

1971 No. 1732

LONDON GOVERNMENT

The Temples Order 1971

Made	- - -	27th October 1971
Laid before Parliament		2nd November 1971
Coming into Operation		15th November 1971

At the Court at Buckingham Palace, the 27th day of October 1971

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 82(1) and (2) of the London Government Act 1963(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and interpretation

1. This Order may be cited as the Temples Order 1971 and shall come into operation on 15th November 1971.

2.—(1) The Interpretation Act 1889(b) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) In this Order—

“the Act” means the London Government Act 1963;

“the Temples” means the Inner Temple and the Middle Temple;

“the Sub-Treasurer” means the Sub-Treasurer of the Inner Temple;

“the Under Treasurer” means the Under Treasurer of the Middle Temple;

“the City” means the City of London;

“the Common Council” means the Common Council of the City of London; and

“inner London Borough” has the same meaning as in the Act.

(3) In this Order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, and in this paragraph “enactment” includes any instrument made under any Act.

(a) 1963 c. 33.

(b) 1889 c. 63.

General provision as to exercise of local authority functions

3.—(1) Subject to the express provisions of any Act or order (including this Order) (and in particular to any such provision that any provision is not to apply to the Temples) any functions which are exercisable as respects an inner London borough by the council of the borough by virtue of section 1(6) or 4 of the Act shall be exercisable—

- as regards the Inner Temple by the Sub-Treasurer; and
- as regards the Middle Temple by the Under Treasurer.

(2) Paragraph (1) shall not apply to the Housing Acts 1957 to 1971.

Town and country planning

4.—(1) In this article “the Act of 1968” means the Town and Country Planning Act 1968 (a).

(2) Section 24 (local planning authorities) of the Act, as amended (whether before or after the coming into operation of this Order) by paragraphs 58 to 61 of Schedule 9 and Schedule 11 to the Act of 1968, shall have effect as if in subsections (3), (4A), (5) and (8) thereof, for “the City”, wherever occurring, there were substituted “the City and the Temples”.

(3) So long as they remain in force, sections 25, 26 and 27 (Development plans) of the Act shall have effect as if for “the City”, wherever occurring, there were substituted “the City and the Temples”:

Provided that—

(a) the Common Council shall as part of the further survey under section 25(4) or the fresh survey under section 26(3), as the case may be, consult with the Sub-Treasurer and the Under Treasurer;

(b) the local development plan prepared by the Common Council for the City and the Temples shall be entitled “Local Development Plan for the City of London and the Temples”.

(4) For the purposes of Schedule 1 (Special provisions as to development plans in Greater London) of the Act of 1968 when that Schedule comes into operation the Temples shall be deemed to be part of the City.

In the preparation of any structure plan required by section 2 of the Act of 1968 for any area including the Temples or any part thereof, the Common Council shall consult with the Sub-Treasurer and the Under Treasurer, and the said structure plan shall include in its title a reference to the Temples or the part thereof.

(5) Section 28(1) (Lists of buildings of special architectural or historic interest) of the Act shall have effect as if for “the City”, where first occurring, there were substituted “the City and the Temples”, and for the purposes of Part V of the Act of 1968 the Temples shall be deemed to be part of the City.

(6) In the application to land in the Temples of section 112(4) and (5) of the Town and Country Planning Act 1962(b) section 29(1) of the Act shall have effect as if for “the City” there were substituted “the City and the Temples”.

(a) 1968 c. 72.

(b) 1962 c. 38.

Exercise of certain other functions in the Temples by the Common Council

5.—(1) Section 22 (Record of need, and facilities for exchange, of housing accommodation) of the Act shall have effect as if, in subsection (4), for “the City as if it” there were substituted “the City and the Temples as if they”.

(2) The following provisions of the Act, namely—

Section 45 (Local health authorities)

Section 47 (Children authorities)

Section 49 (Civil defence)

shall have effect as if for “the City”, wherever occurring, there were substituted “the City and the Temples”.

(3) Section 46 of the Act (Accommodation and welfare of disabled and old persons, etc.) shall have effect as if the following paragraph, namely—

“The Common Council shall also as respects the Temples—

(a) be the local authority for the purposes of the National Assistance Act 1948 (including Part III thereof);

(b) have the functions conferred by or by virtue of that Act (other than sections 47 and 50) on councils of county boroughs;

(c) be the local authority for the purposes of section 3 of the Disabled Persons (Employment) Act 1958.”

were added at the end of subsection (1).

