
STATUTORY INSTRUMENTS

1989 No. 814

The South Yorkshire Residuary Body (Winding Up) Order 1989

PART IV

MISCELLANEOUS AND GENERAL

Apportionment

12.—(1) All money transferred to or sums realised by Rotherham by or in pursuance of the transfer by article 6 or 10 of this Order of any property or rights shall after deduction of any relevant expenditure be apportioned among the local councils; and Rotherham shall, not later than the end of the financial year following that in which it is received, pay the appropriate proportion to each of the other local councils and shall retain the balance.

(2) If in any financial year the aggregate in that year of the money and 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 the aggregate, be apportioned among the local councils; and the appropriate proportion shall be recoverable by Rotherham from each of the other 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 the Pensions Authority or Rotherham shall so far as is required for continuing its effect after the transfer date have effect as if done by or in relation to that Authority or that council.

(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 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⁾ 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.

(1) S.I.1985/1515.

Complaints of maladministration by Residuary Body

15.—(1) The Parliamentary Commissioner may investigate or, as the case may be, 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) where the complaint relates to the exercise of a function which by virtue of this Order becomes a function of the Pensions Authority, a reference to the proper officer of that Authority; or
- (b) in any other case, a reference to the proper officer of Rotherham,

and as if any specified action had been taken by that Authority or Rotherham, as the case may be.

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