

West Suffolk Council

Order made under Section 109 of the Local Government Act 1972

Wixoe Parish Meeting Section 109 Order 2025

Made 7 January 2025

Recitals

- (1) The parish of Wixoe is situated within the district of West Suffolk Council.
- (2) There is no separate Parish Council for Wixoe.
- (3) Section 109 of the Local Government Act 1972 provides that, on the application of the parish meeting of a parish not having a separate parish council, the district council may by order confer on the parish meeting any functions of a parish council.
- (4) On the 31st day of October 2024 Wixoe Parish Meeting resolved that an application be made to West Suffolk Council for an order conferring the following functions of a Parish Council on Wixoe Parish Meeting:
 - (a) Under the Local Government Act 1972
 - i. Section 111: Subsidiary powers of local authorities.
 - ii. Section 124: Acquisition of land by agreement by parish and community councils.
 - iii. Section 133: Provision of parish and community buildings.
 - iv. Section 137: Power of local authorities to incur expenditure for certain purposes not otherwise authorised.
 - v. Section 139: Acceptance of gifts of property.
 - vi. Section 140A: Insurance of voluntary assistants of local authorities.
 - vii. Section 222: Power of local authorities to prosecute or defend legal proceedings.
 - (b) Under the Highways Act 1980
 - i. Section 96: Powers of highway and local authorities to plant trees, lay out grass verges, etc.
 - ii. Section 274A: Contributions by parish or community councils.
 - (c) Under the Town and Country Planning Act 1990
 - i. Section 61F: Authorisation to act in relation to neighbourhood areas.
 - ii. Section 61G: Meaning of "neighbourhood area".
 - iii. Section 62C: Notifying parish councils of applications under section 62A(1).
 - iv. Schedule 1 paragraph 8: Local Planning Authorities: Distribution of Functions.
 - (d) Under the Local Government and Rating Act 1997

Electronic copy of the sealed order

i. Section 31: Crime prevention.

- (5) On the 17th day of December 2024, West Suffolk Council resolved to exercise its statutory powers under section 109 of the Local Government Act 1972 to make the required Order ("the Order").

West Suffolk Council makes the following Order in exercise of the powers conferred by Section 109 of the Local Government Act 1972.

1. Rights and Powers conferred on Wixoe Parish Meeting

- (1) The rights and powers of a Parish Council specified in the Schedule to this Order shall be exercisable by Wixoe Parish Meeting.

2. Citation and Commencement

- (1) This Order may be cited as the Wixoe Parish Meeting Section 109 Order 2025.
- (2) This Order shall come into force on the date it is made.

Sealed with the seal of West Suffolk Council on 7 January 2025.

SCHEDULE

RIGHTS AND POWERS CONFERRED ON WIXOE PARISH MEETING

<u>Statutory Right or Power</u>	<u>Description of Statutory Right or Power</u>
Section 111, Local Government Act 1972	Subsidiary powers of local authorities
Section 124, Local Government Act 1972	Acquisition of land by agreement by parish and community councils
Section 133, Local Government Act 1972	Provision of parish and community buildings
Section 137, Local Government Act 1972	Power of local authorities to incur expenditure for certain purposes not otherwise authorised
Section 139, Local Government Act 1972	Acceptance of gifts of property
Section 140A, Local Government Act 1972	Insurance of voluntary assistants of local authorities
Section 222, Local Government Act 1972	Power of local authorities to prosecute or defend legal proceedings
Section 96, Highways Act 1980	Powers of highway and local authorities to plant trees, lay out grass verges, etc.
Section 274A, Highways Act 1980	Contributions by parish or community councils
Section 61F, Town and Country Planning Act 1990	Authorisation to act in relation to neighbourhood areas
Section 61G, Town and Country Planning Act 1990	Meaning of "neighbourhood area"
Section 62C, Town and Country Planning Act 1990	Notifying parish councils of applications under section 62A(1)
Schedule 1 paragraph 8, Town and Country Planning Act 1990	Local Planning Authorities: Distribution of Functions
Section 31, Local Government and Rating Act 1997	Crime prevention