice-chairman [<sup>F17</sup>or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive]) appointments [<sup>F18</sup>or elections] to which are or may be made or confirmed by the authority or any committee or sub-committee of the authority or by a joint committee on which the authority is represented or by any person holding any such office or employment [<sup>F19</sup>or by an elected mayor] .

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- (2) A paid officer of a joint authority who is employed under the direction of—
- (a) a committee or sub-committee of the joint authority any member of which is appointed on the nomination of another joint authority or of a local authority; or
  - (b) a joint committee on which the joint authority is represented and any member of which is so appointed,
- shall be disqualified for being appointed or being a member of that other joint authority or for being elected or being a member of the local authority, as the case may be.
- (3) A person who is for the time being a member, officer or servant of, or an officer or servant of a subsidiary (within the meaning of the <sup>M1</sup>Transport Act 1962) of, the Passenger Transport Executive for an area which is or was coterminous with the area of a metropolitan county shall be disqualified for being appointed or being a member of [<sup>F20</sup>the Integrated Transport Authority] for that county.
- [<sup>F21</sup>(4) In this section, “elected mayor”, “executive”, “executive arrangements”, [<sup>F22</sup>and executive leader] have the same meaning as in Part II of the Local Government Act 2000.]
- [<sup>F23</sup>(5) In this section “leader and cabinet executive” means—
- (a) in relation to England: a leader and cabinet executive (England);
  - (b) in relation to Wales: a leader and cabinet executive (Wales);
- and for this purpose “leader and cabinet executive (England)” and “leader and cabinet executive (Wales)” have the same meanings as in Part 2 of the Local Government Act 2000.]

#### Textual Amendments

- F17** Words in s. 35(1) inserted (E.) (11.7.2001) by S.I. 2001/2237, **arts. 2, 12(a)**
- F18** Words in s. 35(1) inserted (E.) (11.7.2001) by S.I. 2001/2237, **arts. 2, 12(b)**
- F19** Words in s. 35(1) inserted (E.) (6.5.2002) by The Local Authorities (Executive Arrangements) (Modification of Enactments) (England) Order 2002 (S.I. 2002/1057), **art. 11(a)**
- F20** Words in s. 35(3) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(4)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F21** s. 35(4) inserted (E.) (6.5.2002) by The Local Authorities (Executive Arrangements) (Modification of Enactments) (England) Order 2002 (S.I. 2002/1057), **art. 11(b)**
- F22** Words in s. 35(4) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(2), **Sch. 3 para. 19(2)**
- F23** S. 35(5) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(2), **Sch. 3 para. 19(3)**

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

- C13** S. 35 excluded (E.) (11.7.2001) by S.I. 2001/2237, **arts. 2, 47(7)**
- C14** S. 35 applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, **Sch.**
- C15** S. 35 excluded (W.) (1.4.2002) by The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (Wales) Order 2002 (S.I. 2002/808), **art. 41(7)**
- C16** S. 35(1)(2) amended by S.I. 1985/1884, **art. 4(1)(d)**
- C17** S. 35(1)(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 7(e)**

#### Marginal Citations

- M1** 1962 c. 46.



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### 36 Notices.

As soon as practicable after receiving notice from a constituent council <sup>F24</sup> . . . that it has made an appointment, or <sup>F24</sup> . . . that it has terminated an appointment, under this Part of this Act, the authority to which the appointment was made shall give public notice of the fact that the appointment has been made or terminated and of the name of the person concerned.

#### Textual Amendments

**F24** Words in s. 36 repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), **Sch. 9 Pt. II**; S.I. 1994/3262, art. 4, **Sch.**

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

**C18** S. 36 applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, **Sch. Pt. I**

### *Functions*

### 37 Police and fire services.

Schedule 11 to this Act shall have effect, as from the abolition date, for vesting functions relating to <sup>F25</sup> . . . fire services and certain related matters in the police authorities and fire and civil defence authorities established by this Part of this Act.

#### Textual Amendments

**F25** Words in s. 37 repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), **Sch. 9 Pt. II**; S.I. 1994/3262, art. 4, **Sch.**

### <sup>F26</sup>38 Civil defence.

.....

#### Textual Amendments

**F26** S. 38 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 10** Group 3

### 39 Passenger transport.

- (1) Schedule 12 to this Act shall have effect for transferring functions relating to passenger transport to the metropolitan county passenger transport authorities and for making provision with respect to the exercise of those functions.
- (2) In that Schedule [<sup>F27</sup>paragraph 3] shall have effect from the abolition date and paragraph 5 shall have effect as provided in sub-paragraph (5) of that paragraph.