(4) Schedule 14 (Functions with respect to land drainage, flood prevention, etc.) of the Act shall have effect as if—

(a) in paragraph 1; and

(b) in paragraph 10 (which makes provision in relation to the Water Resources Act 1963(a)),

for “the City” there were substituted “the City and the Temples”.

(5) Paragraph 2 of Schedule 17 to the Act shall have effect as if in subparagraph (a) (which makes provision in relation to section 20(3) of the Local Government Act 1888(b) (Transfer of power to levy duties on local taxation licences)), for “the City” there were substituted “the City and the Temples”.

(6) As respects any local land charge within the meaning of section 15 of the Land Charges Act 1925(c) which affects land situated in the Temples, the proper officer to act as local registrar under that section shall be the Town Clerk, or the person for the time being authorised to act as Town Clerk, of the City.

(7) For the purposes of—

The Registration Service Act 1953(d); and

The Dog Licences Act 1959(e)

the Temples shall be deemed to be part of the City.

(8) The Common Council shall, as respects the Temples, be—

(a) the food and drugs authority for the purposes of the Food and Drugs Act 1955(f); and

(b) the authority responsible for enforcing section 31 of that Act (which prohibits the sale of milk from diseased cows).

(a) 1963 c. 38.

(d) 1953 c. 37.

(b) 1888 c. 41.

(e) 1959 c. 55.

(c) 1925 c. 22.

(f) 1955 c. 16 (4 & 5 Eliz. 2).

(9) In respect of any child who was, in the opinion of the court, resident in the Temples before an order under section 2(1)(e) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960(a) or section 36(1) of the Matrimonial Causes Act 1965(b) was made the authority specified in the order shall be the Common Council.

(10) The functions of the Common Council as a library authority within the meaning of the Public Libraries and Museums Act 1964(c) shall be exercisable within an area consisting of the City and the Temples.

Victoria Embankment adjoining the Temples

6. Before the Greater London Council submit any scheme under section 21 of the Road Traffic Regulation Act 1967(d) with respect to the road as to which provision is made in article 12 of the London Government Order 1970(e) they shall consult with the Sub-Treasurer and the Under Treasurer as well as with the Common Council.

Provision in relation to enactments and instruments

7.—(1) Any reference to the area or district of an authority in any enactment or any instrument made under an enactment shall be construed—

where the Sub-Treasurer is the authority, as a reference to the Inner Temple ;

where the Under Treasurer is the authority, as a reference to the Middle Temple ;

where the Common Council is the authority for the Temples, as a reference to the City and the Temples.

(2) Any reference to a county borough in an enactment the functions of which are exercisable by the Sub-Treasurer, the Under Treasurer, or as respects the Temples by virtue of this Order by the Common Council, shall be construed—

in relation to the Sub-Treasurer, as a reference to the Inner Temple ;

in relation to the Under Treasurer, as a reference to the Middle Temple ;

in relation to the Common Council, as a reference to the City and the Temples.

(3) The provisions of Part V of the National Parks and Access to the Countryside Act 1949(f) with respect to access agreements and access orders, and section 90 of the said Act, shall not apply to the Temples.

Delegation of functions

8.—(1) Section 5(1) of the Act shall apply to the Sub-Treasurer or the Under Treasurer as it applies to the council of an inner London borough.

(2) The Sub-Treasurer or the Under Treasurer may agree with the Common Council for the discharge by the Common Council as agent for the Sub-Treasurer or the Under Treasurer, as the case may be, of such of the functions of the Sub-Treasurer or the Under Treasurer as may be specified in the agreement.

(a) 1960 c. 48.

(d) 1967 c. 21.

(f) 1949 c. 97.

(b) 1965 c. 72.

(e) S.I. 1970/211 (1970 I, p. 933).

(c) 1964 c. 75.

Section 5(2) of the Act shall extend to the functions covered by any agreement under this paragraph.

(3) Section 5(3) of the Act shall have effect as if the Sub-Treasurer and the Under Treasurer had been specified therein.

Payments in respect of functions discharged by the Common Council in respect of the Temples

9. The Sub-Treasurer and the Under Treasurer shall make to the Common Council, in respect of the functions discharged by the Common Council in respect of the Temples under this Order, other than under article 4(3) or (4), such payments as may from time to time be agreed between them or in default of agreement determined by an arbitrator so agreed or in the absence of agreement appointed by the Secretary of State.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for the exercise of certain local government functions—

- (a) as respects the Inner Temple by the Sub-Treasurer thereof and as respects the Middle Temple by the Under Treasurer thereof;
- (b) as respects both the Temples by the Common Council of the City of London.

and makes incidental, consequential and supplementary provision in connection therewith.