
STATUTORY INSTRUMENTS

1964 No. 1464

The London Authorities (Property etc.) Order 1964

Title and commencement

1. This order may be cited as the London Authorities (Property etc.) Order 1964, and shall come into operation—
- (a) for the purposes of any provision which expressly refers to the coming into operation of this order or requires or enables action to be taken before 1st April 1965, on 25th September 1964; and
 - (b) for all other purposes, on 1st April 1965.

Interpretation

2.—(1) The Interpretation Act 1889 applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order—

“the Act” means the London Government Act 1963;

“the City” means the City of London;

“the City Corporation” means the mayor and commonalty and citizens of the City of London;

“the Common Council” means the Common Council of the City of London;

“Green Belt land” means Green Belt land within the meaning of the Green Belt (London and Home Counties) Act 1938;

“inner London borough” means the London borough of Camden, Greenwich, Hackney, Hammersmith, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth or West-minster;

“land” includes land covered by water and any interest or right in, to or over land;

“lands held for planning purposes” means lands held for purposes for which land can be acquired under section 68 or 71(1)(a) of the Town and Country Planning Act 1962 (including land acquired by virtue of sections 129 to 133 of that Act);

“the Minister” means the Minister of Housing and Local Government.

(3) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

(4) Any reference in this order to a numbered article or schedule shall, unless the reference is to an article or schedule of a specified order, be construed as a reference to the article or schedule bearing that number in this order.

(5) Any reference in any article of this order to a numbered paragraph shall, unless the reference is to a paragraph of a specified article, be construed as a reference to the paragraph bearing that number in the first-mentioned article.

Other express provision

3. This order shall have effect subject to the express provision of any other order made (whether before or after this order) under section 84 of the Act.

Land held or used for several purposes

4.—(1) Where any land (not being a property described in column (2) of Schedule 1 or of any extension thereof described in article 7) is held by an authority for two or more purposes, it shall be deemed for the purposes of section 23 of the Act and this order to be held for such one of those purposes as is determined by that authority to be the purpose for which the land is, immediately before 1st April 1965, mainly used.

(2) This paragraph applies to—

- (a) accommodation in any property transferred to and vested in any authority by virtue of the Act or this order (hereinafter referred to as “case (a)”);
- (b) accommodation in any property held by the City Corporation and not transferred by virtue of the Act or this order (hereinafter referred to as “case (b)”);
- (c) accommodation in any property in Greater London or the urban district of Potters Bar, Staines or Sunbury-on-Thames held by the county council of Essex, Hertfordshire, Kent or Surrey or the urban district council of Chigwell and not transferred by virtue of the Act or this order (hereinafter referred to as “case (c)”)

immediately before 1st April 1965 used (or in the case of a property not yet in occupation proposed to be used)—

- (i) in case (a) for the purposes of any functions which on and after 1st April 1965 are not exercisable by the authority to whom the property is transferred;
- (ii) in case (b) for the purposes of any functions which on and after 1st April 1965 are not exercisable by the Common Council;
- (iii) in case (c) for the purposes of any functions other than those for which the building is deemed under paragraph (1) to be held.

In the case of any accommodation to which this paragraph applies used (or proposed to be used) by the London County Council or the county council of Middlesex, Essex, Hertfordshire, Kent or Surrey for the purposes of the specified functions within the meaning of article 11 such body as may be agreed between the relevant councils before 1st November 1964 and approved by the appropriate Minister or, if

- (a) the appropriate Minister disagrees with such agreement, or
- (b) no agreement has been reached by the relevant councils before such date,

determined by the appropriate Minister shall be entitled to the continued use (or the use) of such accommodation.

In the case of any other accommodation to which this paragraph applies the authority exercising the functions described in (i), (ii) or (iii) in the area in which the property is situated, or any other authority designated by the Minister after consultation, in case (a) with the authority to which the property is transferred, in case (b) with the Common Council and in case (c) with the county council of Essex, Hertfordshire, Kent or Surrey or the urban district council of Chigwell, as the case may be, and such other consultation as may appear to the Minister to be appropriate, shall be entitled to the continued use (or the use) of such accommodation.

The use of any accommodation by virtue of this paragraph shall be for such period and on such terms as may be determined between the authority using the accommodation and, in case (a) the authority to whom the property is transferred, in case (b) the Common Council and in case (c) the county

council of Essex, Hertfordshire, Kent or Surrey or the urban district council of Chigwell, as the case may be, or failing such agreement, as may be determined by an arbitrator appointed by agreement between them and such authority or council or, in default of agreement, by the Minister.

In this paragraph any reference to an authority includes, in the case of the corporation of a London borough, a reference to the council of the borough.

In this paragraph, “the relevant councils” and “the appropriate Minister” have the same meanings as in article 11.

