
STATUTORY INSTRUMENTS

1989 No. 1359

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

PART IV

MISCELLANEOUS AND GENERAL

Apportionment

12.—(1) All sums realised by Stockport or Tameside, as the case may be, in pursuance of the transfer by article 5(1), 6(1) or 10(2) of this Order of any rights shall, after deduction of any relevant expenditure, be apportioned among the local councils; and Stockport or, as the case may be, Tameside, shall pay the appropriate proportion to each of the other local councils and shall retain the balance.

(2) If in any financial year the aggregate of the sums referred to in paragraph (1) is insufficient to meet any relevant expenditure for that year, that expenditure shall, to the extent that it is not met from that aggregate, be apportioned among the local councils; and the appropriate proportion shall be recoverable by Stockport or Tameside, as the case may be, from each of the other local councils.

(3) In this article, “relevant expenditure” means expenditure attributable to this Order which is not defrayed by virtue of any other provision of this Order.

Continuity of the exercise of functions

13.—(1) Anything done by or in relation to (or having effect as if done by or in relation to) the Residuary Body in the exercise of or in connection with a function which by virtue of this order becomes the function of Stockport or Tameside, shall, so far as is required for continuing its effect after the transfer date, have effect as if done by or in relation to Stockport or Tameside, as the case may be.

(2) Without prejudice to the generality of paragraph (1), that paragraph applies to the making of any application, decision or determination; to the giving of any notice; to the entering into of any agreement or other instrument; and to the bringing of any action or proceeding; but nothing in this Order shall be construed as transferring any contract of employment.

(3) Any pending action or proceeding may be amended in such a manner as may be appropriate in consequence of this Order.

Continuity of employment in certain cases

14. Where the employment by the Residuary Body of any person is terminated, and that termination is attributable to any provision of this Order, regulation 5 (continuity of employment) of the Local Government Superannuation (Local Government Reorganisation) Regulations 1985(1)

(1) S.I.1985/1515. Regulation 5 now modifies the operation of the Local Government Superannuation Regulations 1986 (S.I. 1986/24), and the definition of “transferred employee” referred to in that regulation as in regulation H1. of the 1986 Regulations.

shall apply as if, for the purposes of paragraph (1)(b)(ii), the termination were not attributable to an order under section 67(3) of the 1985 Act.

Complaints of maladministration by Residuary Body

15.—(1) The Parliamentary Commissioner may investigate, or, as the case may be may continue to investigate, a complaint of maladministration by the Residuary Body notwithstanding its winding up.

(2) In relation to any such investigation begun or continued after the transfer date, the Parliamentary Commissioner Act 1967(2) shall apply as if for any reference to the principal officer of the Residuary Body there were substituted—

- (a) if the complaint related to a function which, by virtue of this Order, becomes a function of Tameside, a reference to the proper officer of Tameside;
- (b) if the complaint relates to land which, by virtue of this Order, vests in a local council, a reference to the proper officer of that council; or
- (c) in any other case, a reference to the proper officer of Stockport;

and as if any specific action had been taken, by Tameside or, as the case may be, the local council or Stockport.

Disputes

16. In the event of a dispute between any of the local councils as to the amount of any expenditure recoverable by Stockport or Tameside pursuant to this Order, the matter shall be determined by an arbitrator appointed by the Secretary of State; and section 31 of the Arbitration Act 1950(3) shall have effect in relation to the arbitration as if it were an arbitration to which that section applies.

(2) 1967 c. 13, applied to residuary bodies by paragraph 11 of Schedule 13 to the Local Government Act 1985.

(3) 1950 c. 27; section 31 was repealed in part by the Arbitration Act 1975 (c. 3); section 8(2); and amended by the Arbitration Act 1979 (c. 42); section 7(1).