



# Local Government Act 1972

## 1972 CHAPTER 70

### PART XI

#### GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

##### *Byelaws*

#### **238 Evidence of byelaws.**

The production of a printed copy of a byelaw purporting to be made by a local authority [<sup>F1</sup>in England][<sup>F2</sup>, the Greater London Authority][<sup>F3</sup>, an Integrated Transport Authority for an integrated transport area in England [<sup>F4</sup>, a combined authority or a combined county authority]] upon which is endorsed a certificate purporting to be signed by the proper officer of the authority stating—

- (a) that the byelaw was made by the authority;
- (b) that the copy is a true copy of the byelaw;
- (c) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may require, was sent to the Secretary of State and has not been disallowed;
- (d) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw;

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.

#### **Textual Amendments**

- F1** Words in s. 238 inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\)](#), s. 22(2), [Sch. 2 para. 9\(5\)](#); S.I. 2015/1025, art. 2(r) (with art. 3)
- F2** Words in s. 238 inserted (20.11.2001) by [S.I. 2001/3719](#), art. 2, [Sch. para. 4](#)
- F3** Words in s. 238 substituted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148(6), [Sch. 6 para. 36](#); S.I. 2009/3318, [art. 2\(c\)](#)

*Changes to legislation: Local Government Act 1972, Section 238 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F4** Words in s. 238 substituted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2) (c), **Sch. 4 para. 49** (with s. 247)

**Modifications etc. (not altering text)**

- C1** S. 238 extended (with modifications) by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **s. 65(7)**  
 S. 238 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(e)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C2** S. 238 modified by S.I. 1986/143, **regs. 2(1)**, 3(1)  
 S. 238 modified (7.8.1991) by S.I. 1991/1773 art. 8(2), Sch. 2  
 S. 238 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**  
 S. 238 modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)**
- C3** S. 238 applied (with modifications) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 6(5), 10, 23(2), 27(2), **Sch. 5 para. 7(1)**  
 Ss. 236-238 applied (12.3.1991) by S.I. 1991/993, **art. 3(3)**  
 S. 238 applied (with modifications) (17.3.1993) by S.I. 1993/1313, **art. 30(1)(a)** (with art. 39)  
 S. 238 applied (with modifications) (5.11.1993) by 1993 c. 42, **s. 16(8)** (with s. 30(1), Sch. 2 para. 9)  
 Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, **art. 3(4)** (with arts. 22, 23)  
 S. 238 applied (with modifications) (3.12.1993) by S.I. 1993/2974, **art. 5(2)** (with arts. 7, 9)  
 S. 238 applied (1.7.1994) by S.I. 1994/1647, **art. 6(4)**  
 S. 238 applied (21.7.1994) by 1994 c. xiii, **s. 10(1)**  
 S. 238 applied (30.8.1994) by S.I. 1994/2298, **art. 30**  
 S. 238 applied (30.10.1994) by S.I. 1994/2716, **reg. 94(1)**  
 S. 238 applied (with modifications) (1.11.1994) by S.I. 1994/2733, **art. 3(4)**  
 S. 238 applied (with modifications) (23.12.1994) by S.I. 1994/3162, **art. 16(4)**  
 S. 238 applied (8.7.1996) by S.I. 1996/1627, **art. 23(4)**  
 S. 238 applied (with modifications) (19.8.1996) by S.I. 1996/2103, **art. 3(9)**  
 S. 238 applied (20.5.1998) by S.I. 1998/1209, **art. 12(1)**  
 S. 238 applied (18.7.2000) by S.I. 2000/1884, **art. 28(1)**  
 S. 238 applied (with modifications) (1.8.2000) by S.I. 2000/2103, **art. 3(4)**  
 S. 238 applied (25.8.2000) by S.I. 2000/2152, **art. 27(4)**  
 S. 238 applied (with modifications) (4.9.2000) by S.I. 2000/2251, **art. 3(4)**  
 S. 238 applied (30.1.2001) by 2000 c. 37, **ss. 17(5)**, 103(2) (with s. 43)  
 S. 238 applied by Greenham and Crookham Commons Act 2002 (c. i), **ss. 15(5)**, **24(1)** (with ss. 38, 39) (the amendment coming into force in accordance with s. 1(2)-(4) of the amending Act)
- C4** S. 238: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**  
 S. 238: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**
- C5** S. 238 amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C6** S. 238 applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 21(2)(f)**  
 S. 238 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 21(2)(f)**
- C7** Ss. 236-238 applied (prosp.) by Commons Act 1899 (c. 30), s. 10 (as substituted (prosp.) by Commons Act 2006 (c. 26), **ss. 50(7)**, 56 (with s. 60)
- C8** S. 238 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), **arts. 39(5)(6)(8)**, 46(2) (with art. 40, Sch. 7 para. 12)
- C9** S. 238 applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(8)** (arts. 45-48 Sch. 6 para. 23)
- C10** S. 238 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 5**
- C11** S. 238 applied (30.5.2007) by The Brighton West Pier Harbour Revision Order 2007 (S.I. 2007/1423), **art. 5(3)(4)** (with arts. 6-8)

