
STATUTORY INSTRUMENTS

1989 No. 1359

**The Greater Manchester Residuary
Body (Winding Up) Order 1989**

PART II

TRANSFER OF PROPERTY, FUNCTIONS, RIGHTS AND LIABILITIES

Transfer of property, etc.

2.—(1) Subject to article 3, on the transfer date—

- (a) all interests of the Residuary Body in any immovable property which—
 - (i) is the subject of an agreement for its disposal or option for its purchase; or
 - (ii) was occupied by the Crown Prosecution Service on 31st March 1989,shall vest in Stockport;
- (b) all interests of the Residuary Body in the offices at Third Floor, The Royal Exchange, Cross Street, Manchester and all of their movable property shall vest in Stockport;
- (c) all interests of the Residuary Body in part of Lawns Wood, Wigan Road, Crooke registered at Her Majesty's Land Registry under title number GM159574 shall vest in Stockport;
- (d) all other immovable property of the Residuary Body shall vest in the local council; and
- (e) all interests of the Residuary Body in respect of any mortgage granted in pursuance of section 132 of the Housing Act 1985(1) shall vest in the local council.

(2) Subject to paragraphs (3) and (4) below, all rights and liabilities of the Residuary Body acquired or incurred in connection with, and all records relating exclusively to property transferred by paragraph (1) shall vest in the council to which it is so transferred.

(3) Any right of the Residuary Body to receive grants or subsidies from the Exchequer or from the European Commission shall, insofar as it relates to property transferred by paragraph (1), vest in Stockport.

(4) Any liability of the Residuary Body to repay such grants or subsidies as are mentioned in paragraph (3) shall vest in Stockport, except where the liability to repay is associated with property which is by paragraph (1) transferred to another local council, in which case the liability to repay shall vest in that other local council.

(5) In each financial year commencing with the financial year beginning 1st April 1989 Stockport shall pay to each of the other local councils the appropriate proportion of an amount equal to Stockport's net revenue receipts from any interest vested by paragraph (1)(a), (b) and (c), and net capital receipts from the disposal of any such interest so vested.

(6) In the preceding paragraph, "net revenue receipts" means revenue receipts in the year in question after deducting the aggregate amount of expenditure incurred by Stockport in that year in connection with interests vested by paragraph (1)(a), (b) or (c); and "net capital receipts" means

(1) 1985 c. 68.

capital receipts in the year in question after deducting any amount by which net revenue receipts are a negative amount.

(7) The balance of the net capital and revenue receipts shall be retained by Stockport.

Transfer of Central Station Site, etc

3.—(1) The Residuary Body’s interests in the Central Station Site, Manchester, registered at Her Majesty’s Land Registry under Title numbers GM161103 and GM265086, shall vest jointly in Manchester, Oldham, Stockport and Wigan as trustees for all the local councils.

(2) All rights and liabilities of the Residuary Body acquired or incurred in connection with, and all records relating exclusively to property transferred by paragraph (1) shall vest jointly in all the local councils.

(3) The Residuary Body’s beneficial interest in the share capital of Modesole Limited shall vest in the local councils, and each local council shall receive the number of shares shown against its name in the Schedule to this Order.

(4) Any sums received or payments due in consequence of the provisions of paragraph (1) and (2) shall be distributed among or discharged by the local councils in the appropriate proportions.

Transfer of monies

4.—(1) Immediately before the transfer date, the Residuary Body shall set aside from their revenue balances the sum of £150,000 (“the special fund”), to meet their expenditure between the transfer date and 31st October 1989.

(2) On the transfer date all monies held by the Residuary Body and all sums standing to the credit of that Body on any account (other than the special fund) shall vest in Stockport.

(3) On or before 31st March 1990 Stockport shall pay to each of the other local councils the appropriate capital and appropriate revenue sums as defined in paragraph (4).

(4) In paragraph (3)—

“appropriate capital sum” means a sum equal to the appropriate proportion of the aggregate amount of capital money held by the Residuary Body or standing to its credit on any account immediately before the transfer date;

“appropriate revenue sum” means a sum equal to the appropriate proportion of the aggregate of all other sums which immediately before the transfer date are held by, or stand to the credit of, the Residuary Body on any account other than the special fund.

(5) The amounts reflecting the difference between the amounts vested by paragraph (2) and the amounts which fall to be paid to other local councils by paragraph (3) shall be retained by Stockport as their share of the vested amounts.

(6) In this article “capital money” means monies described in article 2(2)(a) of the Local Government Reorganisation (Capital Money) (Metropolitan Counties) Order 1986(2).

Compensation and superannuation matters

5.—(1) All the functions of the Residuary Body in relation to any contract of employment with the Residuary Body terminating on or before the transfer date, and all rights and liabilities of that Body which arise from any such contract shall on the transfer date become functions of, or vest in, Tameside.

