

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Act 1994, SCHEDULE 13. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 13

Section 39

#### THE RESIDUARY BODY FOR WALES: CORFF GWEDDILLIOL CYMRU

##### *Membership*

- 1 (1) The Residuary Body shall consist of not less than 4 nor more than 7 members appointed by the Secretary of State.
- (2) The Secretary of State shall appoint one of the members to be chairman.
- (3) The Secretary of State may by order alter either of the numbers in sub-paragraph (1).

##### *Status*

- 2 The Residuary Body and its members and staff are not Crown servants and are not to be regarded as acting on behalf of the Crown.

##### *Tenure of office of members*

- 3 (1) Every member of the Residuary Body shall hold and vacate office in accordance with the terms of his appointment but subject to the following provisions of this paragraph.
- (2) Any member may resign his office by notice in writing to the Secretary of State.
- (3) The Secretary of State may remove a member from office if that member—
- (a) has become bankrupt or made an arrangement with his creditors;
  - (b) is incapacitated by physical or mental illness;
  - (c) has been absent from meetings of the Residuary Body for a period of three months otherwise than for a reason approved by it; or
  - (d) is, in the opinion of the Secretary of State, otherwise unable or unfit to discharge the functions of a member.
- (4) A person shall cease to be chairman of the Residuary Body if he—
- (a) resigns as such by notice in writing to the Secretary of State; or
  - (b) ceases to be a member of the Residuary Body.

##### *Remuneration etc. of members*

- 4 (1) The Residuary Body shall pay to each member such remuneration and allowances (if any) as the Secretary of State may determine.
- (2) The Residuary Body shall pay, or make provision for the payment of, such sums by way of pension, allowances and gratuities, to or in respect of such members as the Secretary of State may determine.

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- (3) Where a person ceases to be a member otherwise than on the expiration of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Residuary Body shall pay as compensation to that person such amount as the Secretary of State may determine.
- (4) The consent of the Treasury is required for any determination of the Secretary of State under this paragraph.

*House of Commons and Northern Ireland Assembly disqualification*

- 5 In Part III of Schedule 1 to the <sup>M1</sup>House of Commons Disqualification Act 1975 and Part III of Schedule 1 to the <sup>M2</sup>Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices) insert, at the appropriate place— “ Any member of the Residuary Body for Wales (Corff Gweddilliol Cymru) in receipt of remuneration. ”

**Marginal Citations**

**M1** 1975 c. 24.

**M2** 1975 c. 25.

*Proceedings*

- 6 (1) Subject to the provisions of this paragraph and paragraph 12(1), the Residuary Body shall regulate its own proceedings.
- (2) The validity of any proceedings of the Residuary Body shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.
- (3) A member who is directly or indirectly interested in any matter brought up for consideration at a meeting of the Residuary Body shall disclose the nature of his interest to the meeting.
- (4) Where such a disclosure is made, the member shall not take part in any deliberation or decision of the Residuary Body with respect to that matter.

*Application of seal and proof of instruments*

- 7 (1) The application of the seal of the Residuary Body shall be authenticated by the signature of any member of the Residuary Body, or of its staff, who has been authorised by the Residuary Body, whether generally or specially, for the purpose.
- (2) Any document purporting to be a document duly executed under the seal of the Residuary Body shall be received in evidence and shall, unless the contrary is proved, be deemed to have been so executed.

*Access to documents*

- 8 (1) Any person authorised in that behalf by the Residuary Body shall be entitled on producing, if so required, evidence of his authority—
  - (a) at all reasonable times to inspect and make copies of any document belonging to or under the control of any authority or body whose staff, assets,

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rights or liabilities are affected by any provision made by or under this Act ;  
and

(b) to require copies of any such documents to be delivered to him.

(2) In this paragraph “document” includes any record of information and, where the record is not in legible form, the rights conferred by sub-paragraph (1) include the right to require the information to be made available in legible form for inspection or copying and to require copies of it in that form to be delivered.

(3) References in this paragraph to copies of a document include references to copies of any part of it.

#### *Giving of advice to Secretary of State*

9 The Residuary Body—

(a) may from time to time give such advice to the Secretary of State with respect to the exercise by him of his powers under section 54(2)(c) as it considers appropriate; and

(b) shall give to the Secretary of State advice on such matters connected with the exercise of those powers as he may specify.

