



# Local Government Act 1985

## 1985 CHAPTER 51

### PART I

#### ABOLITION OF GREATER LONDON COUNCIL AND METROPOLITAN COUNTY COUNCILS

#### **1 Abolition of GLC and metropolitan county councils.**

- (1) On the date on which this subsection comes into force—
  - (a) the Greater London Council; and
  - (b) the metropolitan county councils,shall cease to exist.
- (2) The date on which subsection (1) above comes into force is in this Act referred to as the “abolition date” and shall be 1st April 1986.

### PART II

#### TRANSFER OF FUNCTIONS TO LONDON BOROUGH COUNCILS, METROPOLITAN DISTRICT COUNCILS AND OTHER EXISTING AUTHORITIES

#### *Preliminary*

#### **2 Commencement of Part II.**

Except so far as otherwise provided the following provisions of this Part of this Act shall have effect from the abolition date.

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1985. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Town and country planning etc.

3 Local planning authorities.

- (1) ..... F1
- (2) ..... F2
- (3) ..... F3
- (5) [<sup>F4</sup>In paragraph 55(1) of Schedule 16 to the Local Government Act 1972] after the words “Elsewhere than in Greater London” there shall be inserted the words “, a metropolitan county”.

**Textual Amendments**

**F1** S. 3(1) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

**F2** S. 3(2) repealed by [Housing and Planning Act 1986 \(c.63, SIF 81:1\)](#), ss. 24(3), 39(4), 49(2), 53(2), [Sch. 12 Pt. III](#)

**F3** S. 3(3)(4) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

**F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 69\(1\)](#)

- 4, 5. .... F5

**Textual Amendments**

**F5** Ss. 4, 5 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

6 Listed buildings, conservation areas and ancient monuments.

Schedule 2 to this Act shall have effect for amending the law relating to listed buildings, conservation areas, ancient monuments and certain related subjects, the principal purpose of the amendments being—

- (a) to transfer functions relating to those matters from the Greater London Council to the Historic Buildings and Monuments Commission for England; and
- (b) to make, in the enactments relating to those functions, amendments consequential on section 3(1) above.

7 National Parks and countryside functions.

- (1) Schedule 3 to this Act shall have effect for transferring functions relating to National Parks and the countryside from—
  - (a) the Greater London Council to London borough councils and the Common Council; and
  - (b) from metropolitan county councils to metropolitan district councils.

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F6(2) .....

**Textual Amendments**

F6 S. 7(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

*Highways and road traffic*

**8 Highways and road traffic functions.**

- (1) Schedule 4 to this Act shall have effect for amending the law relating to highways, streets and bridges, and Part I of Schedule 5 to this Act for amending certain enactments relating to road traffic, the principal purpose of the amendments being to transfer functions relating to those matters—
  - (a) from the Greater London Council to London borough councils and the Common Council; and
  - (b) from metropolitan county councils to metropolitan district councils.
- (2) The supplementary provisions in Part II of Schedule 5 to this Act shall have effect in relation to the regulation of road traffic in Greater London and the metropolitan counties.
- (3) ..... F7

**Textual Amendments**

F7 S. 8(3) repealed by Local Government Finance Act 1988 (c.41, SIF 81:1), s. 149, Sch. 13 Pt. II

*Waste regulation and disposal*

**9 Waste regulation and disposal functions.**

- Schedule 6 to this Act shall have effect for transferring functions relating to waste regulation and disposal—
- (a) from the Greater London Council to London borough councils and the Common Council; and
  - (b) from metropolitan county councils to metropolitan district councils.

**10 Joint arrangements for waste disposal functions.**

- (1) If it appears to the Secretary of State in the case of Greater London or of any metropolitan county—
  - (a) that all or any of the councils by which functions to which this section applies will be exercisable in that area from the abolition date could with advantage make joint arrangements for the discharge of all or any of those functions from that date but have not made any or any satisfactory arrangements for that purpose before 15th November 1985; or
  - (b) that satisfactory arrangements for that purpose have ceased or will cease to be in operation at any time after the abolition date,

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he shall by order establish for the whole or any part of that area a single authority to discharge from that date or, as the case may be, from any subsequent time all those functions or such of them as are specified in the order.

- (2) For the purposes of subsection (1) above the Secretary of State shall have particular regard to the need for satisfactory arrangements in respect of hazardous waste.
- (3) No person shall be a member of an authority established by an order under subsection (1) above unless he is a member of one of the councils for whose areas the authority is established; and any such order may make provision for enabling the Secretary of State to require the authority established by the order to submit to him a scheme for the winding up of the authority and the transfer to those councils of its functions, property, staff, rights and liabilities.
- (4) This section applies to any functions conferred by section 74 or 76 of the <sup>M1</sup>Public Health Act 1936, [<sup>F8</sup>Part II of the Environmental Protection Act 1990], the <sup>M2</sup>Refuse Disposal (Amenity) Act 1978 or section 5 or 6 of the <sup>M3</sup>Litter Act 1983.
- (5) The Secretary of State may by order dissolve any authority established under this section or provide for excluding any functions, or any functions in any area, from those for which the authority was established.
- (6) An order under this section may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions for the transfer of property, staff, rights and liabilities and provisions amending any enactment or any instrument made under any enactment.
- (7) An order may be made by virtue of subsection (1)(a) above at any time before the abolition date.

#### **Textual Amendments**

**F8** Words in s. 10 substituted (in force at 1.5.1994 except for the purposes of specified activities and in force for those excepted purposes in accordance with art. 3 of S.I. 1994/1096) by [Environmental Protection Act 1990 \(c.43, SIF 46:4\)](#), s. 162(1), [Sch. 15 para. 26](#); S.I. 1994/1096, [arts. 2, 3](#) (as amended by S.Is. 1994/2487 and 1994/3234)

#### **Marginal Citations**

**M1** 1936 c. 49.

**M2** 1978 c. 3.

**M3** 1983 c. 35.

### *Land drainage and flood prevention*

## **11 Land drainage and flood prevention functions.**

<sup>F9</sup>(1) .....

- (2) The Secretary of State may by an order made before and taking effect on the abolition date make provision for the exercise on and after that date of the functions which by virtue of Schedule 5 to that Act are exercisable by the Greater London Council in the London excluded area and for that purpose may make such consequential amendments in that Act and the <sup>M4</sup>Water Act 1973 as appear to him to be required.

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(3) In section 2(1) of the <sup>M5</sup>Reservoirs Act 1975 (local authorities for the purposes of that Act) for the words “the Greater London Council and county councils” there shall be substituted the words “the councils of counties, metropolitan districts and London boroughs”.

**Textual Amendments**

**F9** S. 11(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

**Marginal Citations**

**M4** 1973 c. 37.

**M5** 1975 c. 23.

*Administration of justice*

<sup>F10</sup>**12** .....

**Textual Amendments**

**F10** S. 12 repealed (19.6.1997) by 1997 c. 25, s. 73(3), Sch. 6 Pt. I (with Sch. 4 para. 27)

**13** ..... <sup>F11</sup>

**Textual Amendments**

**F11** S. 13 repealed by Coroners Act 1988 (c.13, SIF 33), ss. 33, 36(2), Sch. 4

<sup>F12</sup>**14** **Local valuation panels.**  
.....

**Textual Amendments**

**F12** S. 14 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

<sup>F13</sup>**15** .....

**Textual Amendments**

**F13** S. 15 repealed (5.2.1994) by 1993 c. 47, s. 32, Sch. 4.

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*Miscellaneous*

**16 Miscellaneous functions.**

Schedule 8 to this Act shall have effect for transferring functions under the enactments there mentioned—

- (a) from the Greater London Council to London borough councils and the Common Council; and
- (b) from metropolitan county councils to metropolitan district councils.

**17 Functions under local statutory provisions.**

(1) Subject to the foregoing provisions of this Part of this Act and to any other provision made by or under this Act or any other enactment—

- (a) any functions conferred by a local statutory provision which immediately before the abolition date are exercisable by the Greater London Council in or for the benefit of the whole of Greater London shall on and after that date be exercisable in or for the benefit of each London borough or the City by the council of that borough or the Common Council, as the case may be; and
- (b) any functions conferred by a local statutory provision which immediately before that date are exercisable by the council of a metropolitan county in or for the benefit of the whole of that county shall on and after that date be exercisable in or for the benefit of each district in the county by the council of that district.

(2) In this section “local statutory provision” means a provision of a local Act (including an Act confirming a provisional order) or a provision of an instrument made under any such local Act or of an instrument in the nature of a local enactment made under any other Act.

**PART III**

~~18—~~ .....<sup>F14</sup>  
22.

**Textual Amendments**

**F14** Ss. 18–22 repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), Sch. 13 Pts. I, II

**PART IV**

**POLICE, FIRE SERVICES, CIVIL DEFENCE AND TRANSPORT**

**Modifications etc. (not altering text)**

**C1** Pt. IV (ss. 23–42) extended by [S.I. 1987/2110, art. 2\(2\)](#), [Sch. 1 para. 8](#)

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### *Establishment of joint authorities*

## **23 Preliminary.**

In this Part of this Act “the appointed day”, in relation to the establishment of the authorities mentioned in the following provisions (in this Act referred to as “joint authorities”), means such day before the abolition date as the Secretary of State may by order appoint, and different days may be appointed for different authorities.

#### **Modifications etc. (not altering text)**

**C2** S. 23: 15.9.1985 appointed for the establishment of the authorities mentioned in ss. 24, 25, 26, 27, 28 by [S.I. 1985/1283](#), [art. 3](#)

<sup>F15</sup>**24** .....

#### **Textual Amendments**

**F15** S. 24 repealed (1.4.1995) by [1994 c. 29](#), ss. 93, 94(2), [Sch. 9 Pt. I](#); [S.I. 1994/3262](#), art. 4, [Sch.](#)

<sup>F16</sup>**25** .....

#### **Textual Amendments**

**F16** S. 25 repealed (1.4.1995) by [1994 c. 29](#), ss. 93, 94(2), [Sch. 9 Pt. I](#); [S.I. 1994/3262](#), art. 4, [Sch](#)

## **26 Metropolitan county fire and civil defence authorities.**

- (1) On the appointed day there shall be established for each metropolitan county a body corporate to be known by the name of that county with the addition of the words “Fire and Civil Defence Authority”.
- (2) The authorities established by this section shall be known as metropolitan county fire and civil defence authorities.
- (3) Each metropolitan county fire and civil defence authority shall consist of members of the constituent councils appointed by them to be members of the authority.
- (4) The constituent councils in relation to a metropolitan county fire and civil defence authority shall be the councils of the metropolitan districts comprised in the county.

