



Local Government Act 1958

1958 CHAPTER 55

PART IV

GENERAL AND SUPPLEMENTARY

Supplementary provisions

59 Change of name of county or borough

- (1) The council of a county or of a borough may with the consent of the Minister change the name of the county or borough.
- (2) Where the name of a borough is changed in pursuance of this section the charter of the borough shall have effect as if the new name were substituted for the old in the name of the borough and its corporation.
- (3) Every change of name made in pursuance of this section shall be published in such manner as the Minister may direct.
- (4) A change of name made in pursuance of this section shall not affect any rights or obligations of any county, of any borough, or of any council, authority, or person, or render defective any legal proceedings, and any legal proceedings may be commenced or continued as if there had been no change of name.

60 Transfer and compensation of officers

- (1) Any order under Part II of this Act or scheme under Part III thereof may contain provisions as to the transfer of existing officers affected by the order or scheme and shall contain provisions for the protection of the interests of any such existing officers.
- (2) Provision shall be made, by regulations made by such Minister as may be determined by the Treasury to be appropriate in relation to the persons to whom the regulations relate, for the payment by such authority as may be prescribed by or determined under the regulations, but subject to such exceptions or conditions as may be so prescribed, of compensation to or in respect of persons who are, or who but for any national service

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of theirs would be, the holders of any such place, situation or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to the provisions of any such order or scheme as is mentioned in subsection (1) of this section or of any scheme or order under sections forty-three to forty-five, or Part VI, of the Act of 1933 ; and so much of section one hundred and fifty of that Act as provides for compensation shall not apply to any scheme or order under the said Part VI, but without prejudice to any instrument to which it is applied by any other enactment.

- (3) Regulations under the foregoing subsection may include provision as to the manner in which and the person to whom any claim for compensation under this section is to be made, and for the determination of all questions arising under the regulations.
- (4) In this section—
- " existing officer ", in relation to an order or scheme, means an officer serving on such date or dates as may be specified in the order or scheme in relation to him;
 - " national service " means any such service in any of Her Majesty's forces or other employment (whether or not in the service of Her Majesty) as may be prescribed by regulations under this section ;
 - " officer " includes the holder of any place, situation or employment.
- (5) Any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

61 Payments out of moneys provided by Parliament

There shall be defrayed out of moneys provided by Parliament—

- (a) the expenses of the Minister incurred in paying general grants under Part I of this Act;
- (b) any increase attributable to this Act in the sums payable out of moneys provided by Parliament under Part I of the Act of 1948 or under the Local Government (Financial Provisions) (Scotland) Act, 1954 as amended by the Valuation and Rating (Scotland) Act, 1956;
- (c) any expenses of the Minister of Health incurred in the exercise of default powers conferred by Part III of this Act;
- (d) any expenses incurred by any Minister in pursuance of the foregoing section;
- (e) any administrative expenses incurred under this Act by any Minister.

62 Minor and consequential amendments

The enactments specified in the Eighth Schedule to this Act shall have effect, as respects England and Wales, subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.

63 General provisions as to local inquiries

- (1) Without prejudice to any requirement under the foregoing provisions of this Act, a Minister may cause a local inquiry to be held for the purpose of any of his functions under this Act.

- (2) Subsections (2) to (5) of section two hundred and ninety of the Act of 1933 (which relate to the giving of evidence at inquiries and the payment of costs) shall apply to all inquiries held for the purposes of this Act.

64 Application of Statutory Instruments Act

Any power conferred on a Minister by this Act to make an order or rules or regulations shall be exercisable by statutory instrument.

65 Ascertainment of population

Save as otherwise expressly provided, for the purposes of Parts II to IV of this Act the population of an area shall be taken to be its population as estimated in the latest estimate published by the Registrar General for England and Wales.

66 Interpretation

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

" Act of 1933 " means the Local Government Act, 1933 ;

" Act of 1948 " means the Local Government Act, 1948;

" Act of 1955 " means the Rating and Valuation (Miscellaneous Provisions) Act, 1955 ;

" Area Board " means a Board constituted under the Electricity Act, 1947, "the Generating Board" means the Central Electricity Generating Board, and " Electricity Board" means the Generating Board or an Area Board;

" borough " includes any description of borough;

" the Commission " and " the Commissions " have the meanings assigned by subsection (5) of section seventeen of this Act;

" county functions " and " district functions " have the meanings assigned by subsection (2) of section twenty of this Act;

" expenditure " includes sums paid by virtue of a precept or other instrument or by way of contribution;

" functions " means powers or duties ;

" Gas Board " means an Area Board constituted under the Gas Act, 1948, for an area in England or Wales ;

" joint board " includes a combined authority or joint committee;

" metropolitan area " means the area specified in the Fifth Schedule to this Act;

" Minister " means the Minister of Housing and Local Government;

" appropriate Minister " means, in relation to any matter, the Minister in charge of the Government Department concerned or primarily concerned with that matter ;

" parish " means a rural parish;

" relevant expenditure " means expenditure specified in Part I of the First Schedule to this Act and not excluded by any provision of Part II of that Schedule.

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- (2) In Parts II to IV of this Act, except where the context otherwise requires, the expression " local authority " means the council of a county, county borough or county district and in the said Part II includes the Council of the Isles of Scilly.
- (3) Any question arising under this Act as to which Minister is the appropriate Minister shall be determined by the Treasury.
- (4) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

67 Repeals

The enactments specified in the Ninth Schedule to this Act are hereby repealed, as respects England and Wales, to the extent specified in the third column of that Schedule:

Provided that—

- (a) subject to the following paragraph, the repeal of the enactments specified in Part II or IV of that Schedule shall not have effect as respects any period before the first day of April, nineteen hundred and fifty-nine ;
- (b) the repeal of subsections (2) and (2a) of section one hundred and forty-four of the Act of 1948 and of section four of the Rating and Valuation Act, 1957, shall also have effect as respects payments for the benefit of local authorities for the year beginning with the said first day of April, but not for any earlier year;
- (c) the repeal of the enactments specified in Part III of the Ninth Schedule to this Act shall not affect the levying of rates for any period before the first day of April, nineteen hundred and sixty;
- (d) the repeal of the enactments specified in Part IV of the Ninth Schedule to this Act shall not affect contributions in respect of salary accruing before the first day of April, nineteen hundred and fifty-nine ;
- (e) the repeal of subsection (1) of section sixty-two of the Rating and Valuation Act, 1925, shall not affect the operation of the Overseers Order, 1927, and the repeal of section sixty-seven of the said Act of 1925 shall not affect the operation of any order made under the said section sixty-seven;
- (f) the repeal of the Local Government Boundary Commission (Dissolution) Act, 1949, shall not affect the continuation in force of sections one hundred and forty to one hundred and forty-five of the Act of 1933 or of the Local Government (Alteration of Areas) (Notices) Regulations, 1934.

68 Short title

This Act may be cited as the Local Government Act, 1958.