#### *Reports and information*

10 (1) The Residuary Body shall—

(a) publish an annual report on the discharge of its functions;

(b) send a copy of every such report to the Secretary of State; and

(c) give the Secretary of State such information relating to the discharge of its functions as he may require.

(2) The Secretary of State shall lay before each House of Parliament a copy of any report sent to him under sub-paragraph (1).

(3) For the purposes of sub-paragraph (1)(c), the Residuary Body shall—

(a) permit any person authorised by the Secretary of State to inspect and make copies of—

(i) any part of the accounts of the Residuary Body; or

(ii) any document in the possession of the Residuary Body, or any part of such a document; and

(b) provide such explanation of the accounts or document as that person or the Secretary of State may require.

(4) In this paragraph “document” has the same meaning as in paragraph 8.

#### *Acquisitions and disposals*

11 (1) On 1st April 1996 all property, rights and liabilities of the old authorities, in respect of which provision is not otherwise made by or under this Act as to vesting, shall, by virtue of this paragraph, vest in the Residuary Body.

(2) This paragraph shall not be construed—

(a) as continuing in force any contract of employment made by an old authority,  
or

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- (b) as imposing any liability on the Residuary Body in respect of the termination of any such contract by the abolition of an old authority, but the rights and liabilities to which this paragraph applies shall include any rights and liabilities attributable to anything done or omitted under or in respect of such a contract before 1st April 1996 except any liability to make a payment which is prohibited by section 43(2).
- (3) The Residuary Body may, with the consent of the Secretary of State, acquire by agreement any land or additional land required by it for carrying out its functions.
- (4) The Residuary Body—
- (a) may dispose of any land held by it in such manner as it considers appropriate, and
- (b) shall dispose of any land which is not required by it for the carrying out of its functions,
- subject to the same restrictions as those imposed by section 123(2) and (2A) of the 1972 Act (disposal of land of principal councils) in the case of disposals by a principal council under section 123(1) of that Act and any other restrictions imposed by or under this Act.

*Power of Secretary of State to give directions*

- 12 (1) The Residuary Body shall exercise its functions subject to such directions as the Secretary of State may from time to time give to it.
- (2) No transaction entered into by the Residuary Body in the exercise of its functions shall be invalid by reason only of a failure to comply with any direction given under this paragraph.
- (3) The Secretary of State shall publish any directions given by him under this paragraph.

*Application of receipts*

- 13 (1) Any sum received by the Residuary Body (together with any accrued interest) which would be treated as a capital receipt for the purposes of section 58 of the <sup>M3</sup>Local Government and Housing Act 1989 if received by a local authority shall be paid—
- (a) to such new principal council, or
- (b) to such new principal councils, in such proportions,
- as the Secretary of State may direct.
- (2) Any sum received by a principal council under sub-paragraph (1) shall be treated as a capital receipt for the purposes of section 58 of the Act of 1989.
- (3) Any direction under this paragraph may be given so as to operate generally in relation to all cases or descriptions of case or in relation to a particular case.

**Marginal Citations**

**M3** 1989 c. 42.

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### *Funding*

- 14 For the purposes of section 74 of the <sup>M4</sup>Local Government Finance Act 1988 (power to make regulations authorising a levying body to issue a levy) the Residuary Body shall be treated as a levying body with respect to which regulations may be made under subsection (2) of that section.

#### **Marginal Citations**

**M4** 1988 c. 41.

### *Accounts*

- 15 (1) The Residuary Body shall—
- (a) keep proper accounts;
  - (b) keep proper records in relation to the accounts; and
  - (c) prepare a statement of accounts in respect of each financial year.
- (2) The statement shall comply with any directions given by the Secretary of State with the consent of the Treasury, as to—
- (a) the information to be contained in the statement;
  - (b) the manner in which the information is to be presented;
  - (c) the methods and principles according to which the statement is to be prepared.
- (3) Without prejudice to paragraph 12, the Secretary of State may give directions to the Residuary Body requiring it—
- (a) to keep accounts in respect of such matters, and records relating to them, as may be specified in the directions, and
  - (b) to apply such methods and principles as may be so specified with respect to any accounts or records kept by the Residuary Body.