<sup>F17</sup>**27** .....

#### **Textual Amendments**

**F17** S. 27 repealed (3.7.2000) by [1999 c. 29](#), ss. 328(1), 423, [Sch. 34 Pt. VIII](#) (with s. 328(2), [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094](#), [art. 4\(i\)](#)

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## 28 [F18] **Integrated Transport Authorities**

- (1) On the appointed day there shall be established for each metropolitan county a body corporate to be known by the name of that county with the addition of the words [F19“Integrated Transport Authority”].
- (2) The [F20authorities] established by this section shall be known as [F21Integrated Transport Authorities] .
- (3) Each [F22Integrated Transport Authority established under this section] shall consist of members of the constituent councils appointed by them to be members of the authority.
- (4) The constituent councils in relation to [F23an Integrated Transport Authority established under this section] shall be the councils of the metropolitan districts comprised in the county.

### Textual Amendments

- F18** S. 28 heading substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(3)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F19** Words in s. 28(1) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(2)(a)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F20** Word in s. 28(2) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(2)(b)(i)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F21** Words in s. 28(2) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(2)(b)(ii)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F22** Words in s. 28(3) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(2)(c)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F23** Words in s. 28(4) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(2)(d)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

### *Members of joint authorities*

## 29 **Number of members.**

- (1) The number of members to be appointed to a joint authority by a constituent council <sup>F24</sup> . . . shall be the number specified for that council <sup>F24</sup> . . . in relation to that authority in Schedule 10 to this Act.
- (2) Subject to subsection (3) below, the Secretary of State may by order make alterations in the numbers for the time being specified in that Schedule, including alterations resulting in an increase or decrease in the total number of members of any joint authority.
- (3) In making any alternation in the number of members to be appointed to a joint authority by any of its constituent councils the Secretary of State shall have regard to the number of local government electors in the areas of those councils respectively; <sup>F24</sup> . . .
- (4) The Secretary of State shall consult a joint authority’s constituent councils before making any order in respect of that authority under subsection (2) above.



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**Textual Amendments**

**F24** Words in s. 29(1)(3) repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch.**

**<sup>F25</sup>30 First appointments.**

.....

**Textual Amendments**

**F25** S. 30 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 10** Group 3

**31 Replacement of members.**

- (1) A constituent council may at any time terminate the appointment of a person appointed by it to a joint authority and appoint another member of the council in his place.
- (2) Where a constituent council exercises its powers under this section—
  - (a) it shall give notice of the new appointment and of the termination of the previous appointment to the authority to which those appointments were made; and
  - (b) subject to [<sup>F26</sup>subsection (3) below and to] section 32(5) below, the new appointment shall take effect, and the previous appointment shall terminate, at the end of one month from the date on which the notice is given.

[<sup>F27</sup>(3) Where a constituent council exercises its powers under this section to replace a person who has continued to be a member of a joint authority by virtue of section 32(1A) below and notice is given not later than seven days after the council's annual meeting next following his retirement and re-election, his appointment shall terminate and the new appointment shall take effect upon the notice being given.]

**Textual Amendments**

**F26** Words inserted by Local Government Act 1986 (c.10, SIF 81:1, 2), **s. 10(2)**

**F27** S. 31(3) added by Local Government Act 1986 (c.10, SIF 81:1, 2), **s. 10(2)**

**Modifications etc. (not altering text)**

**C3** S. 31 amended by S.I. 1985/1884, **art. 4(1)(a)**

**C4** S. 31 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 7(a)**

**C5** S. 31 applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, **Sch.**

**32 Filling of vacancies.**

- (1) The appointment of a person to a joint authority by a constituent council shall terminate if he ceases to be a member of the council; and where a person's appointment terminates by virtue of this subsection the constituent council shall as soon as practicable give notice of that fact to the authority to which he was appointed.

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- [<sup>F28</sup>(1A) For the purposes of this section a person shall not be treated as ceasing to be a member of a constituent council where he retires by virtue of—
- (a) section 7(3) of the Local Government Act 1972 (retirement of metropolitan district councillors), or
  - (b) paragraph 6(3) of Schedule 2 to that Act (retirement of London borough councillors),
- and is re-elected to membership of the council not later than the day of his retirement.]
- (2) Where a vacancy among the persons appointed to a joint authority by a constituent council occurs for any reason other than that mentioned in subsection (1) above, the joint authority shall give notice of that fact to the constituent council—
    - (a) in a case where the authority declares the office to be vacant, immediately after the declaration;
    - (b) in a case where the High Court declares the office to be vacant, as soon as practicable after the date of the declaration; and
    - (c) in the case of resignation, as soon as practicable after the date of receipt of the notice of resignation by the officer to whom it is required to be delivered.
  - (3) Where a vacancy occurs among the persons appointed to a joint authority by a constituent council, that council shall not later than one month after the relevant date—
    - (a) appoint another member of the council to fill the vacancy; and
    - (b) give notice of that appointment to the joint authority;

and any appointment made under this subsection shall take effect when notice of the appointment is given as aforesaid.
  - (4) In subsection (3) above “the relevant date” means, in a case within subsection (1) above, the date on which the person in question ceased to be a member of the constituent council and, in a case within subsection (2) above, the date on which notice of the vacancy is given to the constituent council under that subsection.
  - (5) So much of subsection (2)(b) of section 31 above as provides that the previous appointment shall terminate at the end of the period there mentioned shall not be construed as precluding its earlier termination by virtue of subsection (1) above or for any other reason; but in that event—
    - (a) the new appointment and the notice of it given under that section shall be treated as a sufficient compliance with subsection (3) above; and
    - (b) the new appointment shall take effect on the termination of the previous appointment or on the giving of that notice, whichever is the later.
  - (6) For the purposes of subsection (5)(b) above an appointment which terminates by virtue of subsection (1) above shall be treated as terminating when notice of that fact is given in accordance with that subsection.
  - (7) Where a person is appointed to a joint authority by a constituent council and before his appointment takes effect he—
    - (a) ceases to be a member of that council; or
    - (b) otherwise becomes disqualified for appointment,

that council shall as soon as practicable replace his appointment by a further appointment and give notice of it to the joint authority; and the further appointment shall take effect when the original appointment would have taken effect or on the giving of that notice, whichever is the later.

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F29(8) .....

**Textual Amendments**

- F28** S. 32(1A) inserted by [Local Government Act 1986 \(c.10, SIF 81:1, 2\), s. 10\(1\)](#)
- F29** S. 32(8) repealed (1.4.1995) by [1994 c. 29, s. 93, Sch. 9 Pt. I](#); [S.I. 1994/3236, art. 4, Sch.](#)

**Modifications etc. (not altering text)**

- C6** S. 32(1) amended by [S.I. 1985/1884, art. 4\(1\)\(b\)](#)
- C7** S. 32(1) modified by [S.I. 1987/2110, art. 2\(2\), Sch. 1 para. 7\(b\)](#)
- C8** S. 32(1)(1A)(5) applied (with modifications) (8.1.1996) by [1995 c. x, s. 44, Sch.](#)
- C9** S. 32(2)–(7) amended by [S.I. 1985/1884, art. 4\(1\)\(b\)](#)
- C10** S. 32(2)–(7) modified by [S.I. 1987/2110, art. 2\(2\), Sch. 1 para. 7\(b\)](#)

33 ..... F30

**Textual Amendments**

- F30** S. 33 repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\), s. 194\(4\), Sch. 12 Pt. II](#)

**34 Chairman, vice-chairman, and clerk.**

- (1) A joint authority shall in each year appoint a chairman and vice-chairman from among its members.
- (2) The appointments under subsection (1) above shall be the first business transacted at the annual meeting of the authority.
- (3) Subject to any standing orders made by the authority, anything authorised or required to be done by or in relation to the chairman may be done by or in relation to the vice-chairman.
- (4) The authority may pay to the chairman and vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the authority thinks reasonable.
- (5) In the case of an equality of votes in respect of the appointment of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (6) On a casual vacancy occurring in the office of chairman, an appointment to fill the vacancy shall be made at the next ordinary meeting of the authority held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date then not later than the next following meeting; and any such meeting may be convened by the proper officer of the authority.
- (7) For the purposes of subsection (6) above the vacancy shall be deemed to have occurred—
  - (a) if the chairman has ceased to be a member of the authority by reason of section 31 above, at the time specified in subsection (2)(b) of that section;

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- (b) if the chairman has ceased to be a member by reason of section 32(1) above, when notice thereof is given to the authority under that provision; and
  - (c) in any other case, on the date of the declaration or of receipt of the notice of resignation mentioned in section 32(2) above.
- (8) Each joint authority shall appoint a person to be the clerk to the authority and in making the appointment the authority shall have regard to the desirability of that person being the chief officer of a constituent council of the authority.

**Modifications etc. (not altering text)**

**C11** S. 34 amended by [S.I. 1985/1884](#), [arts. 4\(1\)\(c\)](#), 11(1)

**C12** S. 34 modified by [S.I. 1987/2110](#), [art. 2\(2\)](#), [Sch. 1 para. 7\(d\)](#)

**35 Disqualification.**

- (1) A person shall be disqualified for being appointed or being a member of a joint authority if he holds any paid office or employment (other than the office of chairman or vice-chairman [<sup>F31</sup>or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive]) appointments [<sup>F32</sup>or elections] to which are or may be made or confirmed by the authority or any committee or sub-committee of the authority or by a joint committee on which the authority is represented or by any person holding any such office or employment [<sup>F33</sup>or by an elected mayor] .
- (2) A paid officer of a joint authority who is employed under the direction of—
- (a) a committee or sub-committee of the joint authority any member of which is appointed on the nomination of another joint authority or of a local authority; or
  - (b) a joint committee on which the joint authority is represented and any member of which is so appointed,
- shall be disqualified for being appointed or being a member of that other joint authority or for being elected or being a member of the local authority, as the case may be.
- (3) A person who is for the time being a member, officer or servant of, or an officer or servant of a subsidiary (within the meaning of the <sup>M6</sup>Transport Act 1962) of, the Passenger Transport Executive for an area which is or was coterminous with the area of a metropolitan county shall be disqualified for being appointed or being a member of [<sup>F34</sup>the Integrated Transport Authority] for that county.
- [<sup>F35</sup>(4) In this section, “elected mayor”, “executive”, “executive arrangements”, [<sup>F36</sup>and executive leader] have the same meaning as in Part II of the Local Government Act 2000.]
- [<sup>F37</sup>(5) In this section “leader and cabinet executive” means—
- (a) in relation to England: a leader and cabinet executive (England);
  - (b) in relation to Wales: a leader and cabinet executive (Wales);
- and for this purpose “leader and cabinet executive (England)” and “leader and cabinet executive (Wales)” have the same meanings as in Part 2 of the Local Government Act 2000.]

