
STATUTORY INSTRUMENTS

1991 No. 205

LOCAL GOVERNMENT, ENGLAND AND WALES

The Isles of Scilly (Functions) Order 1991

Made - - - - *1st February 1991*

Coming into force - - *2nd February 1991*

The Secretary of State, on the application of the Council of the Isles of Scilly and in exercise of the powers conferred upon him by section 265(2) and (3) of the Local Government Act 1972(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Isles of Scilly (Functions) Order 1991 and shall come into force on 2nd February 1991.

(2) In this Order—

“the 1949 Act” means the Coast Protection Act 1949(2);

“the 1976 Act” means the Land Drainage Act 1976(3); and

“the Council” means the Council of the Isles of Scilly.

Additional functions of the Council

2. The Council shall exercise and perform in the Isles of Scilly the functions conferred or imposed—

(a) on district councils which are coast protection authorities, by Part I (coast protection) of the 1949 Act; and

(b) on district councils, by section 98 (powers to undertake drainage works against flooding) of the 1976 Act(4).

(1) 1972 c. 70.

(2) 1949 c. 74.

(3) 1976 c. 70.

(4) Section 98 was amended by the Local Government Act 1985 (c. 51), Schedule 7, paragraph 6, and Schedule 17; the Local Government Act 1985 (Land Drainage Functions) Order 1986 (S.I.1986/208), Schedule 2; and the Water Act 1989 (c. 15), Schedule 27, Part I. References in that section to a water authority are, by virtue of paragraph 1(1) of Schedule 15 to the Water Act 1989, to be treated as references to the National Rivers Authority.

Ancillary provisions

3.—(1) Section 21(1) (exchequer grants) of the 1949 Act⁽⁵⁾ shall apply in relation to expenditure incurred by the Council in the exercise and performance of the functions to which article 2(a) relates as it applies in relation to expenditure incurred under that Act by a coast protection authority.

(2) Section 44(2) (regulations and orders) of the 1949 Act shall apply in relation to orders made by the Council by virtue of article 2(a) of this Order as it applies in relation to orders of a coast protection authority.

(3) Section 103 (powers of entry) of the 1976 Act shall apply in relation to the Council, and in relation to functions under that Act conferred on it by virtue of this Order, as it applies in relation to, and to the functions of, local authorities.

(4) The consent of the National Rivers Authority under section 98(8) of the 1976 Act shall not be required in respect of works executed by the Council.

Signed by authority of One Secretary of State

1st February 1991

Michael Portillo
Minister of State,
Department of the Environment

(5) Paragraph (c) of section 21(1) was repealed by Schedule 30 to the Local Government Act 1972.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 265 of the Local Government Act 1972 enables orders to be made providing for the exercise and performance in the Isles of Scilly of functions which are for the time being conferred or imposed on local authorities.

This Order provides for the performance by the Council of the Isles of Scilly of the functions conferred or imposed on maritime district councils by Part I of the Coast Protection Act 1949 and on all district councils by section 98 of the Land Drainage Act 1976.

Article 3(1), applying section 21(1) of the 1949 Act, enables exchequer grants to be made in relation to expenditure by the Council on coast protection. Article 3(2) applies to the Council section 44(2) of the 1949 Act, which confers a power to revoke or vary orders made under that Act. Article 3(3) confers on the Council powers of entry in relation to the exercise of its functions under section 98 of the 1976 Act. Article 3(4) removes the requirement for the consent of the National Rivers Authority (which does not discharge any functions in the Scilly Isles) for the execution of land drainage works by the Council.