### *Audit*

- 16 (1) The accounts of the Residuary Body shall be included among those which are required to be audited in accordance with [<sup>F1</sup>the Audit Commission Act 1998] and, subject to sub-paragraph (2), [<sup>F1</sup>that Act] shall accordingly have effect in relation to the Residuary Body and its accounts.
- (2) [<sup>F2</sup>Sections 5(1)(b) and (c), 14 to 18, 25 and 27 of that Act] shall not apply in relation to the Residuary Body or its accounts.
- (3) At each audit of the accounts of the Residuary Body under [<sup>F3</sup>the Act of 1998], any local government elector for any area to which the accounts to be audited relate may inspect those accounts and all books, deeds, contracts, bills, vouchers and receipts relating to them and make copies of all or any part of the accounts and those other documents.
- (4) At the request of any such local government elector, the auditor shall give the elector, or any representative of the elector, an opportunity to question him about those accounts or to draw his attention to any matter on which he could make a report under [<sup>F4</sup>section 8 of the Act of 1998].

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- (5) As soon as the audit of the accounts of the Residuary Body has been concluded, a copy of—
  - (a) any statement prepared for the accounting year in question under paragraph 15(1), and
  - (b) any report made by the auditor on the statement or on the accounts,
 shall be sent by the Residuary Body to the Secretary of State.
- (6) The Secretary of State shall lay a copy of the statement and report before each House of Parliament.
- (7) Any person, on applying to the Residuary Body, shall be entitled—
  - (a) to inspect and make copies of any statement prepared by it under paragraph 15(1) and any report made by an auditor on the statement or on its accounts; and
  - (b) to be supplied with copies of any such statement or report on payment of such reasonable sum as the Residuary Body may determine.
- (8) Any document which a person is entitled to inspect under sub-paragraph (3) or (7) may be inspected by him at all reasonable times and without payment.

**Textual Amendments**

- F1** Words in Sch. 13 para. 16(1) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), Sch. 3 para. 27(2)
- F2** Words in Sch. 13 para. 16(2) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), Sch. 3 para. 27(3)
- F3** Words in Sch. 13 para. 16(3) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), Sch. 3 para. 27(4)
- F4** Words in Sch. 13 para. 16(4) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), Sch. 3 para. 27(5)

*Parliamentary supervision*

- 17 The Residuary Body shall be included among the authorities to which the <sup>M5</sup>Parliamentary Commissioner Act 1967 applies.

**Marginal Citations**

- M5** 1967 c. 13.

*Winding up*

- 18 (1) Except as respects any of its functions for the discharge of which provision will be required, or is likely to be required, after the end of the transitional period, the Residuary Body shall use its best endeavours to secure that its work is completed as soon as practicable and in any event by the end of the transitional period.
- (2) In this paragraph “the transitional period” means the [<sup>F5</sup>period beginning with the establishment of the Residuary Body and ending with 31st March 1999].
- (3) <sup>F6</sup>. . . The Residuary Body shall be wound up at the end of the transitional period.
- <sup>F7</sup>(4) . . . . .

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- [<sup>F8</sup>(5) The Residuary Body shall, before the end of the period of three months beginning with the day on which the Government of Wales Act 1998 is passed, submit to the Secretary of State a scheme for the winding up of the Residuary Body.
- (6) The scheme shall include in relation to the Residuary Body's remaining functions, property, rights and liabilities—
- (a) a statement of arrangements made by the Residuary Body for their transfer by the Residuary Body to another body or bodies,
  - (b) proposals for their transfer by the Secretary of State to another body or bodies, or
  - (c) such a statement in relation to some of them and such proposals in relation to the rest.
- (7) The Secretary of State may by order make provision for giving effect to the scheme (with or without modifications) and for the transfer of functions, property, rights and liabilities of the Residuary Body to another body or bodies (whether or not as proposed in the scheme).]
- (8) In making any supplemental or transitional provision in an order under subparagraph (7), the Secretary of State may include provision amending any enactment or any instrument made under any enactment.