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#### Textual Amendments

- F31** Words in s. 35(1) inserted (E.) (11.7.2001) by S.I. 2001/2237, **arts. 2**, 12(a)
- F32** Words in s. 35(1) inserted (E.) (11.7.2001) by S.I. 2001/2237, **arts. 2**, 12(b)
- F33** Words in s. 35(1) inserted (E.) (6.5.2002) by The Local Authorities (Executive Arrangements) (Modification of Enactments) (England) Order 2002 (S.I. 2002/1057), **art. 11(a)**
- F34** Words in s. 35(3) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 53(4)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F35** s. 35(4) inserted (E.) (6.5.2002) by The Local Authorities (Executive Arrangements) (Modification of Enactments) (England) Order 2002 (S.I. 2002/1057), **art. 11(b)**
- F36** Words in s. 35(4) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(2), **Sch. 3 para. 19(2)**
- F37** S. 35(5) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(2), **Sch. 3 para. 19(3)**

#### Modifications etc. (not altering text)

- C13** S. 35 excluded (E.) (11.7.2001) by S.I. 2001/2237, **arts. 2**, 47(7)
- C14** S. 35 applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, **Sch.**
- C15** S. 35 excluded (W.) (1.4.2002) by The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (Wales) Order 2002 (S.I. 2002/808), **art. 41(7)**
- C16** S. 35(1)(2) amended by S.I. 1985/1884, **art. 4(1)(d)**
- C17** S. 35(1)(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 7(e)**

#### Marginal Citations

- M6** 1962 c. 46.

### 36 Notices.

As soon as practicable after receiving notice from a constituent council<sup>F38</sup> . . . that it has made an appointment, or<sup>F38</sup> . . . that it has terminated an appointment, under this Part of this Act, the authority to which the appointment was made shall give public notice of the fact that the appointment has been made or terminated and of the name of the person concerned.

#### Textual Amendments

- F38** Words in s. 36 repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), **Sch. 9 Pt. II**; S.I. 1994/3262, art. 4, **Sch.**

#### Modifications etc. (not altering text)

- C18** S. 36 applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, **Sch. Pt. I**

### Functions

### 37 Police and fire services.

Schedule 11 to this Act shall have effect, as from the abolition date, for vesting functions relating to<sup>F39</sup> . . . fire services and certain related matters in the police authorities and fire and civil defence authorities established by this Part of this Act.

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#### Textual Amendments

**F39** Words in s. 37 repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), **Sch. 9 Pt. II**; S.I. 1994/3262, art. 4, **Sch.**

### <sup>F40</sup>**38 Civil defence.**

.....

#### Textual Amendments

**F40** S. 38 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 10** Group 3

### **39 Passenger transport.**

- (1) Schedule 12 to this Act shall have effect for transferring functions relating to passenger transport to the metropolitan county passenger transport authorities and for making provision with respect to the exercise of those functions.
- (2) In that Schedule [<sup>F41</sup>paragraph 3] shall have effect from the abolition date and paragraph 5 shall have effect as provided in sub-paragraph (5) of that paragraph.

#### Textual Amendments

**F41** Words substituted by Transport Act 1985 (c.67, SIF 126), **ss. 58(4)(b)**, 140

### **40 Airports.**

- (1) If, in the case of any airport in respect of which a metropolitan county council has property, rights or liabilities, the Secretary of State is satisfied that the councils of the districts comprised in the county have agreed on—
  - (a) the operation of the airport from the abolition date by a committee consisting of or including members appointed by all or any of those councils; and
  - (b) the transfer or division of the property, rights and liabilities of the metropolitan county council to or among all or any of those councils,
 he may, by an order coming into force on that date, provide for the transfer or division of that property and those rights and liabilities in accordance with the agreement.
- (2) If, in the case of any such airport, the Secretary of State is not satisfied as aforesaid he may by an order coming into force on the abolition date provide for the transfer of the property, rights and liabilities of the metropolitan county council in respect of the airport to the metropolitan county passenger transport authority.
- (3) In sections 30 [<sup>F42</sup>, 31, 35] and 88(10) of the <sup>M7</sup>Civil Aviation Act 1982 (airport functions of local authorities) references to a local authority shall include references to [<sup>F43</sup>an Integrated Transport Authority for an integrated transport area in England] ; and before making any order under subsection (1) or (2) above the Secretary of State shall satisfy himself that any necessary consent under section 30 of that Act has been or will be obtained.

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#### Textual Amendments

- F42** Words substituted by [Airports Act 1986 \(c.31, SIF 9\)](#), s. 83(1), **Sch. 4 para. 10**: by S.I. 1986/1228 this substitution came into force 1.8.1986 save as regards the words “60(3)(o)” as to which the substitution came into force by S.I. 1986/1487, **art. 5** on 1.4.1987
- F43** Words in s. 40(3) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 4 para. 53(5)**; S.I. 2009/107, **art. 2(1)**, Sch. 1 Pt. 1

#### Marginal Citations

- M7** 1982 c. 16.

### 41 Questions on discharge of functions.

Arrangements shall be made (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of a joint authority to be put in the course of the proceedings of any constituent council by members of that council for answer by a member of it who is also a member of the authority and is nominated by the authority for that purpose.

#### Modifications etc. (not altering text)

- C19** S. 41 amended by [S.I. 1985/1884](#), **art. 5(2)**
- C20** S. 41 modified by [S.I. 1987/2110](#), **art. 2(2)**, **Sch. 1 para. 7(f)**

### 42 Reorganisation of functions.

- (1) The Secretary of State may by order make provision for <sup>F44</sup> ...
- <sup>F45</sup>(a) .....
  - <sup>F46</sup>(b) .....
  - <sup>F47</sup>(c) .....
  - (d) <sup>F48</sup>..., the transfer to the council of a metropolitan district or London borough or to the Common Council in respect of its area of any functions that would otherwise be exercisable in respect of that area by a joint authority or, in the case of the council of a metropolitan district, by a Passenger Transport Executive.
- <sup>F49</sup>(2) .....
- (3) Before making an order under this section the Secretary of State shall consult each of the following bodies which appears to him to be affected by the order, that is to say, <sup>F50</sup>..... the council of a county, district or London borough and the Common Council.
- (4) An order under this section may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions for the transfer of property, staff, rights and liabilities and provisions amending any other provision of this Act, any other enactment or any instrument made under any enactment.

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#### Textual Amendments

- F44** Words in s. 42(1) repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. 98(2)(a), 134(4), [Sch. 7 Pt. 4](#); S.I. 2009/107, art. 2(1), [Sch. 1 Pt. 1](#)
- F45** S. 42(1)(a)(2)(a) repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), [Sch. 9 Pt. 1](#); S.I. 1994/3262, art. 4, [Sch.](#)
- F46** S. 42(1)(b) repealed (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 59\(2\)](#), [Sch. 2](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F47** S. 42(1)(c) repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. 98(2)(b), 134(4), [Sch. 7 Pt. 4](#); S.I. 2009/107, art. 2(1), [Sch. 1 Pt. 1](#)
- F48** Words in s. 42(1)(d) repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. 98(2)(c), 134(4), [Sch. 7 Pt. 4](#); S.I. 2009/107, art. 2(1), [Sch. 1 Pt. 1](#)
- F49** S. 42(2) repealed (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 59\(2\)](#), [Sch. 2](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F50** Words in s. 42(3) repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. 98(3), 134(4), [Sch. 7 Pt. 4](#); S.I. 2009/107, art. 2(1), [Sch. 1 Pt. 1](#)

## PART V

### THE ARTS, RECREATION AND VOLUNTARY ORGANISATIONS

#### 43 Museum of London.

- (1) ..... <sup>F51</sup>
- (3) In sections 9(1) and (3), 14(1) and (2) and 15(1) and (2) of that Act (functions of Corporation and Greater London Council) for the words “the Corporation and the Greater London Council”, wherever they occur, there shall be substituted the words “and the Corporation”.
- (4) ..... <sup>F52</sup>
- (5) In paragraph 4 of the Schedule to that Act (resignation and vacation of office)—
- (a) in sub-paragraph (1) for the words “or (c) thereof, to the body by whom he was appointed” there shall be substituted the words “thereof, to the Corporation”;
- (b) in sub-paragraph (2) for the words from “or (c)” to “was appointed” there shall be substituted the words “of this Act who is, at the time of his appointment, a member of the Common Council of the City of London”.
- (6) Subsections (3) to (5) above shall have effect from the abolition date.

#### Textual Amendments

- F51** S. 43(1)(2) repealed and superseded by [Museum of London Act 1986 \(c.8, SIF 87\)](#), ss. 1(3), 7, [Sch.](#)
- F52** S. 43(4) repealed and superseded by [Museum of London Act 1986 \(c.8, SIF 87\)](#), ss. 3(2), 7, [Sch.](#)

#### 44 Historic House Museums.

The Historic House Museums, that is to say, Kenwood House, Marble Hill House and Ranger’s House, together with such land of the Greater London Council adjacent to



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Kenwood House and such other property of that Council as may be specified by an order made by the Secretary of State, shall on the abolition date vest in the Historic Buildings and Monuments Commission for England; and the functions of the Greater London Council by virtue of—

- (a) the <sup>M8</sup>Iveagh Bequest (Kenwood) Act 1929;
- (b) Part IV of the <sup>M9</sup>London County Council (General Powers) Act 1902 (which relates to the Marble Hill Estate); and
- (c) section 21 of the <sup>M10</sup>London County Council (General Powers) Act 1900, section 22 of the <sup>M11</sup>London County Council (General Powers) Act 1952 and section 6 of the <sup>M12</sup>Greater London Council (General Powers) (No. 2) Act 1978 (which relate to Ranger’s House),

shall on that date become functions of the Commission.