#### Textual Amendments

**F27** Words substituted by Transport Act 1985 (c.67, SIF 126), **ss. 58(4)(b)**, 140



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## 40 Airports.

- (1) If, in the case of any airport in respect of which a metropolitan county council has property, rights or liabilities, the Secretary of State is satisfied that the councils of the districts comprised in the county have agreed on—
- the operation of the airport from the abolition date by a committee consisting of or including members appointed by all or any of those councils; and
  - the transfer or division of the property, rights and liabilities of the metropolitan county council to or among all or any of those councils,
- he may, by an order coming into force on that date, provide for the transfer or division of that property and those rights and liabilities in accordance with the agreement.
- (2) If, in the case of any such airport, the Secretary of State is not satisfied as aforesaid he may by an order coming into force on the abolition date provide for the transfer of the property, rights and liabilities of the metropolitan county council in respect of the airport to the metropolitan county passenger transport authority.
- (3) In sections 30 [<sup>F28</sup>, 31, 35] and 88(10) of the <sup>M2</sup>Civil Aviation Act 1982 (airport functions of local authorities) references to a local authority shall include references to [<sup>F29</sup>an Integrated Transport Authority for an integrated transport area in England] ; and before making any order under subsection (1) or (2) above the Secretary of State shall satisfy himself that any necessary consent under section 30 of that Act has been or will be obtained.

### Textual Amendments

- F28** Words substituted by [Airports Act 1986 \(c.31, SIF 9\)](#), s. 83(1), **Sch. 4 para. 10**: by S.I. 1986/1228 this substitution came into force 1.8.1986 save as regards the words “60(3)(o)” as to which the substitution came into force by S.I. 1986/1487, **art. 5** on 1.4.1987
- F29** Words in s. 40(3) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 4 para. 53(5)**; S.I. 2009/107, **art. 2(1)**, Sch. 1 Pt. 1

### Marginal Citations

- M2** 1982 c. 16.

## 41 Questions on discharge of functions.

Arrangements shall be made (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of a joint authority to be put in the course of the proceedings of any constituent council by members of that council for answer by a member of it who is also a member of the authority and is nominated by the authority for that purpose.

### Modifications etc. (not altering text)

- C19** S. 41 amended by [S.I. 1985/1884](#), **art. 5(2)**
- C20** S. 41 modified by [S.I. 1987/2110](#), **art. 2(2)**, **Sch. 1 para. 7(f)**

## 42 Reorganisation of functions.

- (1) The Secretary of State may by order make provision for <sup>F30</sup>...

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- F31(a) .....
- F32(b) .....
- F33(c) .....
- (d) <sup>F34</sup> ..., the transfer to the council of a metropolitan district or London borough or to the Common Council in respect of its area of any functions that would otherwise be exercisable in respect of that area by a joint authority or, in the case of the council of a metropolitan district, by a Passenger Transport Executive.

F35(2) .....

- (3) Before making an order under this section the Secretary of State shall consult each of the following bodies which appears to him to be affected by the order, that is to say, <sup>F36</sup>..... the council of a county, district or London borough and the Common Council.
- (4) An order under this section may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions for the transfer of property, staff, rights and liabilities and provisions amending any other provision of this Act, any other enactment or any instrument made under any enactment.

#### Textual Amendments

- F30** Words in s. 42(1) repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. 98(2)(a), 134(4), [Sch. 7 Pt. 4](#); S.I. 2009/107, art. 2(1), [Sch. 1 Pt. 1](#)
- F31** S. 42(1)(a)(2)(a) repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), [Sch. 9 Pt. I](#); S.I. 1994/3262, art. 4, [Sch.](#)
- F32** S. 42(1)(b) repealed (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 59\(2\)](#), [Sch. 2](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F33** S. 42(1)(c) repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. 98(2)(b), 134(4), [Sch. 7 Pt. 4](#); S.I. 2009/107, art. 2(1), [Sch. 1 Pt. 1](#)
- F34** Words in s. 42(1)(d) repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. 98(2)(c), 134(4), [Sch. 7 Pt. 4](#); S.I. 2009/107, art. 2(1), [Sch. 1 Pt. 1](#)
- F35** S. 42(2) repealed (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 59\(2\)](#), [Sch. 2](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F36** Words in s. 42(3) repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. 98(3), 134(4), [Sch. 7 Pt. 4](#); S.I. 2009/107, art. 2(1), [Sch. 1 Pt. 1](#)

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**Changes to legislation:**

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