#### Textual Amendments

- F5** Words in Sch. 13 para. 18(2) substituted (2.9.1998) by 1998 c. 38, s. 150(2) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 3
- F6** Words in Sch. 13 para. 18(3) repealed (2.9.1998) by 1998 c. 38, s. 150(3)(a), 152, Sch. 18 Pt. VII (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, art. 3
- F7** Sch. 13 para. 18(4) repealed (2.9.1998) by 1998 c. 38, ss. 150(3)(b), 152, Sch. 18 Pt. VII (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, art. 3
- F8** Sch. 13 para. 18(5)-(7) substituted (2.9.1998) by 1998 c. 38, s. 150(4) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 3

#### *Application of other enactments*

- 19 The Residuary Body shall be treated as a local authority or (as the case may be) as a principal council for the purposes of the following provisions of the 1972 Act—
- (a) section 111(1) and (3) (subsidiary powers);
  - (b) sections 112 to 115 and 117 to 119 (staff);
  - (c) section 128(2) (protection of purchasers);
  - (d) section 140, 140A and 140C (insurance of members etc.);
  - (e) section 146 (transfer of securities);
  - (f) section 223 (appearance in legal proceedings);
  - (g) sections 224, 225 and 229 to 233 (documents); and
  - (h) section 239, so far as it relates to opposing a local or personal Bill in Parliament but without the procedural requirements in subsection (2).
- 20 The Residuary Body shall be treated as a local authority for the purposes of—
- (a) the Landlord and Tenant Act 1954 (c. 56);

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- (b) the Caravan Sites and Control of Development Act 1960 (c. 62);
- (c) the Local Government (Records) Act 1962 (c. 56);
- (d) section 13(7)(f) of the Employment Agencies Act 1973 (c. 35) (circumstances in which Act does not apply);
- (e) section 28 of the Health and Safety at Work etc. Act 1974 (c. 37) (restrictions on disclosure of information);
- (f) sections 30 (repayment of advances of remuneration), 38 (use of spare capacity) and 41 (resolutions, minutes, etc.) of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57);
- (g) section 71 of the Race Relations Act 1976 (c. 74) (general statutory duty of local authorities);
- (h) [<sup>F9</sup>section 66 of the Justices of the Peace Act 1997 (c. 25)](disqualification in certain cases of justices who are members of local authorities);
- (i) section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) (lost property etc.);
- (j) paragraph 7 of Schedule 1 to the Stock Transfer Act 1982 (c. 41) (specified securities);
- (k) section 60 of the County Courts Act 1984 (c. 28) (rights of audience);
- (l) sections 84(5)(b) (agreements to indemnify certain lenders) and 85(4) (meaning of “relevant advance”) of the Housing Associations Act 1985 (c. 69);
- (m) sections 7 (transfer of local authority mortgages) and 9 (interpretation etc.) of the Local Government Act 1986 (c. 10); and
- (n) section 157 of the Local Government and Housing Act 1989 (c. 42) (periodic payment of grants).

#### Textual Amendments

**F9** Words in [Sch. 13 para. 20\(h\)](#) substituted (19.6.1997) by [1997 c. 25, ss. 73\(2\), 74\(1\)](#), [Sch. 5 para. 35\(3\)](#) (with [Sch. 4 para. 27](#))

- 21 The Residuary Body shall be treated as a local authority for the purposes of the following provisions of the <sup>M6</sup>Housing Act 1985—
- (a) sections 43 and 44 (consent required for certain disposals of houses);
  - (b) sections 45 to 51 (restrictions on recovery of service charges after disposal of house);
  - (c) section 80 (secure tenancy: landlord condition);
  - (d) sections 442 <sup>F10</sup>. . . and 443 (local authority [<sup>F11</sup>agreement to indemnify mortgagee and]contributions to mortgage costs); and
  - (e) Part XVI (assistance for owners of defective premises disposed of by local authorities and others).

#### Textual Amendments

**F10** Words in [Sch. 13 para. 21\(d\)](#) repealed (24.9.1996) by [1996 c. 52, ss. 222, 227](#), [Sch. 18 Pt. IV para. 30](#), [Sch. 19 Pt. XIV](#); S.I. 1996/2402, [art. 2](#)

**F11** Words in [Sch. 13 para. 21\(d\)](#) inserted (24.9.1996) by [1996 c. 52, s. 222](#), [Sch. 18 Pt. IV para. 30](#); S.I. 1996/2402, [art. 2](#)



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**M6** 1985 c. 68.