**Marginal Citations**

- M8** 1929 c. lxxix.
- M9** 1902 c. clxxiii.
- M10** 1900 c. cclxviii.
- M11** 1952 c. viii.
- M12** 1978 c. xvi.

**45 Horniman and Geffrye museums.**

The Horniman and Geffrye museum, together with such adjacent land and other property of the Greater London Council as may be specified by an order made by the Secretary of State, shall on the abolition date vest in the Authority established by section 18 above; and the functions of the Greater London Council by virtue of—

- (a) section 46 of the <sup>M13</sup>London County Council (General Powers) Act 1901 (which relates to the Horniman museum); and
- (b) section 29 of the <sup>M14</sup>London County Council (General Powers) Act 1959 (which relates to the Geffrye museum),

shall on that date become functions of that Authority.

**Marginal Citations**

- M13** 1901 c. cclxxii.
- M14** 1959 c. lii.

**46 Metropolitan county museums.**

- (1) If it appears to [<sup>F53</sup>the Secretary of State] that any collection of works of art or of objects of historical or scientific interest belonging to a metropolitan county council is of such national importance that on the abolition date it should be vested in a body of trustees appointed by him and supported by moneys provided by Parliament he may make a recommendation to that effect to Her Majesty in Council and Her Majesty may then by Order in Council constitute such a body and make such further provision as appears to Her Majesty to be necessary or expedient for giving effect to the recommendation.

<sup>F54</sup>(2) .....

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**Textual Amendments**

- F53** Words in s. 46(1) substituted (3.7.1992) by [S.I. 1992/1311, art. 12\(2\)](#), [Sch. 2 para. 7\(a\)](#)
- F54** S. 46(2) omitted (3.7.1992) by virtue of [S.I. 1992/1311, art. 12\(2\)](#), [Sch. 2 para. 7\(b\)](#)

**Modifications etc. (not altering text)**

- C21** S. 46: certain functions transferred (3.7.1992) by [S.I. 1992/1311, art. 3\(1\)](#), [Sch. 1, Pt.1](#)

**47 The South Bank**

- (1) The Royal Festival Hall, the Queen Elizabeth Hall, the Purcell Room, the National Theatre, the National Film Theatre and the Hayward Gallery, together with such adjacent land and other property of the Greater London Council as may be specified by an order made by the Secretary of State, shall on the abolition date vest in the Arts Council of Great Britain.
- (2) The Council shall furnish [<sup>F55</sup>the Secretary of State] with such information relating to the property vested in them by or under this section and the manner in which they are discharging or intend to discharge their responsibilities in respect of it as he may require and shall make to him, as soon as may be after 31st March in each year following that in which the abolition date falls, a report on their discharge of those responsibilities since the abolition date or, as the case may be, since the end of the period covered by their last report under this subsection; and each report shall include particulars of so much of the Council’s accounts for the period covered by the report as relates to that property.
- (3) [<sup>F55</sup>The Secretary of State] shall lay before Parliament a copy of each report made to him under subsection (2) above.

<sup>F56</sup>(4) . . . . .

**Textual Amendments**

- F55** Words in s. 47(2)(3) substituted (3.7.1992) by [S.I. 1992/1311, art. 12\(2\)](#), [Sch. 2 para. 7\(a\)](#)
- F56** S. 47(4) omitted (3.7.1992) by virtue of [S.I. 1992/1311, art. 12\(2\)](#), [Sch. 2 para. 7\(b\)](#)

**Modifications etc. (not altering text)**

- C22** S. 47: certain functions transferred (3.7.1992) by [S.I. 1992/1311, art. 3\(1\)](#), [Sch. 1, Pt.1](#)

**48 Grants to voluntary organisations.**

- (1) A scheme for the making of grants to eligible voluntary organisations may be made for Greater London or a metropolitan county by the constituent councils, that is to say—
  - (a) in relation to Greater London, the London borough councils and the Common Council; and
  - (b) in relation to a metropolitan county, the councils of the metropolitan districts comprised in the county.
- (2) Any such scheme shall provide—
  - (a) for the grants to be made by one of the constituent councils designated for that purpose by the scheme; and

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- (b) for the other constituent councils to contribute as provided by subsection (3) below to the expenditure incurred by the designated council in making the grants or otherwise in discharging its functions under the scheme.
- (3) The constituent councils shall be required to contribute to any expenditure of the designated council which has been incurred with the approval of at least two-thirds of the constituent councils; and the amounts of the contributions shall be determined so that the expenditure in respect of which they are payable is borne by the constituent councils in proportion to the populations of their respective areas.
- (4) For the purposes of subsection (3) above the population of any area shall be taken to be the number estimated by the Registrar General and certified by him to the Secretary of State by reference to such date as the Secretary of State may from time to time determine.
- [<sup>F57</sup>(4A) The Secretary of State may by order provide that if—
- (a) a scheme requires the total expenditure to be incurred under the scheme in any financial year—
- (i) in the making of grants; and
- (ii) in the discharging by the designated council of its functions under the scheme,
- to be approved in accordance with the scheme by some or all of the constituent councils; and
- (b) the total expenditure to be incurred in any financial year is not approved as required by the scheme before such date as may be specified in relation to that financial year in the order,
- the constituent councils shall be deemed, subject to any order which has been or may be made under subsection (5) below, all to have given their approval for that financial year to total expenditure of an amount equal to the amount that was approved or, as the case may be, deemed to have been approved for the preceding financial year.]
- (5) The total expenditure incurred under a scheme by a designated council in Greater London or a metropolitan county in any financial year (including the amounts recoverable under the scheme from other councils) shall not exceed such amount as is for the time being prescribed for that area by an order made by the Secretary of State.
- (6) A scheme shall not provide for the making of grants before the beginning of the financial year after that in which the scheme is made and shall continue in force until the end of at least two financial years after that in which it is made.
- (7) A scheme may, in the absence of agreement between all the constituent councils, be made by a majority of those councils so as to be binding on all of them; but a council shall not be designated by a scheme except with its consent.
- (8) A scheme may contain such supplementary provisions as the councils making the scheme think necessary or expedient and, subject to subsection (6) above, may be revoked by those councils (or, in the absence of agreement between all of them, by a majority of those councils) with effect from the end of any financial year after that in which the decision to revoke the scheme is made.
- (9) The council designated by a scheme may by giving not less than twelve months notice to the other constituent councils withdraw its consent to act as designated council with effect from the end of any financial year not earlier than the second financial year after

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that in which the scheme was made; and in that event the scheme shall terminate when the withdrawal takes effect.

- (10) Each constituent council in Greater London or a metropolitan county shall exercise its functions under this section, and under any scheme made under this section, with due regard to the needs of the whole of Greater London or that county, as the case may be, and each scheme shall provide for those needs to be kept under review.
- (11) In this section “voluntary organisation” means a body the activities of which are carried on otherwise than for profit but does not include any public or local authority and “eligible voluntary organisation” means, in relation to Greater London or a metropolitan county, a voluntary organisation whose activities will directly or indirectly benefit either the whole of Greater London or that county or any part of it extending beyond the area of any particular constituent council.
- (12) The powers conferred by this section shall not be regarded as restricting those conferred by section 137 of the principal Act (power to incur expenditure for purposes not authorised by any other enactment) and accordingly the reference to any other enactment in subsection (1) of that section shall not include a reference to this section.

<sup>F58</sup>(13) .....

**Textual Amendments**

**F57** S. 48(4A) inserted (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), **s.105** (with s. 118(1)(2) (4))

**F58** S. 48(13) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3

<sup>F59</sup>**49 Grants by residuary bodies.**

.....

**Textual Amendments**

**F59** Ss. 49-51 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3

**PART VI**

**STAFF**

<sup>F59</sup>**50 Functions of staff commission.**

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**Textual Amendments**

**F59** Ss. 49-51 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3

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**Modifications etc. (not altering text)**

**C23** S. 50 amended by [S.I. 1985/1383](#), **art. 6**

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**F59 51 Remuneration of employees.**

.....

**Textual Amendments**

**F59** Ss. 49-51 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

**52 Power to transfer staff.**

- (1) This section applies to any person who—
  - (a) immediately before the abolition date is in the service of the Greater London Council or a metropolitan county council (in this section referred to as his “employing council”) under a contract of employment which would have continued but for the abolition of that council; and
  - (b) is designated for the purposes of this section by an order made by the Secretary of State.
- (2) The contract of employment between a person to whom this section applies and his employing council shall not be terminated by the abolition of that council but shall have effect from the abolition date as if originally made between him and such successor authority (“the new employer”) as may be specified in relation to that person by the order designating him for the purposes of this section.
- (3) Without prejudice to subsection (2) above—
  - (a) all the employing council’s rights, powers, duties and liabilities under or in connection with a contract to which that subsection applies shall by virtue of this section be transferred on the abolition date to the new employer; and
  - (b) anything done before the abolition date by or in relation to the employing council in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the new employer.
- (4) Subsections (2) and (3) above are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions but no such right shall arise by reason only of the change of employer effected by this section.
- (5) An order under this section may designate a person either individually or as a member of a class or description of employees.
- (6) In this section “successor authority” means a London borough council, the Common Council, a metropolitan district council, a new authority and any other body to which functions or property of the Greater London Council or a metropolitan county council are transferred by or under this Act or any other enactment.

**Modifications etc. (not altering text)**

**C24** S. 52 amended by S.I. 1986/399, arts. 1, 4

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### 53 Compensation for loss of office or diminution of emoluments.

