



# Local Government Act 1985

## 1985 CHAPTER 51

### PART IV

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

##### *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.

#### **24 Metropolitan county police authorities**

- (1) On the appointed day there shall be established for each metropolitan county which is a police area a body corporate to be known by the name of the county with the addition of the words " Police Authority " .
- (2) The police authorities established by this section shall be known as metropolitan county police authorities.
- (3) Each metropolitan county police authority shall consist of—
  - (a) members of the constituent councils appointed by them to be members of the authority ; and
  - (b) magistrates for the county appointed by a joint committee of those magistrates ("the joint magistrates' committee ").
- (4) The constituent councils in relation to a metropolitan county police authority shall be the councils of the metropolitan districts comprised in the county.
- (5) The joint magistrates' committee for a county shall consist of such number of representatives from each of the magistrates' courts committees for the districts in

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the county as those committees may agree or, in default of agreement, as may be determined by the Secretary of State.

- (6) Appointments by a joint magistrates' committee under subsection (3)(b) above shall be made in accordance with a scheme made by the committee and approved by the Secretary of State; and, subject to sections 30 and 32 below, the persons to be appointed by the committee shall be appointed at such times, in such manner and for such terms as may be prescribed by rules made by the Secretary of State.

## **25 Northumbria Police Authority**

- (1) On the appointed day there shall be established for the police area constituted by the Northumbria Police (Amalgamation) Order 1973 (which consists of the metropolitan county of Tyne and Wear and the county of Northumberland) a body corporate which as from the abolition date shall be known as the Northumbria Police Authority and before that date as the Northumbria Interim Police Authority.
- (2) The authority shall consist of—
- (a) members of the constituent councils appointed by them to be members of the authority ;
  - (b) magistrates for the county of Tyne and Wear appointed by a joint committee of those magistrates (" the joint magistrates' committee "); and
  - (c) magistrates for the county of Northumberland appointed by the magistrates' courts committee for that county.
- (3) The constituent councils in relation to that authority shall be the councils of the metropolitan districts comprised in the county of Tyne and Wear and the Northumberland County Council.
- (4) The joint magistrates' committee for the county of Tyne and Wear shall consist of such number of representatives from each of the magistrates' courts committees for the districts in that county as those committees may agree or, in default of agreement, as may be determined by the Secretary of State.
- (5) Appointments by the joint magistrates' committee and the magistrates' courts committee under subsection (2)(b) and (c) above shall be made in accordance with schemes made by those committees respectively and approved by the Secretary of State ; and, subject to sections 30 and 32 below, the persons to be appointed by those committees shall be appointed at such times, in such manner and for such terms as may be prescribed by rules made by the Secretary of State.
- (6) The Order mentioned in subsection (1) above shall cease to have effect on the abolition date and the Authority established by it shall then cease to exist and all its property, rights and liabilities (including rights and liabilities in respect of contracts of employment) shall on that date vest in the Authority established by this section.

## **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.

## **27 London Fire and Civil Defence Authority**

- (1) On the appointed day there shall be established for Greater London a body corporate to be known as the London Fire and Civil Defence Authority.
- (2) The Authority shall consist of members of the constituent councils appointed by them to be members of the Authority.
- (3) The constituent councils in relation to the Authority shall be the London borough councils and the Common Council.

## **28 Metropolitan county passenger 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 " Passenger Transport Authority" .
- (2) The passenger transport authorities established by this section shall be known as metropolitan county passenger transport authorities.
- (3) Each metropolitan county passenger transport 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 passenger transport authority shall be the councils of the metropolitan districts comprised in the county.

### *Members of joint authorities*

## **29 Number of members**

- (1) The number of members to be appointed to a joint authority by a constituent council, joint magistrates' committee or magistrates' courts committee shall be the number specified for that council or committee 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 alteration 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; and any alteration of numbers relating to a police authority shall be such that the number of members of the authority appointed by the constituent councils is two-thirds, or as nearly as may be two-thirds, of the total number of members of the authority.

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- (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.

### **30 First appointments**

- (1) It shall be the duty of each constituent council, joint magistrates' committee and magistrates' courts committee which is required to appoint members of a joint authority to appoint the first members before the appointed day and those appointments shall take effect on that day.
- (2) Notice of the appointments made to a joint authority under this section shall be given before the appointed day—
- (a) in the case of the London Fire and Civil Defence Authority, to the Greater London Council;
  - (b) in the case of a joint authority established for a metropolitan county, to the council of that county; and
  - (c) in the case of the authority established by section 25 above, to the Tyne and Wear County Council.

