
 STATUTORY INSTRUMENTS

1974 No. 968

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Authorities etc. (Miscellaneous Provision) (No. 3)
Order 1974**

<i>Made</i> - - - -	<i>4th June 1974</i>
<i>Laid before Parliament</i>	<i>7th June 1974</i>
<i>Coming into Operation</i>	<i>28th June 1974</i>

The Secretary of State for the Environment, in relation to England, and the Secretary of State for Wales, in relation to Wales, in exercise of the powers conferred upon them by sections 254(1)(a) and (2)(a), (b) and (d) and 266(2) of the Local Government Act 1972(a) and section 34(1) of the Water Act 1973(b) and of all other powers enabling them in that behalf, hereby make the following order:—

Title and commencement

1. This order may be cited as the Local Authorities etc. (Miscellaneous Provision) (No. 3) Order 1974 and shall come into operation on 28th June 1974.

Interpretation

2.—(1) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order “the Act” means the Local Government Act 1972.

(3) In this order—

(a) references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment;

(b) references to any instrument shall be construed as references to that instrument as amended, extended or applied by any other instrument.

Lee Valley Regional Park Act 1966

3.—(1) The amendments set out in paragraphs (2) and (3) below shall be made in the Lee Valley Regional Park Act 1966(d) and the provisions of paragraphs (4) and (5) below shall have effect in relation to the Authority therein named.

(a) 1972 c. 70.
(c) 1889 c. 63.

(b) 1973 c. 37.
(d) 1966 c. xli.

(2) For section 4(2) there shall be substituted—

“(2) The Authority shall consist of 28 members who shall be appointed as follows—

- 8 by the Greater London Council;
- 4 by the County Council of Essex;
- 4 by the County Council of Hertfordshire;
- 1 by the London Borough Council of Enfield;
- 1 by the London Borough Council of Hackney;
- 1 by the London Borough Council of Haringey;
- 1 by the London Borough Council of Newham;
- 1 by the London Borough Council of Tower Hamlets;
- 1 by the London Borough Council of Waltham Forest;
- 2 by the Borough Council of Broxbourne;
- 2 by the District Council of East Hertfordshire;
- 2 by the District Council of Epping Forest.”.

(3) For section 5(1) there shall be substituted—

“(1) (a) The appointments to the Authority specified in section 4 of this Act shall be made as follows—

by the Greater London Council, before 1st July in 1977 and each fourth year thereafter;

by the County Councils of Essex and Hertfordshire, the London Borough Councils of Enfield, Hackney, Haringey, Newham, Tower Hamlets and Waltham Forest and the district councils of Broxbourne, East Hertfordshire and Epping Forest, before 1st July in 1974, 1977 and each fourth year thereafter.

(b) Each member so appointed, and the members appointed by the Greater London Council in 1973, shall, unless he shall previously die or resign or become disqualified, hold office from 1st July next following his appointment for a term—

in the case of members appointed in 1974, of three years; otherwise, of four years.”.

(4) The members of the Lee Valley Regional Park Authority appointed by the county councils of Essex and Hertford, the urban district councils of Cheshunt, Hoddesdon, Waltham Holy Cross and Ware and the rural district councils of Epping and Ongar and Ware shall retire on 1st July 1974.

(5) The members of the said Authority appointed by the London Borough Councils of Enfield, Hackney, Haringey, Newham, Tower Hamlets and Waltham Forest in 1973 shall retire on 1st July 1974.

Dissolution of charter trustees on grants of charters

4.—(1) The provisions of this article shall have effect where charter trustees constituted under subsection (4) of section 246 of the Act for any city or town (other than Deal, Dover, Lydd, Folkestone and Margate) are dissolved under subsection (7) of that section on the grant of a charter under section 245 of the Act to the council of the district in which the city or town is comprised (hereinafter referred to as “the district council”).

(2) Any mayor or deputy mayor of the city or town shall cease to hold office as such.

(3) Any local officer of dignity appointed under paragraph (c) of the said subsection (4) shall hold office as if he had been appointed by the district council.