- (1) This section applies to any person who at any time after the passing of this Act is in the service of—
- (a) the Greater London Council or the council of a metropolitan county, metropolitan district or London borough or the Common Council; or
  - (b) a new authority or a residuary body,
- and suffers loss of employment or loss or diminution of emoluments which is attributable to any provision made by or under this Act.
- (2) Compensation in respect of any such loss or diminution suffered by a person to whom this section applies shall, subject to subsection (3) below, be paid only in accordance with regulations made for the purposes of this section under section 24 of the <sup>M15</sup>Superannuation Act 1972; and accordingly none of the councils, authorities or bodies mentioned in subsection (1) above shall pay any such compensation under any other statutory provision, by virtue of any provision in a contract or otherwise.
- (3) Subsection (2) above shall not preclude the making of any payment to which a person is entitled by virtue of contractual rights acquired by him before 2nd March 1984.
- (4) Regulations under the said section 24 shall not provide compensation for a person to whom this section applies in respect of any such loss or diminution as is mentioned in subsection (1) above so far as attributable to the termination on or before the abolition date of a contract made after 1st March 1984 which provides for the employment of that person for a fixed term extending beyond the abolition date.
- <sup>F60</sup>(5) . . . . .
- (6) <sup>F61</sup>. . . nothing in this section shall be construed as affecting any entitlement to <sup>F61</sup>. . . any payment by virtue of any provision of the <sup>M16</sup>Superannuation Act 1972 other than the said section 24.

#### Textual Amendments

**F60** S. 53(5) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F61** Words in s. 53(6) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

#### Modifications etc. (not altering text)

**C25** S. 53 amended by **S.I. 1985/1884, art. 6**

**C26** S. 53 modified by **S.I. 1986/399, arts. 1, 5**

#### Marginal Citations

**M15** 1972 c. 11.

**M16** 1972 c. 11.

### 54 Continuity of employment in certain cases of voluntary transfer.

- (1) This section applies to a person who at any time after the passing of this Act ceases to be employed by a relevant authority (his “former employer”) if—
- (a) the termination of his employment is attributable to any provision made by or under this Act;
  - (b) he is subsequently employed by another person (his “new employer”); and

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- (c) by virtue of section 84, 94 or 95 of the <sup>M17</sup>Employment Protection (Consolidation) Act 1978 (renewal or re-engagement) that subsequent employment precludes his receiving any redundancy payment under Part VI of that Act.
- (2) Where this section applies to a person [<sup>F62</sup>Chapter 1 of Part XIV of the Employment Rights Act 1996] (computation of period of employment for the purposes of that Act) shall have effect in relation to that person as if it included the following provisions, that is to say—
- (a) the period of employment of that person with his former employer shall count as a period of employment with his new employer; and
- (b) the change of employer shall not break the continuity of the period of employment.
- (3) Where this section applies to a person the period of his employment with his former employer shall count as a period of employment with his new employer for the purposes of any provision of his contract of employment with his new employer which depends on his length of service with that employer.
- (4) The relevant authorities for the purposes of this section are the same as those for the purposes specified in section 50(3) above.

**Textual Amendments**

**F62** Words in s. 54(2) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 26(2)** (with ss. 191-195, 202)

**Modifications etc. (not altering text)**

**C27** S. 54 amended by **S.I. 1986/399**, **arts. 1, 6**

**Marginal Citations**

**M17** 1978 c. 44.

<sup>F63</sup>**55 Offers of employment by successor authorities.**

.....

**Textual Amendments**

**F63** S. 55 repealed (22.7.2004) by **Statute Law (Repeals) Act 2004 (c. 14)**, **Sch. 1 Pt. 10** Group 3

<sup>F64</sup>**56 Information as to local government manpower.**

.....

**Textual Amendments**

**F64** S. 56 repealed (22.7.2004) by **Statute Law (Repeals) Act 2004 (c. 14)**, **Sch. 1 Pt. 10** Group 3

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## PART VII

### RESIDUARY BODIES

#### 57 Establishment of residuary bodies.

F65(1) .....

F65(2) .....

F65(3) .....

F65(4) .....

F65(5) .....

F65(6) .....

(7) Schedule 13 to this Act shall have effect with respect to each residuary body.

#### Textual Amendments

F65 S. 57(1)-(6) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

#### 58 Repayment of loans.

- (1) Except so far as otherwise provided by any provision made under this Act, all the rights and liabilities of the Greater London Council or a metropolitan county council on the abolition date in respect of money borrowed by that council shall on that date become rights and liabilities of the appropriate residuary body and those liabilities (both as respects principal and interest) shall be charged on the revenues of that body.
- (2) For the purpose of providing a residuary body with money to discharge those liabilities each relevant authority shall on the abolition date be deemed to have borrowed from the appropriate residuary body such sum as may be specified by or determined in accordance with an order made by the Secretary of State; and that sum shall be deemed to have been borrowed on such terms as to repayment and the payment of interest as may be so specified.
- (3) Without prejudice to its borrowing powers by virtue of Part VIII below, a residuary body may borrow money for the purpose of discharging any liabilities to which it is subject under subsection (1) above and a relevant authority may, during the period within which it is required to discharge its liabilities in respect of principal under subsection (2) above, borrow money for the purpose of discharging its liabilities under that subsection.
- (4) In this section “relevant authority” means—
  - (a) as respects Greater London, each rating authority in Greater London and the authorities established by sections 18 and 27 above;
  - (b) as respects a metropolitan county, each rating authority in the county and any joint authority in relation to which such an authority is a constituent council.
- (5) In subsection (1) above the reference to money borrowed by a council includes a reference to any money borrowed by any other authority whose rights and liabilities in respect of that money have been transferred to that council.



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**Modifications etc. (not altering text)**

**C28** S. 58(1) excluded by [S.I. 1986/553](#), [art. 3\(1\)](#), and 1986/563, art. 3(1)

**<sup>F66</sup>59 Redundancy and compensation payments.**

**Textual Amendments**

**F66** S. 59 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

**60 Payment of pensions.**

- (1) Except so far as otherwise provided by regulations made before the abolition date under section 7 of the <sup>M18</sup>Superannuation Act 1972 (local government superannuation) all the functions of the Greater London Council or a metropolitan county council as administering authority under the regulations then in force under that section shall on that date become functions of the appropriate residuary body and the superannuation fund maintained by that council, together with all rights and liabilities in respect of it, shall on that date vest in that body.
- (2) Subject to subsection (3) below, all liabilities of the Greater London Council or a metropolitan county council in respect of pensions payable by it otherwise than under such regulations as aforesaid shall on the abolition date become liabilities of the appropriate residuary body.
- (3) Subsection (2) above does not apply to liabilities which by virtue of any provisions made under this Act become liabilities of a police or [<sup>F67</sup>fire and rescue authority] established by Part IV of this Act.
- (4) Any pension granted on or after the abolition date under [<sup>F68</sup>paragraph 2 of Schedule 1 to the Coroners Act 1988] by a metropolitan district council shall be paid by the appropriate residuary body but the sums required for paying the pension shall be reimbursed to that body—
  - (a) if that council is not designated under section 13(3)(b) above, by that council; and
  - (b) if that council is so designated, by that and the other councils in the coroner’s district in question in such proportions as they may agree or, in default of agreement, as may be determined by the Secretary of State.
- (5) In subsection (2) above references to pensions include references to allowances, grants or other benefits in respect of past service, death, injury or disease (whether of the pensioner or another person) and any such compensation as is mentioned in section 8(1)(b) of the <sup>M19</sup>Pensions (Increase) Act 1971.
- (6) As from the abolition date section 58(2)(c) of the Justices of the <sup>M20</sup>Peace Act 1979 shall be amended by substituting for the words “the Greater London Council” the words “the London Residuary Body”.

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#### Textual Amendments

- F67** Words in s. 60(3) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 60](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F68** Words substituted by [Coroners Act 1988 \(c.13, SIF 33\)](#), ss. 33, 36(1), [Sch. 3 para. 18](#)

#### Modifications etc. (not altering text)

- C29** S. 60 modified by [S.I. 1986/96, art. 2\(1\)\(2\)](#)

#### Marginal Citations

- M18** 1972 c. 11.  
**M19** 1971 c. 56.  
**M20** 1979 c. 55.

## 61 Payment of pensions increases.

- (1) As from the abolition date paragraphs 48 and 49 of Schedule 2 to the Pensions (Increase) Act 1971 shall be amended by substituting for the words “the Greater London Council” the words “the London Residuary Body”.
- (2) At the end of Part II of that Schedule (pensions payable out of local funds) there shall be inserted—

“64A A pension payable by a residuary body established by the Local Government Act 1985 in respect of service ending with service with that body.

64B A pension payable by such a residuary body, being a pension which would fall within any of the foregoing paragraphs of this Part of this Schedule if references to a local authority had continued to include references to the authorities abolished by that Act.”

- (3) In paragraph 1(5) of Schedule 3 to that Act (cases where increase of pension is to be reimbursed by the last employing authority) for the words “and 63” there shall be substituted the words “, 63, 64A and, so far as relating to any pension falling within any of the foregoing paragraphs, 64B.”
- (4) The appropriate residuary body shall pay—
  - (a) any increase which by virtue of regulations under section 5(2) of the said Act of 1971 would have been payable on or after the abolition date by the Greater London Council or a metropolitan county council; and
  - (b) any payment which is analogous to a pensions increase and would have been payable as aforesaid by virtue of regulations under section 13(3) of that Act.
- (5) Notwithstanding subsection (3) above or anything in any such regulations as are mentioned in subsection (4)(a) above no liability to reimburse a residuary body in respect of any payment made by virtue of this section shall attach to the Secretary of State, the Arts Council of Great Britain or the Historic Buildings and Monuments Commission for England.

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**Modifications etc. (not altering text)**

- C30** S. 61 modified by [S.I. 1986/96, art. 2\(1\)\(2\)](#)  
**C31** S. 61(5) modified by [S.I. 1989/1815, art. 7\(8\)](#)

**62 Custody of residuary property etc.**

- (1) On the abolition date there shall vest in the appropriate residuary body all residuary property, rights and liabilities of the Greater London Council or a metropolitan county council.
- (2) In subsection (1) above “residuary property, rights and liabilities” means any property for the vesting of which provision is not otherwise made by or under this Act or any other enactment and, subject to subsection (3) below, any rights and liabilities which are not transferred, extinguished or otherwise dealt with by any provision made as aforesaid.
- (3) This section shall not be construed—
  - (a) as continuing in force any contract of employment made by the Greater London Council or a metropolitan county council; or
  - (b) as imposing any liability on a residuary body in respect of the termination of any such contract by the abolition of that council;but the rights and liabilities to which this section applies shall include any rights and liabilities attributable to anything done or omitted under or in respect of such a contract before the abolition date except any liability to make a payment prohibited by section 53(2) above.
- (4) The Secretary of State may by order confer on a residuary body any statutory functions which before the abolition date were exercisable by the Greater London Council or a metropolitan county council, being functions exercisable by that council in relation to any property, rights or liabilities which are vested in that body by this section or by any other provision made by or under this Act or any other enactment.
- (5) An order under subsection (4) above may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions amending any enactment or any instrument made under any enactment.

