

---

STATUTORY INSTRUMENTS

---

**1991 No. 710**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The West Midlands Residuary Body (Winding Up) Order 1991**

<i>Made</i>	- - - -	<i>18th March 1991</i>
<i>Laid before Parliament</i>		<i>19th March 1991</i>
<i>Coming into force</i>	- -	<i>28th March 1991</i>

Whereas the West Midlands Residuary Body, acting pursuant to section 67(1)(b) of the Local Government Act 1985(1), has submitted a scheme to the Secretary of State for its winding up, and the disposal of its property, functions, rights and liabilities:—

And whereas the Secretary of State has decided to give effect to that scheme with modifications:—

Now, therefore, the Secretary of State in exercise of the powers conferred on him by sections 67(3) and 77 of that Act, and of all other powers enabling him in that behalf, hereby makes the following order:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the West Midlands Residuary Body (Winding Up) Order 1991 and shall come into force on 28th March 1991.

(2) In this Order—

“the 1985 Act” means the Local Government Act 1985;

“the abolished council” means the former West Midlands County Council;

“the county” means the county of West Midlands;

“expenditure” in relation to Birmingham and Wolverhampton includes administrative expenses properly incurred by them;

“the local council” means the council of a district in the county and in relation to land means the council of the district in which the land is situated;

“the Residuary Body” means the West Midlands Residuary Body;

“Birmingham” means Birmingham City Council;

“Lichfield” means the council of the metropolitan district of Lichfield;

“Wolverhampton” means the council of the metropolitan borough of Wolverhampton; and

“the transfer date” means 28th March 1991.

(3) For the purpose of any provision of this Order which requires the payment or recovery of sums in the appropriate proportions,—

- (a) the appropriate proportion in relation to any council is the proportion equal to the proportion which the population of the area of that council bears to the population of the county; and
- (b) the population of an area means its relevant population as calculated in accordance with section 69 of the Local Government Finance Act 1988<sup>(2)</sup>.

### **Transfer of property, etc.**

2.—(1) On transfer date all interests of the Residuary Body in—

- (a) land which is the subject of an agreement for its disposal or option for its purchase shall transfer to vest in Birmingham;
- (b) any other land situated in the county shall transfer to and vest in the local council;
- (c) holding 125 Bangley Lane, Canwell, Staffordshire forming part of title numbers SF47512 and SF162639 registered at Her Majesty’s Land Registry shall transfer to and vest in the council of the county of Staffordshire (“Staffordshire”);
- (d) holding 163 Drayton Lane, Drayton Bassett, Canwell, Staffordshire, forming part of title numbers SFP160925 and SF162639 registered at Her Majesty’s Land Registry shall transfer to and vest in Staffordshire; and
- (e) any other land situated outside the county shall transfer to and vest in Birmingham.

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

(3) Where prior to the transfer date the Residuary Body has disposed of any land subject to a covenant that the Residuary Body shall receive a proportion of any subsequent increased development value, the benefit of that covenant shall vest in Birmingham.

(4) Subject to paragraph (5), any right or liability of the Residuary Body to receive or to repay grants or subsidies from or to the Exchequer or from or to the European Commission shall vest in Birmingham.

(5) Any liability of the Residuary Body to repay such grants or subsidies as are mentioned in paragraph (4) but which are associated with land which is by paragraph (1)(b) transferred to a local council shall vest in that local council.

### **Transfer of money**

3.—(1) On the transfer date the Residuary Body shall pay £1 million to Wolverhampton.

(2) The sum paid by virtue of paragraph (1) shall be applied for defraying expenditure incurred by Wolverhampton on or in connection with the functions transferred to it by article 4 of this Order.

(3) On the transfer date the Residuary Body shall pay £1.35 million to Lichfield.

(4) The sum paid by virtue of paragraph (3) shall be applied for defraying expenditure incurred by Lichfield only on or in connection with works of repair or replacement to water supply and sewerage systems for properties at Canwell, Staffordshire.

---

(2) 1988 c. 41. Section 69 was amended by the local Government and housing Act 1989 (c. 42), Schedule 5, paragraph 50.

### **Compensation and superannuation matters**

4.—(1) All the functions of the Residuary Body in relation to any contract of employment with the abolished council or with the Residuary Body 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, Wolverhampton.

(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<sup>(3)</sup> shall vest in Wolverhampton.

(3) All the functions of the Residuary Body—

- (a) under paragraph 3(2) of Schedule 13 to the 1985 Act; or
- (b) relating to the making of payments under the Local Government Reorganisation (Reduction of Redundancy Payment Cases) Scheme 1986<sup>(4)</sup>

shall on the transfer date become functions of, or transfer to Wolverhampton.

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

### **Transfer of rights, liabilities and records**

5.—(1) On the transfer date all rights and liabilities of the Residuary Body—

- (a) in relation to the West Midlands Enterprise Board or any of its subsidiary companies shall transfer to and vest jointly in the local councils;
- (b) in relation to the nomination or appointment of members to any body (other than the Canwell Estates Company Limited) shall transfer to and vest jointly in the local councils; and
- (c) in relation to the Canwell Estates Company Limited shall transfer to and vest in Lichfield.