(2) Without prejudice to the generality of paragraph (1) the functions of the Residuary Body conferred by regulation 3(1) of the Local Government Superannuation (Miscellaneous Provisions) Regulations 1986⁽³⁾ shall vest in Tameside.

(3) All the functions of the Residuary Body under the Pensions (Increase) Act 1971⁽⁴⁾ shall on the transfer date become functions of Tameside.

(4) Regulation 3(3) of the Regulations mentioned in paragraph (2) above shall apply to the exercise by Tameside of any discretionary function transferred by paragraph (1) as if references to the appropriate residuary body were references to that council.

Transfer of rights and liabilities

6.—(1) Subject to paragraphs (2) and (4), on the transfer date all rights and liabilities of the Residuary Body which are not transferred by the preceding provisions of this Order shall vest in Stockport to be held for the benefit of, or discharged on behalf of, all the local councils.

(2) All remaining rights and liabilities of the Residuary Body in respect of the Midland Hotel site, Manchester, shall vest jointly in all the local councils.

(3) Any sums received or payments due in consequence of the provisions of paragraph (2) shall be distributed among or discharged by the local councils in the appropriate proportions.

(4) Paragraph (1) shall not apply to any liability of the Residuary Body to pay remuneration to its members, or to any function of the Residuary Body in relation to any contract of employment other than those mentioned in article 5(1), and any right or liability of the Residuary Body in relation to the special fund set aside under article 4(1) shall remain the right or liability of the Residuary Body.

(5) Liabilities in respect of money borrowed by the Residuary Body (both as respects principal and interest) transferred by paragraph (1) shall be charged on the revenues of Stockport.

Consequential financial provisions

7.—(1) Any net capital receipts paid to a local council pursuant to article 2(5) and the balance of net capital receipts retained by Stockport pursuant to article 2(7) shall be treated for the purposes of Part VIII (capital expenditure) of the 1980 Act as a capital receipt of the council.

(2) Any sum paid to a local council as an appropriate capital sum under article 4(3) or retained by Stockport pursuant to article 4(5) and reflecting capital monies shall be treated for the purposes of the said Part VIII as a capital receipt of the council.

(3) Regulations under sections 72(3)(d) and 75 of the 1980 Act shall apply to amounts to be treated by virtue of this article as capital receipts of a local council for the purposes of Part VIII as they apply to other receipts of the council.

(4) Sums received by Stockport in respect of the disposal of interests vested in that council by article 2(1)(a), (b) or (c) of this Order shall not be capital receipts for the purposes of Part VIII of the 1980 Act.

8. Any net capital receipts or appropriate capital sum paid to a local council pursuant to article 2(5) or 4(3), and the balance of net capital receipts and the appropriate capital sum retained by Stockport pursuant to articles 2(7) and 4(5), shall be applied for any purpose for which capital money received by a local council on the disposal of land under Part VII of the Local Government Act 1972⁽⁵⁾ may properly be applied.

(3) S.I. 1986/380.

(4) 1971 c. 56.

(5) S.I. 1987/2186, to which there is an amendment not relevant to this Order.

Consequential administrative arrangements

9.—(1) On or before 31st December 1989 and 31st October in any later year, Stockport shall notify every other local council of its estimate of the amount to be paid to that council in the current financial year by way of net capital receipts under article 2(5) or an appropriate capital sum under article 4(3) and of the classes of disposals and repayments to which that amount relates.

(2) On making any payment of net capital receipts in pursuance of article 2(5) or of an appropriate capital sum in pursuance of article 4(3) Stockport shall notify the council of classes of disposals and repayments to which the payment relates.

(3) For the purposes of paragraphs (1) and (2), disposals and repayments shall be classified in accordance with Schedule 1 to the Local Government (Prescribed Expenditure) (Consolidation and Amendment) Regulations 1987⁽⁶⁾.

(4) When Stockport send a notification under paragraph (1) or (2) to another council they shall send a copy to the Secretary of State and where he is sent a copy of a notification under paragraph (2) they shall advise the Secretary of State of the amount paid to that council.

(5) Stockport shall—

- (a) on or before the relevant date mentioned in paragraph (1) provide the Secretary of State with an estimate of the amount they anticipate they will retain in the current financial year by way of capital monies and of the classes of disposals and repayments to which that amount relates; and
- (b) when they retain any amount following a distribution of capital monies notify the Secretary of State of the amount retained and the classes of disposals and repayments to which that amount relates.

(6) The Local Government Reorganisation (Capital Money) (Metropolitan Counties) Order 1986 shall cease to have effect in relation to the county on the transfer date.

⁽⁶⁾ 1972 c. 70.