**Modifications etc. (not altering text)**

- C32** S. 62 extended by [S.I. 1986/399, arts. 1, 8](#)

<sup>F69</sup>**63 Preparation of final accounts.**

**Textual Amendments**

- F69** Ss. 63-65 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 10](#) Group 3

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#### **F69 64 Commutation of smallholdings and housing payments.**

.....

##### **Textual Amendments**

**F69** Ss. 63-65 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

#### **F69 65 Directions.**

.....

##### **Textual Amendments**

**F69** Ss. 63-65 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

#### **66 Discharge of certain residuary functions by designated councils.**

- (1) The Secretary of State may by an order made on the application of the councils of the districts in a metropolitan county make provision whereby any rights, liabilities, property or functions which by virtue of section 58, 60 or 61 above would otherwise be vested in or fall to be discharged by the residuary body established for that county are vested in or discharged by one of those councils (a “designated council”) instead of that body.
- (2) An order under subsection (1) above may modify or supplement any of the provisions of the sections mentioned in that subsection; and any such order may in particular—
  - (a) require the designated council to keep such accounts and establish such funds as may be specified in the order;
  - (b) provide for any deficit or surplus in any such account or fund to be recovered from or distributed among the councils on whose application the order is made; and
  - (c) in the case of an order relating to section 58, impose on the designated council liabilities corresponding to those to which it would have been subject under subsection (2) of that section.
- (3) References in this section to the functions falling to be discharged by virtue of section 61 do not include those exercisable by virtue of the paragraph 64A inserted by subsection (2) of that section.

#### **67 Winding up of residuary bodies.**

- (1) Except as respects any of its functions for the discharge of which provision will be or is likely to be required after the end of the period of five years beginning with the abolition date, it shall be the duty of each residuary body to use its best endeavours to secure that its work is completed as soon as practicable and in any event by the end of that period; and each residuary body shall—
  - (a) as respects any such functions, any property held by that body for the purposes of any such functions and any rights or liabilities of that body which will or are likely to subsist for longer than that period, make such arrangements as are practicable for their transfer to another body or bodies or submit proposals

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to the Secretary of State for effecting such transfers by orders made by him in that behalf.

- (b) not later than the end of the period of four years beginning with the abolition date, submit to the Secretary of State a scheme for the winding up of the residuary body and the disposal of its remaining functions, property, rights and liabilities so far as not dealt with in pursuance of paragraph (a) above.
- (2) A residuary body may at any time before the end of the period mentioned in subsection (1)(b) above submit proposals to the Secretary of State for the transfer of any property of that body to a local authority or to a new authority.
- (3) The Secretary of State may by order provide for any such transfer or disposal as is mentioned in subsection (1) or (2) above, whether as proposed by the residuary body or otherwise, and for giving effect (with or without modifications) to any scheme submitted to him under subsection (1) above; and, without prejudice to the generality of that power, any such order may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions amending any enactment or any instrument made under any enactment or establishing new bodies corporate to receive any functions, property, rights or liabilities transferred by the order.

**Modifications etc. (not altering text)**

- C33** S. 67 restricted by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 164(1)**, 231(7), 235(6)
- C34** S. 67 modified by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 164(1)(2)**, 231(7), 235(6)
- C35** S. 67(2) amended by [S.I. 1985/1884](#), **art. 6**

**PART VIII**

FINANCIAL PROVISIONS

*New authorities*

**F70** **68** .....

**Textual Amendments**

- F70** S. 68 repealed (21.8.1991) by [S.I. 1991/1730](#), **art. 2(1)**.

**F71** **69** **Block grant.**  
.....

**Textual Amendments**

- F71** S. 69 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 2

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**70, 71.** ..... <sup>F72</sup>

**Textual Amendments**

**F72** Ss. 70, 71 repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(2), **Sch. 12 Pt. I**

**72 Accounts and audit.**

(1) Each new authority shall keep a fund to be known as the general fund; and all receipts of the authority shall be carried to that fund and all liabilities falling to be discharged by the authority shall be discharged out of that fund.

(2) Accounts shall be kept of receipts carried to, and payments made out of, the general fund.

<sup>F73</sup>(3) .....

(4) Nothing in subsection (1) above shall be construed as requiring or authorising an authority to apply or dispose of the surplus revenue arising from any undertaking carried on by it otherwise than in accordance with any enactment or instrument applicable to the undertaking.

<sup>F74</sup>(5) Any reference in this section to a new authority includes a reference to the London Fire and Emergency Planning Authority [<sup>F75</sup>and a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.]

**Textual Amendments**

**F73** S. 72(3) repealed (11.9.1988) by [1998 c.18, ss. 54\(3\), 55\(2\)](#), **Sch. 5**

**F74** S. 72(5) inserted (3.7.2000) by [1999 c. 29, ss. 328\(8\), 425\(2\)](#), **Sch. 29 Pt. I para. 40** (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, art. 4\(h\)](#)

**F75** Words in s. 72(5) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), **Sch. 6 para. 60**; [S.I. 2009/3318, art. 2\(c\)](#)

**Modifications etc. (not altering text)**

**C36** S. 72(1)(2)(4) amended by [S.I. 1985/1884, art. 9\(1\)](#)

**C37** S. 72(1)(2)(4) modified by [S.I. 1987/2110, art. 2\(2\)](#), **Sch. 1 para. 7(g)**

**73 Financial administration.**

[<sup>F76</sup>(1)] Each new authority shall make arrangements for the proper administration of its financial affairs and shall secure that one of its officers has responsibility for the administration of those affairs.

[<sup>F77</sup>(2)] The reference in this section to a new authority includes a reference to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.]

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**Textual Amendments**

- F76** S. 73(1): s. 73 renumbered as s. 73(1) (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 61\(2\)](#); S.I. 2009/3318, art. 2(c)
- F77** S. 73(2) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 61\(3\)](#); S.I. 2009/3318, art. 2(c)

**Modifications etc. (not altering text)**

- C38** S. 73 amended by [S.I. 1985/1884](#), [art. 9\(1\)](#)
- C39** S. 73 modified by [S.I. 1987/2110](#), art. 2(2), [Sch. 1 para. 7\(h\)](#)
- C40** S. 73 modified by [S.I. 1989/1815](#), art. 2(2), [Sch. 1 para. 9](#) (as inserted by [S.I. 1990/198](#), [art. 2](#))

*Residuary bodies*

**F78** 74 .....

**Textual Amendments**

- F78** S. 74 repealed (21.8.1991) by [S.I. 1991/1730](#), [art. 2\(1\)](#).

75 ..... **F79**

**Textual Amendments**

- F79** S. 75 repealed (with savings in [S.I. 1990/431](#), [Sch. 1 para. 1\(a\)](#)) by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), ss. 194(2), [Sch. 12 Pt. I](#)

76 ..... **F80**

**Textual Amendments**

- F80** S. 76 repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(2), [Sch. 12 Pt. I](#)

**77 Treatment and distribution of capital and other money.**

- (1) The Secretary of State may by order provide—
  - (a) ..... **F81**
  - (b) for the payment by a residuary body to [**F82**any authority to which this subsection applies] of such part (if any) of any capital money received by that body as is specified in the order.
- (2) Subsection (1) above applies to any [**F83**billing authority] in the area for which the residuary body in question is established and to any new authority established for (or for an area which includes or is included in) that area.

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- (3) An order under subsection (1) above may—
  - (a) apply only to capital money of a particular description or make different provision in relation to capital money of different descriptions;
  - (b) apply only to some of the authorities to which that subsection applies or make different provision in relation to different authorities; . . . <sup>F84</sup>
  - (c) . . . . . <sup>F84</sup>
- (4) A residuary body may in any financial year distribute among [<sup>F83</sup>the billing authorities] in the area for which it is established any money (other than capital money) for the time being in the hands of that body; and any such distribution shall be in the same proportions as those that would apply to a levy made by it on those authorities in respect of that year.
- (5) In this section “capital money” means money of such description as may be specified for the purposes of this section by an order made by the Secretary of State [<sup>F83</sup>and references in this section to a billing authority shall be construed as references to an authority, other than the Council of the Isles of Scilly, which is a billing authority for the purposes of Part I of the Local Government Finance Act 1992.]

**Textual Amendments**

**F81** S. 77(1)(a) repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(2), **Sch. 12 Pt. I**

**F82** Words substituted by [S.I. 1990/776, art. 8, Sch. 3 para. 26](#)

**F83** Words in s. 77(2)(4)(5) substituted (1.4.1993) by [S.I. 1993/616, art. 3, Sch. 2 Pt. I para. 5](#).

**F84** S. 77(3)(c) and word immediately preceding it repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(2), **Sch. 12 Pt. I**

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**Modifications etc. (not altering text)**

**C41** S. 77 amended by [S.I. 1985/1884, art. 9\(1\)](#)

**C42** S. 77 modified by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 185(8)**, 231(7), 235(6)

**C43** S. 77 restricted by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 185(9)**, 231(7), 235(6)

<sup>F85</sup>**78 Accounts.**  
 . . . . .

**Textual Amendments**

**F85** S. 78 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3

<sup>F86</sup>**79 Audit.**  
 . . . . .

**Textual Amendments**

**F86** S. 79 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3



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**Modifications etc. (not altering text)**

- C44** S. 79: certain functions transferred by S.I. 1991/517, arts. 2(d), 3(a)
- C45** S. 79: certain functions transferred by S.I. 1989/814, **art. 11(a)**
- C46** S. 79: certain functions transferred by S.I. 1989/1359, **reg. 11(a)**
- C47** S. 79: certain functions transferred by S.I. 1989/2470, **art. 12(a)**
- C48** S. 79 excluded by [Local Government and Housing Act 1989 \(c.42, SIF 81:1, 2\)](#), **s. 11(1)(4)**
- C49** S. 79 amended by S.I. 1989/1815, **art. 2, Sch. 1 para. 7(3)**

*Transitional provisions*

**F87 80 Transitional provisions relating to block grant and expenditure levels.**

.....