### **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 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.

### **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.
- (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—

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- (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.
- (8) Subsections (1), (2) and (7) above shall apply also to a person appointed to a police authority by a joint magistrates' committee or magistrates' courts committee, taking references to a constituent council as references to that committee and references to a person being or ceasing to be a member of the constituent council as references to his being or ceasing to be a magistrate for the county in question.

### **33 Balance of parties**

Each constituent council shall, so far as practicable, exercise its power to make or terminate appointments to a joint authority so as to ensure that the balance of parties for the time being prevailing in that council is reflected in the persons who are for the time being members of the authority and for whose appointment the council is responsible.

### **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.

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- (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;
  - (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.

### **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) appointments 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.
- (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 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 the metropolitan county passenger transport authority for that county.

### **36 Notices**

As soon as practicable after receiving notice from a constituent council, joint magistrates' committee or magistrates' courts committee that it has made an appointment, or from a constituent council 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.

### *Functions*

### **37 Police and fire services**

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

### **38 Civil defence**

- (1) Any functions which immediately before the abolition date are exercisable by a metropolitan county council by virtue of regulations made under section 2 of the Civil Defence Act 1948 shall on that date become functions of the metropolitan county fire and civil defence authority; and accordingly references in those regulations to a county council shall include references to such an authority.
- (2) Any functions which immediately before the abolition date are exercisable by the Greater London Council by virtue of those regulations shall on that date become functions of the London Fire and Civil Defence Authority; and accordingly for any reference in those regulations to that Council there shall be substituted a reference to that Authority.
- (3) Subsections (1) and (2) above are without prejudice to any functions exercisable under those regulations by the authorities there mentioned in their capacity as fire authorities.
- (4) For the purpose of determining whether any, and if so what, deduction should be made from grants payable in accordance with regulations made under section 3 of the said Act of 1948 to an authority to which functions are transferred by subsection (1) or (2) above from another authority, any land or article acquired by, or article provided for, that other authority for the purposes of those functions shall be treated as having been acquired or, as the case may be, provided for the first-mentioned authority.
- (5) The power to vary or revoke regulations made under the said Act of 1948 shall include power to amend or repeal any of the foregoing provisions of this section.

### **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.

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- (2) In that Schedule paragraphs 1 to 4 shall have effect from the abolition date and paragraph 5 shall have effect as provided in sub-paragraph (5) of that paragraph.

#### **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 to 33, 35, 37(3), (4) and (5), 60(3)(a) and 88 (10) of the Civil Aviation Act 1982 (airport functions of local authorities) references to a local authority shall include references to a metropolitan county passenger transport authority; 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.

#### **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.

#### **42 Reorganisation of functions**

- (1) The Secretary of State may by order make provision for any of the following purposes—
- (a) the constitution of a metropolitan district or of the county of Northumberland as a separate police area with its own police force and police authority;
  - (b) the constitution of the council of a metropolitan district or London borough or the Common Council as the fire authority for that district or borough or for the City and the Temples, as the case may be;
  - (c) the exclusion of any metropolitan district from, or the abolition of, any passenger transport area which is or was coterminous with a metropolitan county or, as respects any functions exercisable by a metropolitan county passenger transport authority otherwise than by virtue of section 39 above, the exclusion of the council of any such district from the authority's constituent councils;



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- (d) whether or not an order is made for any of the foregoing purposes, 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.
- (2) The Secretary of State may by order make provision for—
- (a) the amalgamation of a police area for which a police authority is constituted by this Part of this Act or by an order under subsection (1) above with any other police area or the exclusion from a police area for which a police authority is constituted by this Part of this Act of any area for which a separate police authority could be constituted by an order under that subsection and its amalgamation with any other such area or with another police area; or
  - (b) the combination of the area of any fire authority constituted by this Part of this Act or by an order under subsection (1) above with the area of any other fire authority or the exclusion from an area for which a fire authority is constituted by this Part of this Act of any area for which a separate fire authority could be constituted by an order under that subsection and its combination with any other such area or with the area of another fire authority.
- (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, any police, fire or passenger transport authority, 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.