

## SCHEDULE 2

### TRANSFER OF SPECIFIED CLASSES OF PROPERTY, ETC

1. In the following table—

- (a) “county matters” and “district matters”, in relation to any transferor authority, and “parish matters”, in relation to the council of the rural district of Alston with Garrigill, Disley or Tintwistle, mean—

(i) in the case of property, property (not being excepted property) held for the purposes of functions not exercisable on and after 1st April 1974 by an authority of the relevant class in relation to the transferor authority but so exercisable by the authority specified in respect of the matters transferred in column (4) of the table in this Schedule;

(ii) in the case of liabilities, liabilities incurred in relation to such functions;

(iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to such functions;

(iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions;

but if specified as such matters in relation to any area include only such matters being local matters in respect of such area, and “parish matters” includes, in the case of property—

(i) parish property within the meaning of the Local Government Act 1933, the proceeds of sale of such property and any securities in which such proceeds have been invested;

(ii) public walks and pleasure grounds, recreation grounds, seats and shelters, public clocks, allotments (within the meaning of the Allotments Act 1925, baths and washhouses, and village halls;

(iii) property held for burial purposes; and

(iv) property held for street lighting purposes, except any such property falling within article 6;

- (b) “parish matters”, in relation to the corporation or council of any non-county borough or the council of any urban district, means—

(i) in the case of property—

(a) property held for the purposes of functions not exercisable on and after 1st April 1974 by county or district councils; and

(b) parish property within the meaning of the Local Government Act 1933, the proceeds of sale of such property and any securities in which such proceeds have been invested;

(ii) in the case of liabilities, liabilities incurred in relation to such functions or parish property;

(iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to such functions or parish property;

(iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions or parish property,

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but if specified as such matters in relation to any area includes only such matters being local matters in respect of such area;

(c) “burial matters”, “national park matters”, “police matters” and “sewerage and sewage disposal matters” mean—

- (i) in the case of property, property held for the purposes of the relevant functions;
- (ii) in the case of liabilities, liabilities incurred in relation to such functions;
- (iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to such functions; and
- (iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions,

but if specified as such matters in relation to any area include only such matters being local matters in respect of such area, and for the purposes of the foregoing definitions “the relevant functions” means—

- (i) in the case of burial matters, functions under the Burial Acts 1852 to 1906;
- (ii) in the case of national park matters, functions which under Schedule 17 to the Act are to be exercised by a National Park Committee;
- (iii) in the case of police matters, functions exercisable for police purposes, including the purposes of section 81 of the Road Traffic Regulation Act 1967;
- (iv) in the case of sewerage and sewage disposal matters, functions exercisable for the purposes of sewerage and sewage disposal;

(d) “local matters”, in relation to any area, means—

- (i) in the case of property—
  - (a) subject to the provision of paragraph 3, sited property situated in; and
  - (b) other property held exclusively in respect of,

the area;

- (ii) in the case of liabilities, liabilities incurred exclusively in respect of the area;
- (iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given exclusively in respect of the area;
- (iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing exclusively in respect of the area;

(e) any reference to an area of a county included in a new county or a new district includes any county borough—

- (i) lying within the extent of such area; or
- (ii) the boundaries of which, other than boundaries with any other county (including the county of Flintshire) or county borough or the sea, are wholly boundaries with such area.