**Textual Amendments**

- F87** S. 80 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 2

**F88 81 Transitional functions of residuary bodies in respect of block grant.**

.....

**Textual Amendments**

- F88** S. 81 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 2

**F89 82 Transitional provisions for interim authorities.**

.....

**Textual Amendments**

- F89** S. 82 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3

*London rate equalisation*

**F90 83 London rate equalisation schemes.**

.....

**Textual Amendments**

- F90** S. 83 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 2

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## PART IX

### MISCELLANEOUS AND SUPPLEMENTARY

#### 84 Application of local authority provisions to new authorities.

- (1) The principal Act shall have effect with the amendments specified in Part I of Schedule 14 to this Act, and the other enactments specified in Part II of that Schedule shall have effect with the amendments there specified, being amendments for applying those enactments in relation to the new authorities.
- (2) ..... <sup>F91</sup>
- (3) This section has effect in relation to a joint authority from the day on which it is established.

#### Textual Amendments

**F91** S. 84(2) repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

#### Modifications etc. (not altering text)

**C50** S. 84(3) extended by [Local Government Act 1986 \(c.10, SIF 81:1, 2\)](#), **s. 11(6)** (the said s. 11 is repealed (*prosp.*) by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), ss. 194(4), 195(2), **Sch. 12 Pt. II**)

#### <sup>F92</sup>85 Exercise of functions by new authorities in initial period.

.....

#### Textual Amendments

**F92** S. 85 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3

#### <sup>F93</sup>86 First meetings of new authorities.

.....

#### Textual Amendments

**F93** S. 86 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3

#### 87 Local and personal Bills.

- (1) Subject to subsections (2) and (3) below, a local Bill promoted in Parliament by the council of a London borough may include provisions requested by the council of another London borough; and a local Bill promoted as aforesaid by the council of a metropolitan district may include provisions requested by the council of another metropolitan district in the same county.

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- (2) Subsection (1) above applies only if the council making the request passes a resolution approving the provisions in question and that resolution—
  - (a) is passed by a majority of the whole number of the members of the council at a meeting of the council held after thirty clear days' notice of the meeting and of its purpose has been given by advertisement in one or more local newspapers circulating in the area of the council, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the council; and
  - (b) is confirmed by a like majority at a further such meeting convened in accordance with paragraph (a) above and held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament.
- (3) Where a resolution of a council is not confirmed as required by subsection (2)(b) above, the council shall give notice of that fact to the council promoting the Bill who shall take all necessary steps for the omission from the Bill of the provisions to which the resolution relates or, if those provisions were requested also by other councils [F94, or by the Greater London Authority under section 78 of the Greater London Authority Act 1999,] of those provisions so far as relating to the council whose resolution has not been confirmed.
- (4) A council which in accordance with this section requests the inclusion of provisions in a Bill promoted by another council may contribute towards the expenses of the other council in connection with the Bill.
- (5) In this section references to the council of a London borough include references to the Common Council.

F95(6) .....

#### Textual Amendments

- F94** Words in s. 87(3) inserted (3.7.2000) by 1999 c. 29, ss. 78(8), 425(2) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch. Pt. III
- F95** S. 87(6) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

## 88 Research and collection of information.

- (1) A scheme may be made for Greater London or a metropolitan county by the constituent councils whereby one of those councils designated by the scheme has the function of—
  - (a) carrying out, or assisting in carrying out, investigations into, and the collection of information relating to, any matters concerning that area or any part of it; and
  - (b) making, or assisting in making, arrangements whereby any such information and the results of any such investigation are made available to any other local authority in that area, any government department or the public.
- (2) Any such scheme shall require the other constituent councils to contribute as provided by subsection (3) below to the expenditure incurred by the designated council in carrying out its functions under the scheme.
- (3) The constituent councils shall be required to contribute to any expenditure of the designated council which has been incurred with the approval of at least two-thirds of

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- the constituent councils; and the amounts of the contributions shall be determined so that the expenditure in respect of which they are payable is borne by the constituent councils in proportion to the populations of their respective areas.
- (4) For the purposes of subsection (3) above the population of any area shall be taken to be the number estimated by the Registrar General and certified by him to the Secretary of State by reference to such date as the Secretary of State may from time to time determine.
  - (5) A scheme may provide that, if two-thirds of the constituent councils so decide, the designated council may require all or any of the constituent councils other than the designated council to carry out in respect of their respective areas an investigation into, or the collection of information relating to, any specified matter concerning the area covered by the scheme or any part of it; and where such a requirement is imposed on a council—
    - (a) that council shall comply with the requirement in such manner and within such time as may be specified in the requirement; and
    - (b) if that council fails to comply with the requirement the designated council may itself do what was required and recover the cost of doing it from that council.
  - (6) The expenditure which is to be borne as mentioned in subsection (3) above shall not include—
    - (a) any expenditure of the designated council which is recoverable by virtue of paragraph (b) of subsection (5) above; or
    - (b) if a requirement is imposed by virtue of that subsection on all the constituent councils other than the designated council, any expenditure incurred by that council in doing in respect of its own area what it has required the other councils to do in respect of their areas.
  - (7) Any information collected by the designated council, and the results of any investigation carried out by it, in the exercise of its functions under the scheme shall be made available, on request, to each of the other constituent councils.
  - (8) A scheme shall not come into force before the abolition date but shall continue in force until the end of at least two financial years after that in which it is made.
  - (9) A scheme may, in the absence of agreement between all the constituent councils, be made by a majority of those councils so as to be binding on all of them; but a council shall not be designated by a scheme except with its consent.
  - (10) A scheme may contain such supplementary provisions as the councils making the scheme think necessary or expedient and, subject to subsection (8) above, may be revoked by those councils (or, in the absence of agreement between all of them, by a majority of those councils) with effect from the end of any financial year after that in which the decision to revoke the scheme is made.
  - (11) The council designated by a scheme may by giving not less than twelve months notice to the other constituent councils withdraw its consent to act as the designated council with effect from the end of any financial year not earlier than the second financial year after that in which the scheme was made; and in that event the scheme shall terminate when the withdrawal takes effect.
  - (12) For the purposes of this section the constituent councils are—
    - (a) in relation to Greater London, the London borough councils and the Common Council; and

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- (b) in relation to a metropolitan county, the councils of the metropolitan districts comprised in the county.
- (13) Whether or not a scheme is made under this section a London borough council, the Common Council and a metropolitan district council shall have power to exercise any of the functions described in subsection (1)(a) and (b) above.
- (14) The appropriate Minister with respect to any matter may require any such council as is mentioned in subsection (13) above to provide him with any information with respect to that matter which is in the possession of, or available to, that council in consequence of the exercise of any powers conferred by or under any enactment.

**89 GLC housing transfer orders and nomination rights.**

- (1) The Secretary of State may by order amend or revoke any order made under section 23 of the <sup>M21</sup>London Government Act 1963 (transfer of GLC housing land) so far as it confers rights which are exercisable on or after the abolition date or imposes liabilities which fall to be discharged on or after that date; and an order under this subsection may in particular have effect so as to—
  - (a) extinguish rights and liabilities to receive or make payments or transfer such rights or liabilities to the London Residuary Body;
  - (b) extinguish rights to nominate tenants for housing accommodation; and
  - (c) extinguish liabilities to carry out works.
- (2) The Secretary of State may by an order or orders taking effect on the abolition date—
  - (a) confer on himself, in respect of housing accommodation transferred by orders under the said section 23, rights of nomination which correspond to those conferred by those orders on the Greater London Council but with such modifications as to their duration and the matters to be taken into account in their exercise as he thinks fit; and
  - (b) transfer to himself any other rights of the Greater London Council to nominate tenants for housing accommodation belonging to other authorities or bodies.
- (3) The Secretary of State may delegate, with or without restrictions, to any other authority, body or person the exercise of any rights conferred on or transferred to him by an order under subsection (2) above (and accordingly such an authority, body or person may take any action necessary for the enforcement of those rights).
- (4) Where any rights transferred under subsection (2)(b) above were acquired by the Greater London Council in consideration of payments by that Council, any liability in respect of such payments which is outstanding on the abolition date and any liability to make such payments on or after that date shall become liabilities of the London Residuary Body.

**Marginal Citations**  
M21 1963 c. 33.

**90 Charities.**

- (1) . . . . . F96

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- (2) .....<sup>F97</sup>, the Secretary of State may by order make such provision in relation to any charity as appears to him to be necessary or expedient in consequence of the abolition of the Greater London Council or the council of a metropolitan county, including provision for transferring to any person any property, rights, liabilities or functions relating to the charity which are vested in that council or in the holder of any office connected with that council, and provision for terminating any such rights, liabilities or functions.
- (3) Nothing in this section shall affect any power of Her Majesty, the court or any other person to alter the trusts of any charity.
- (4) In this section “charity”, “charitable purposes” and “charity trustees” have the same meaning as in [<sup>F98</sup>the Charities Act 1993].

**Textual Amendments**

**F96** S. 90(1) repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**

**F97** Words repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**

**F98** Words in s. 90(4) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6**, para. 30.

**<sup>F99</sup>91 Control of financial and other assistance to local authorities by GLC and metropolitan county councils.**

.....

**Textual Amendments**

**F99** Ss. 91-93 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3

**<sup>F99</sup>92 Control of liabilities affecting successor authorities.**

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**Textual Amendments**

**F99** Ss. 91-93 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3

**<sup>F99</sup>93 Control of disposals and contracts.**

.....

**Textual Amendments**

**F99** Ss. 91-93 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3

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## 94 The Temples.

- (1) Subject to subsection (2) below, Her Majesty may at any time, whether before or after the abolition date, by an Order in Council coming into force not earlier than that date provide that any functions exercisable as respects a London borough by the council of that borough shall be exercisable—
  - (a) as respects both the Temples by the Common Council; or
  - (b) as respects the Inner Temple by its Sub-Treasurer and as respects the Middle Temple by its Under Treasurer.
- (2) Subsection (1) above does not apply to any functions for the exercise of which as respects the Temples specific provision is made elsewhere in this Act or by or under any other enactment.
- (3) An Order under this section may make such incidental, consequential, transitional or supplementary provision as appears to Her Majesty to be necessary or proper for the purposes or in consequence of any of the provisions of the Order, including provision—
  - (a) applying to the Inner Temple or the Middle Temple any enactment relating to the functions in question which is contained in this Act or in any Act passed before or in the same Session as this Act;
  - (b) modifying or repealing any such enactment in its application to the Inner Temple or the Middle Temple; or
  - (c) excluding the application of any such enactment to the Inner Temple or the Middle Temple.
- (4) Any expenses incurred by the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple under this Act or any enactment applied to the Temples by or under this Act may be defrayed out of a rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be.