(4) All property and liabilities vested in or attaching to the charter trustees shall by virtue of this order be transferred to and vest in or attach to the district council.

All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, the charter trustees shall be of full force and effect in favour of, or against, the district council.

Any action or proceeding or any cause of action or proceeding, pending or existing at the dissolution of the charter trustees, by, or against, the charter trustees shall not be prejudicially affected by reason of the dissolution, and may be continued, prosecuted and enforced by, or against, the district council.

(5) The accounts of the charter trustees and of the committees and officers thereof shall be made up to the dissolution of the charter trustees and shall be audited in like manner and subject to the same incidents and consequences as if the charter trustees had not been dissolved:

Provided that any sum certified by a district auditor as due from any person shall be paid to the district council.

(6) Any officer of the charter trustees shall be transferred to the employment of the district council, and paragraphs (1), (6), (8) and (13) of article 13 of the Local Authorities etc. (Staff Transfer and Protection) Order 1974(a) shall apply to such officer as they apply to officers transferred by an article, scheme or determination mentioned in the said paragraph (1).

(7) In this article "city or town" means an area for which charter trustees act under section 246(4) to (8) of the Act.

(8) This article applies only to England.

Alteration of name of parish

5. The parish in the district of Caradon renamed Dobwells and Trevidland by the Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1974(b) shall be renamed Dobwalls and Trewidland.

Compulsory purchase orders

6.—(1) The provision made in this article is without prejudice to the provision made in article 22(1) of the Local Authorities etc. (Miscellaneous Provision) Order 1974(c) and in particular shall not apply to any order which has been or is amended under that provision.

(2) Paragraphs (3) to (7) below do not apply to any orders confirmed on or after the date on which this order comes into operation.

(a) S.I. 1974/483 (1974 I, p. 1709).

(b) S.I. 1974/595 (1974 I, p. 2353).

(c) S.I. 1974/482 (1974 I, p. 1690).

(3) Any order authorising the compulsory acquisition of land for the purposes of the Housing Acts 1957 to 1969 by the council of the county borough or county district in which the land was situated shall have effect as if it had authorised the acquisition of the land by the council of the district in which such land is situated.

Any order authorising such acquisition for such purposes of land outside the area of the council of the county borough or county district by whom the order was made but within a district in which the area of the county borough or county district is wholly comprised shall have effect as if it had authorised the acquisition of the land by the council of such district.

(4) Any order made under section 90 of the Education Act 1944(a) authorising the compulsory acquisition of land by the council of the county or county borough in which the land was situated shall have effect as if it had authorised the acquisition of the land by the council of the non-metropolitan county or metropolitan district in which such land is situated.

Any such order authorising the compulsory acquisition of land outside the area of the council of the county or county borough by whom the order was made but within a non-metropolitan county or metropolitan district in which the area of the county or county borough is wholly comprised shall have effect as if it had authorised the acquisition of the land by the council of such non-metropolitan county or metropolitan district.

(5) Any order made under section 9 of the Police Act 1964(b) authorising the compulsory acquisition of land by the council of a county or county borough or a combined police authority shall have effect as if it had authorised the acquisition of the land by the combined police authority for the new combined police area, or outside any such area the county council of the new county, in which such land is situated.

(6) Any order authorising the compulsory acquisition of land for the purposes of the Fire Services Act 1947(c) made by the council of a county or county borough or the fire authority for a combined area shall have effect as if it had authorised the acquisition of the land by the council of the new county in which such land is situated.

(7) Any order authorising the compulsory acquisition of land for the purposes of section 25 of the Justices of the Peace Act 1949(d) by the council of any county or any borough having a separate commission of the peace shall have effect as if it had authorised the acquisition of the land by the council of the non-metropolitan county or metropolitan district in which such land is situated.

Grants of burial rights and rights to erect memorials, and agreements for maintenance of graves and memorials

7.—(1) This article applies to any such grant as is described in paragraph (1) of article 9 of the Local Authorities' Cemeteries Order 1974(e) or any such agreement as is described in paragraph (5) of that article made or entered into between 31st March 1974 and the coming into operation of this order.