- 22 The Residuary Body shall be treated as a housing authority for the purposes of sections 444, 452 and 453 of the Housing Act 1985 (provision in connection with local authority mortgages).
- 23 The Residuary Body shall be treated as a local authority for the purposes of the following provisions of the <sup>M7</sup>Landlord and Tenant Act 1985—
- (a) section 14(4) (exclusion of implied repairing obligation);
  - (b) sections 18 to 30 (service charges); and
  - (c) paragraph 9(1) of the Schedule (rights of tenants with respect to insurance: exceptions).

#### Marginal Citations

**M7** 1985 c. 70.

- 24 The Residuary Body shall be included among the authorities or bodies to which the following enactments apply—
- (a) section 11 of the Trustee Investments Act 1961 (c. 62) (local authority investment schemes);
  - (b) section 28(5)(a) of the Leasehold Reform Act 1967 (c. 88) (retention or resumption of land required for public purposes);
  - (c) paragraph 2 of Schedule 4A to the Act of 1967 (exclusion of certain shared ownership leases);
  - (d) section 3(1) of the Employers' Liability (Compulsory Insurance) Act 1969 (c. 57) (employers exempted from insurance); and
  - (e) section 5(2) of the Rent (Agriculture) Act 1976 (c. 80) (statutory tenancies).
- 25 The Residuary Body shall be included among the bodies specified in—
- (a) section 99(4) (directions to dispose of land) of and Schedule 16 (bodies to whom Part X applies) to the Local Government, Planning and Land Act 1980 (c. 65);
  - (b) section 58(1) of the Landlord and Tenant Act 1987 (c. 31) (exempt landlords and resident landlords);
  - (c) Schedule 2 to the Local Government Act 1988 (c. 9) (public authorities to which section 17 of the Act applies); and
  - (d) section 144(2)(a) of the Road Traffic Act 1988 (c. 52) (third party insurance or security: exceptions).
- 26 The Residuary Body shall be treated as a local authority for the purposes of the <sup>M8</sup>Local Authorities (Goods and Services) Act 1970.

#### Marginal Citations

**M8** 1970 c. 39.

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- 27 Paragraph 64A of Schedule 2 to the <sup>M9</sup>Pensions (Increase) Act 1971 (official pensions) shall have effect as if the reference to a residuary body established by the <sup>M10</sup>Local Government Act 1985 included a reference to the Residuary Body.

**Marginal Citations**

**M9** 1971 c. 56.

**M10** 1985 c. 51.

- 28 After paragraph (h) of section 14 of the <sup>M11</sup>Rent Act 1977 (landlord’s interest belonging to local authority etc.) insert—  
“(i) The Residuary Body for Wales (Corff Gweddilliol Cymru);”.

**Marginal Citations**

**M11** 1977 c. 42.

- 29 In section 33(9) of the <sup>M12</sup>Local Government (Miscellaneous Provisions) Act 1982 (enforceability of certain covenants relating to land)—  
(a) in paragraph (a), after “the London Residuary Body” insert “the Residuary Body for Wales (Corff Gweddilliol Cymru);” and  
(b) in paragraph (b), after “Greater London,” insert “in relation to the Residuary Body for Wales (Corff Gweddilliol Cymru) means Wales”.

**Marginal Citations**

**M12** 1982 c. 30.

- 30 Paragraph 1 of Schedule 1 to the <sup>M13</sup>Access to Personal Files Act 1987 shall have effect as if the reference to a Housing Act local authority in the table included a reference to the Residuary Body.

**Marginal Citations**

**M13** 1987 c. 37.

- 31 In Part I of Schedule 1 to the <sup>M14</sup>Housing Act 1988 (tenancies which cannot be assured tenancies), after paragraph 12(1)(g) insert—  
“(gg) The Residuary Body for Wales (Corff Gweddilliol Cymru);”.

**Marginal Citations**

**M14** 1988 c. 50.

- 32 In subsection (12) of section 252 of the planning Act (procedure for the making of orders under Part X), in the definition of “local authority”, after “Housing Act 1988” insert “, the Residuary Body for Wales (Corff Gweddilliol Cymru) ”.

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- 33 In section 19(3) of the <sup>M15</sup>Local Government Finance Act 1992 (exclusion of Crown exemption in certain cases), at the end add—
- “(g) The Residuary Body for Wales (Corff Gweddilliol Cymru).”

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**Marginal Citations**

**M15** 1992 c. 14.

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