## <sup>F100</sup>95 Co-ordinating committees of successor councils.

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### Textual Amendments

**F100** Ss. 95-97 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

## <sup>F100</sup>96 Information for implementation of Act.

.....

### Textual Amendments

**F100** Ss. 95-97 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

## <sup>F100</sup>97 Other provisions for implementation of Act.

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### Textual Amendments

**F100** Ss. 95-97 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

## 98 Continuity of exercise of functions.

- (1) The abolition of the Greater London Council and the metropolitan county councils shall not affect the validity of anything done by any of those councils before the abolition date.
- (2) Anything which at the abolition date is in process of being done by or in relation to any of those councils in the exercise of or in connection with any statutory functions which by virtue of any provision made by or under this Act becomes functions of another authority, or of other authorities in respect of their respective areas, may be continued by or in relation to the authority (“the successor authority”) by which those functions become exercisable or, as the case may be, become exercisable in respect of the area in question.
- (3) Where immediately before the abolition date any statutory functions exercisable by any of those councils are exercisable concurrently by another authority, or by other authorities in respect of their respective areas, subsection (2) above shall have effect as if those functions had by virtue of this Act become functions of that other authority or of those other authorities in respect of their respective areas.
- (4) Anything done by or in relation to any of those councils before the abolition date in the exercise of or in connection with any functions to which subsection (2) above applies shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the successor authority.
- (5) Subsection (4) above applies in particular to—
  - (a) any decision, determination, declaration, designation, agreement or instrument made by a council;
  - (b) any regulations or byelaws made by a council;
  - (c) any licence, permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by or to a council;
  - (d) any notice, direction or certificate given by or to a council;
  - (e) any application, request, proposal or objection made by or to a council;
  - (f) any condition or requirement imposed by or on a council;
  - (g) any fee paid by or to a council;
  - (h) any appeal allowed by or in favour of or against a council;
  - (i) any proceedings instituted by or against a council.
- (6) Any reference in the foregoing provisions of this section to anything done by or in relation to a council includes a reference to anything which by virtue of any enactment is treated as having been done by or in relation to that council.
- (7) Any reference to a council in any document constituting or relating to anything to which the foregoing provisions of this section apply shall, so far as is required for giving effect to those provisions, be construed as a reference to the successor authority.
- (8) Any question under this section as to which is the successor authority in respect of any particular functions may be determined by a direction given by the Secretary of State.



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- (9) The foregoing provisions of this section are without prejudice to any provision made by this Act in relation to any particular functions and shall not be construed as continuing in force any contract of employment made by any of the councils mentioned in subsection (1) above; and the Secretary of State may, in relation to any particular functions, by order exclude, modify or supplement any of the foregoing provisions of this section or make such other transitional provision as he thinks necessary or expedient.
- (10) The foregoing provisions of this section shall apply in relation to the authority abolished by section 25(6) above as they apply in relation to the councils mentioned in subsection (1) above.

**Modifications etc. (not altering text)**

- C51** S. 98 extended by London Building Act 1930 (c.clviii), s. 120 (as substituted by [S.I. 1986/452](#), art. 3, [Sch. 2 para. 3\(j\)](#))
- C52** S. 98(2) excluded by [S.I. 1985/1781](#), art. 3(1)
- C53** S. 98(2) modified by [S.I. 1986/148](#), art. 23(2)
- C54** S. 98(3) excluded by [S.I. 1985/1781](#), art. 3(1)
- C55** S. 98(4) modified by [S.I. 1985/1341](#), art. 3, [1985/1781](#), art. 3(2) and [1986/148](#), art. 23(2)
- C56** S. 98(5)–(8) modified by [S.I. 1985/1781](#), art. 3(2) and [1986/148](#), art. 23(2)

**F101** **99 Disqualification of justices.**

**Textual Amendments**

- F101** S. 99 repealed (1.4.2005) by [Courts Act 2003](#) (c. 39), s. 110(1), [Sch. 8 para. 291](#), [Sch. 10](#); [S.I. 2005/910](#), art. 3(y)

**100 Transfer of property, rights and liabilities.**

- (1) The Secretary of State may by an order or orders made at any time before the abolition date provide for the transfer on that date to any local authority, new authority or residuary body or to any other person, including any Minister of the Crown, of any property, rights or liabilities of the Greater London Council or a metropolitan county council which, if not transferred under this section, would vest in accordance with section 62 above.
- (2) Any transfer under this section and any transfer of property by or under any other provision of this Act may be on such terms, including financial terms, as the Secretary of State thinks fit and the Secretary of State may by order create or impose such new rights or liabilities in respect of what is transferred as appear to him to be necessary or expedient.
- (3) The Secretary of State may by order confer on any person to whom property is transferred by the order or by or under any other provision of this Act any statutory functions which before the abolition date were exercisable in relation to that property by the Greater London Council or a metropolitan county council.

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- (4) Without prejudice to subsections (2) and (3) above, any order under this section and any other order under this Act by which property is transferred may include such incidental consequential and supplementary provisions as appear to the Secretary of State to be necessary or expedient.

## **101 Power to make incidental, consequential, and transitional provisions.**

- (1) The Secretary of State may at any time by order make such incidental, consequential, transitional or supplementary provision as appears to him to be necessary or expedient—
- (a) for the general purposes or any particular purposes of this Act or in consequence of any of its provisions or for giving full effect to it; or
  - (b) in consequence of such of the provisions of any other Act passed in the same Session as this Act [<sup>F102</sup>or the Housing Act 1988] as apply to any area or authority affected by this Act.
- (2) An order under this section may in particular make provision—
- (a) for enabling any authority or body by whom any powers will become exercisable on the abolition date by virtue of any provision made by or under this Act to take before that date any steps (such as the undertaking of consultations, the giving of notices or the consideration of objections) which are required to be taken as a preliminary to the exercise of those powers;
  - (b) for the making before the abolition date of arrangements for securing the satisfactory operation from that date of any provision made by or under this Act and for defraying the cost of any such arrangements;
  - (c) for amending, repealing or revoking (with or without savings) any provision of an Act passed, or an instrument under an Act made, before the abolition date, for applying any such provision (with or without modification) and for making savings or additional savings from the effect of any amendment or repeal made by this Act;
  - (d) with respect to the membership of any body so far as consisting of persons elected by, or appointed by or on the nomination of, the Greater London Council or a metropolitan county council, whether alone or together with one or more other bodies;
  - (e) for dissolving any body corporate established by any Act passed, or by any instrument under an Act made, before the abolition date.
- (3) The amendments that may be made under subsection (2)(c) above—
- (a) shall be in addition and without prejudice to those made by any other provision of this Act; and
  - (b) shall, in particular, include amendments in consequence of functions under provisions applying to Greater London or a metropolitan county becoming exercisable in their respective areas by the councils of London boroughs or metropolitan districts or by the Common Council.
- (4) No other provision of this Act shall be construed as prejudicing the generality of the powers conferred by this section.

### **Textual Amendments**

**F102** Words inserted by [Housing Act 1988 \(c.50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 37](#)

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## 102 Consequential amendments and repeals.

- (1) The enactments mentioned in Schedule 16 to this Act shall have effect with the amendments there specified, being amendments consequential on the provisions of this Act.
- (2) The enactments mentioned in Schedule 17 to this Act (which include spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This section has effect from the abolition date.
- (4) Subsection (2) above does not affect any orders made before the abolition date under section 23, 83 or 87 of the <sup>M22</sup>London Government Act 1963.

### Marginal Citations

M22 1963 c. 33.

## 103 Orders etc.

- (1) Any power of the Secretary of State to make orders, regulations or rules under this Act shall be exercisable by statutory instrument and may be exercised so as to make different provision for different cases, including different provision for different areas.
- (2) A statutory instrument containing regulations or, subject to subsection (3) below, an order under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Subsection (2) above does not apply to an order under section 13, 15, 18, 23, 42, 51 or 57 above or under paragraph 10 of Schedule 5 to this Act.
- (4) A statutory instrument containing an order under section 13(9) above shall be laid before each House of Parliament after being made.
- (5) No order shall be made under section 42 above unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (6) Any power conferred on the Secretary of State by section 11(2), 98(8), 100 and 101 above may also be exercised by any appropriate Minister.

## 104 Expenses.

There shall be paid out of moneys provided by Parliament—

- (a) any expenses of any Minister under this Act; and
- (b) any increase attributable to this Act in the sums payable out of such moneys under any other Act.

## 105 Interpretation.

- (1) In this Act—
  - “the abolition date” has the meaning given in section 1(2) above;
  - “contract of employment”, “employee” and “employer” have the same meaning as in <sup>F103</sup>the Employment Rights Act 1996];
  - “joint authority” means any authority established by Part IV of this Act;

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“new authority” means any authority established by Part III or IV of this Act;

“the principal Act” means the <sup>M23</sup>Local Government Act 1972;

“residuary body” means a body established by Part VII of this Act and “the appropriate residuary body” has the meaning given in section 57(2) above;

“statutory functions” means functions conferred by an enactment or a statutory instrument.

- (2) In this Act any expression which is also used in the principal Act has the same meaning as in that Act.
- (3) Any provision of this Act enabling a power to be exercised or anything else to be done before the abolition date so as to take effect on or after that date is without prejudice to section 13 of the <sup>M24</sup>Interpretation Act 1978 (anticipatory exercise of powers).

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**Textual Amendments**

**F103** Words in definition in s. 105(1) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 26(3)** (with ss. 191-195, 202)

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**Marginal Citations**

**M23** 1972 c. 70.

**M24** 1978 c. 30.

**106 Short title and extent.**

- (1) This Act may be cited as the Local Government Act 1985.
- (2) Any amendment or repeal by this Act of an enactment which extends to Scotland or Northern Ireland has the same extent as that enactment but, save as aforesaid, this Act extends to England and Wales only.

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