---

**Changes to legislation:** Local Government Act 1972, Section 238 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- C12** S. 238 applied (with modifications) (18.9.2009) by The Penzance Harbour Revision Order 2009 (S.I. 2009/2325), **art. 24** (with arts. 39, 40)
- C13** Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)
- C14** S. 238 applied (10.8.2010) by The Ryde Pier Harbour Revision Order 2010 (S.I. 2010/1900), arts. 1, **3(3)** (with arts. 4-6)
- C15** S. 238 applied (1.7.2011) by The Saundersfoot Harbour Empowerment Order 2011 (S.I. 2011/1565), arts. 1(2), **30(4)**
- C16** S. 238 applied (22.5.2012) by The Bridgewater Canal (Transfer of Undertaking) Order 2012 (S.I. 2012/1266), arts. 1(1), **4(9)**
- C17** S. 238 applied (with modifications) (23.7.2012) by The Poole Harbour Revision Order 2012 (S.I. 2012/1777), arts. 1(2), **28(1)** (with arts. 58, 59)
- C18** S. 238 applied (with modifications) (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), arts. 1, **42(7)-(9)** (with arts. 46-48, Sch. 8 para. 18)
- C19** S. 238 applied (with modifications) (7.3.2016) by The Newhaven Harbour Revision Order 2016 (S.I. 2016/151), arts. 1(1), **11(6)** (with arts. 29, 30)
- C20** Ss. 237A-238 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**
- C21** S. 238 applied (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **52(7)** (with arts. 55-57, Sch. 8 para. 13)
- C22** S. 238 applied (17.2.2021) by The Weymouth Harbour Revision Order 2021 (S.I. 2021/43), arts. 1, **20(6)** (with arts. 42, 44)
- C23** S. 238 applied (25.3.2022) by The Bridgewater Tidal Barrier Order 2022 (S.I. 2022/299), arts. 1, **51(6)** (with art. 55)
- C24** S. 238 applied (with modifications) (coming into force in accordance with s. 13 of the amending Act) by Monken Hadley Common Act 2022 (c. ii), **s. 11** (with s. 8(3))
- C25** S. 238 applied (with modifications) (12.7.2023) by The Dee Estuary Conservancy Harbour Revision (No. 2) Order 2023 (S.I. 2023/690), arts. 1(1), **12(5)(c)(6)** (with arts. 40, 41, 43)
- C26** S. 238 applied (with modifications) (14.7.2023) by The Cornwall Harbours Harbour Revision Order 2023 (S.I. 2023/675), arts. 1(1), **30(1)** (with arts. 65, 66)

**Changes to legislation:**

Local Government Act 1972, Section 238 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)