(2) Where the abolished council or its predecessors, or, prior to the transfer date, the Residuary Body, have entered into any covenant affecting land, the benefit or the burden of that covenant, as the case may be, unless otherwise vested by article 2(3), shall vest in the local council.

(3) Subject to the preceding provisions of this Order, on the transfer date—

- (a) all rights and liabilities and any records of the Residuary Body relating to any function which by virtue of this Order or otherwise becomes or has become a function of Wolverhampton shall transfer to and vest in Wolverhampton;
- (b) all records of the Residuary Body relating to the Canwell Estate, Staffordshire shall transfer to and vest in Lichfield; and
- (c) all remaining rights, liabilities and records of the Residuary Body shall vest in Birmingham.

### **Winding Up**

6. On 31st March 1991 the Residuary Body shall be wound up on that date any remaining functions, property, rights and liabilities shall transfer to and vest in Birmingham.

---

(3) S.I.1986/380.

(4) Made under section 59(3) of the Local Government Act 1985.

## **Apportionment**

7.—(1) All sums received by Birmingham or Wolverhampton by or in pursuance of the transfer by this Order of any property or rights (other than by virtue of article 2(1)(b), (2) and 5(2)) shall after deduction of any relevant expenditure be apportioned among the local councils in the appropriate proportions, and Birmingham or, as the case may be, Wolverhampton shall, not later than the end of the financial year in which such sums are 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 sums referred to in paragraph (1) is sufficient to meet any relevant expenditure for that year that excess expenditure shall be apportioned among the local councils in the appropriate proportions; and the appropriate proportion shall be recoverable by Birmingham or Wolverhampton 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**

8.—(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 Birmingham or Wolverhampton shall so far as is required for continuing its effect after the transfer date have effect as if done by or in relation to Birmingham or Wolverhampton 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 any agreement or other instrument; and to the bringing of any action proceeding.

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

## **Complaints of maladministration by Residuary Body**

9.—(1) The Parliamentary Commissioner may investigate or, as the case may be, continue to investigate a complaint of maladministration by the Residuary Body arising in relation to any interests in land, property or other matter transferred by this Order.

(2) In relation to any such investigation begun or continued after the transfer date, the Parliamentary Commissioner Act 1967(5) shall apply as if for any reference to the proper 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 Wolverhampton a reference to the proper officer of Wolverhampton;
- (b) where 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 Birmingham

and as if any specified action had been taken by Wolverhampton, or, as the case may be, by the local council or by Birmingham.

## **Disputes**

10. In the event of a dispute between any of the local councils as to the amount of any expenditure recoverable by Wolverhampton or Birmingham pursuant to this Order, the matter shall be determined

---

(5) 1967 c. 13. applied to residuary bodies by paragraph 11 of Schedule 13 to the Local Government Act 1985.

by an arbitrator appointed by the Secretary of State; and section 31 of the Arbitration Act 1950<sup>(6)</sup> shall have effect in relation to the arbitration as if it were an arbitration to which that section applies.

### **Miscellaneous**

**11.** The Local Government Reorganisation (Capital Money) (West Midlands) Order 1986<sup>(7)</sup> is hereby revoked.

Signed by authority of the Secretary of State for the Environment

18th March 1991

*Michael Portillo*  
Minister of State,  
Department of the Environment

---

<sup>(6)</sup> 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).  
<sup>(7)</sup> S.I. 1986/2093.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the winding up of the West Midlands Residuary Body in pursuance of a scheme submitted by that Body to the Secretary of State under section 67 of the Local Government Act 1985. The modifications made to the Residuary Body's scheme are:

- (a) Lichfield, rather than Birmingham, receive £1.35 million for repair of water supply and sewerage works in Canwell, Staffordshire; and
- (b) Lichfield, rather than Birmingham, inherit the rights and liabilities of the Residuary Body in respect of the Canwell Estates Company Limited.

Article 2 provides for the land which the Residuary Body has agreed to sell, or which is the subject of an option to purchase, and the Residuary Body's interests in land situated outside the county of West Midlands to transfer to Birmingham City Council; and for other land in the county to vest in the council of the district in which it is situated. Provision is made for the transfer of two specified properties to Staffordshire County Council. Article 2 also provides for the transfer of associated rights and liabilities.

Article 3 provides for the transfer of specified sums to Wolverhampton and Lichfield metropolitan district councils to enable them to meet certain specified expenditure.

Article 4 provides for the transfer to Wolverhampton of remaining functions in relation to contracts of employment and pensions.

Article 5 makes provision for the transfer of remaining rights, liabilities and records of the Residuary Body.

Article 6 winds up the Residuary Body on 31st March 1991 transferring any remaining functions, property, rights and liabilities to Birmingham.

Article 7 makes general provision for apportioning among the councils in the county the sums received and paid by Birmingham or Wolverhampton. Article 8 provides for continuity in the exercise of functions. Article 9 provides for the handling of complaints or maladministration on the part of the Residuary Body and article 10 for the determination of disputes. Article 11 revokes the Local Government Reorganisation (Capital Money) (West Midlands) Order 1986.