(2) Subject to paragraph (3) below, any such grant or agreement shall be of full force and effect notwithstanding—

(a) in the case of a grant, that the right is to subsist in perpetuity, or for a period exceeding 100 years; and

(a) 1944 c. 31.

(b) 1964 c. 48.

(c) 1947 c. 41.

(d) 1949 c. 101.

(e) S.I. 1974/628 (1974 I, p. 2489).

(b) in the case of an agreement, that it is to extend over a period exceeding 100 years,

and if the grant or agreement is expressed to have been made under any provision other than the said order, notwithstanding that circumstance.

(3) The provision of Part III of Schedule 2 to the said order (determination of rights and agreements for periods exceeding 100 years) shall apply to rights and agreements to which this article applies as they apply to rights granted or agreements entered into before 1st April 1974.

Costs of local inquiries

8.—(1) Subsections (4) and (5) of section 250 of the Act shall apply to inquiries held under section 290 of the Local Government Act 1933(a).

(2) In respect of any inquiry held before 1st April 1974 to which the said subsections apply, whether by virtue of paragraph (1) above or otherwise—

(a) any water authority or Passenger Transport Executive may be required to pay the costs described in the said subsection (4) as if they had been a party to the inquiry; and

(b) any order made under the said subsection (5) may order the costs of parties to the inquiry to be paid by a new local authority, water authority or Passenger Transport Executive as if they had been a party to the inquiry.

Mersey Tunnels

9. The following property and liabilities, namely—

(a) all property and liabilities immediately before 1st April 1974 vested in or attaching to the Mersey Tunnel Joint Committee; and

(b) all property and liabilities immediately before the coming into operation of this order vested in or attaching to the district councils of Liverpool and Wirral in respect of the Mersey Tunnels,

shall by virtue of this order be transferred to and vest in or attach to the County Council of Merseyside, and—

(i) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, the said Committee or the district council of Liverpool or Wirral in respect of such land or liabilities shall be of full force and effect in favour of, or against, the County Council of Merseyside; and

(ii) any action or proceeding or any cause of action or proceeding, pending or existing immediately before the coming into operation of this order, by, or against, the said Committee or the district council of Liverpool or Wirral in respect of such land or liabilities shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the County Council of Merseyside.

Variation of main river maps

10. Any application made before 1st April 1974 to the Minister of Agriculture, Fisheries and Food by a river authority under section 11(6) of the Water Resources Act 1963(a) for variation of the main river map kept by the authority and not determined by the said Minister before that date shall, in relation to any watercourse specified in the application, be treated as an application made to the said Minister under section 2(7) of, and paragraph 11(1)(c) of Schedule 2 to, the Water Act 1973, for the variation of their main river map, by the water authority whose area includes the watercourse; and any notice given before that date by the said Minister in accordance with section 11(6)(a) of the Water Resources Act 1963 in relation to the application shall be treated as a notice given in compliance with section 2(7) of, and paragraph 11(2) of Schedule 2 to, the Water Act 1973.

Differential rating—City of Wakefield

11. Article 6 (differential rating) of the Local Government (Differential Precepting and Rating) Order 1974(b) shall apply in the City of Wakefield only in respect of the amount to be collected, under the resolution dated 1st April 1974 of the Finance and General Purposes Committee of the City Council, as the first part of the first instalment of the rate for the year 1974-75.

Anthony Crosland,

Secretary of State for the Environment.

4th June 1974.

John Morris,

Secretary of State for Wales.

4th June 1974.

(a) 1963 c. 38.

(b) S.I. 1974/177 (1974 I, p. 616).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes further provision incidental, consequential, transitional and supplementary to the Local Government Act 1972, relating to—

- (a) the constitution of the Lee Valley Regional Park Authority;
- (b) the dissolution of charter trustees on the grant of charters;
- (c) the name of one parish;
- (d) compulsory purchase orders pending;
- (e) burial rights, etc. granted since 31st March 1974;
- (f) local inquiries held before 1st April 1974;
- (g) property, etc., in respect of the Mersey Tunnels;
- (h) the variation of main river maps; and
- (i) differential rating in the City of Wakefield.

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