



Local Government Act 1985

1985 CHAPTER 51

PART II

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

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,

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 Public Health Act 1936, Part I of the Control of Pollution Act 1974, the Refuse Disposal (Amenity) Act 1978 or section 5 or 6 of the 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.