Provisions ancillary to transfer provisions of the Act

5.—(1) This article applies to the following matters, being matters as regards which provision as to transfer and vesting is made by the Act—

- (a) any drain belonging to a highway which is on 1st April 1965 a metropolitan road;
- (b) any land which immediately before 1st April 1965 is held by the London County Council for the purposes of their functions as a local authority under the Housing Act 1957;
- (c) any land within a London borough which immediately before 1st April 1965 is held for the purposes of functions as such a local authority as aforesaid—
 - (i) by any council of a county borough, metropolitan borough or county district whose area falls wholly within such London borough,
 - (ii) by the urban district council of Chigwell;
- (d) any sewer or sewage disposal works which immediately before 1st April 1965 is vested in the London County Council, the county council of Middlesex, the Wandle Valley Main Drainage Authority, the North Surrey Joint Sewage Board or the Richmond Main Sewerage Board;
- (e) any sewer or sewage disposal works primarily serving an area in a London borough which immediately before 1st April 1965 is vested in the council of a county borough, metropolitan borough or county district the area of which falls wholly or partly within the borough;
- (f) any drain in a London borough which immediately before 1st April 1965 falls within paragraph (a) or (b) of the definition of “drain” in section 81(1) of the Public Health (London) Act 1936;
- (g) any property (including the Royal Festival Hall) which immediately before 1st April 1965 is held by the London County Council by virtue of an enactment mentioned in section 57(2) of the Act;
- (h) any land which immediately before 1st April 1965 is vested in the London County Council or the county council of Middlesex and used as a park or open space;
- (i) any Green Belt land vested immediately before 1st April 1965 in the London County Council or the county council of Middlesex, or any functions, rights or liabilities exercisable with respect to any Green Belt land immediately before such date by either of those councils;
- (j) any property held immediately before 1st April 1965 exclusively for charitable purposes by any council to whom section 3(1)(b) of the Act applies as sole trustee.

(2) In so far as provision is not made by the Act—

- (i) all liabilities attaching to any authority in respect of any property transferred by the Act shall by virtue of this order be transferred to and attach to the authority to whom such property is transferred;

- (ii) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the first-mentioned authority in respect of such property, or in respect of liabilities transferred by the Act or by this article, shall be of full force and effect in favour of, or against, the authority to whom such property and liabilities are transferred; and
- (iii) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, the first-mentioned authority in respect of such property, or in respect of liabilities transferred by the Act or by this article, shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the authority to whom such property and liabilities are transferred.

(3) Where any such drain as is described in paragraph (1)(a) is immediately before 1st April 1965 used for any purpose in connection with the drainage of any highway which does not on that date become a metropolitan road, the highway authority for that highway shall continue to have the right to use that drain for that purpose, and any difference arising under this paragraph between such highway authority and the Greater London Council shall, if either such authority so elect, be referred to and determined by the Minister.

Ancillary provision in relation to highways and bridges

6.—(1) Where by virtue of the Act any authority (hereinafter referred to as “the new highway authority”)—

- (a) becomes the highway authority for any highway (hereinafter referred to as “case (a)”),
- (b) becomes the highway authority for the highways in any area (hereinafter referred to as “case (b)”)

then—

(i) in case (a)—

the interest of the former highway authority in the highway, in so far as such interest is not vested in the new highway authority by virtue of section 226 of the Highways Act 1959 (which applies to Greater London by virtue of section 16(2) of the Act),

any land held by the former highway authority for the purposes of their functions in relation to the highway or which has been acquired by them as highway authority for the highway,

any specified equipment on or near the highway, and

all liabilities attaching to the former highway authority in respect of such interest (whether vested in the new highway authority by virtue of the said section 226 or this paragraph), land or specified equipment;

in case (b)—

any land held for the construction of highways for which the new highway authority will be the highway authority, and

all liabilities attaching to the former highway authority in respect of such land;

shall by virtue of this order be transferred to and vest in or attach to the new highway authority;

- (ii) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the former highway authority—

in case (a), in respect of the interest of the former highway authority in the highway (whether vested in the new highway authority by virtue of the said section 226 or this paragraph) or in respect of the land, equipment or liabilities transferred by subparagraph (i) in case (a),

in case (b), in respect of the land and liabilities transferred by sub-paragraph (i) in case (b),

shall be of full force and effect in favour of, or against, the new highway authority; and

(iii) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, the former highway authority—

in case (a), in respect of the interest of the former highway authority in the highway (whether vested in the new highway authority by virtue of the said section 226 or this paragraph) or in respect of the land, equipment or liabilities transferred by sub-paragraph (i) in case (a),

in case (b), in respect of the land and liabilities transferred by sub-paragraph (i) in case (b),

shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the new highway authority.

In this paragraph, “specified equipment” means—

- (a) traffic signs other than signs for indicating speed restrictions and, outside Greater London, pedestrian crossing marks and signs, and bollards and other obstructions for preventing the passage of vehicles, being the property of the former highway authority; and
- (b) in relation to any metropolitan road, lamps, lamp posts and other apparatus for the lighting thereof.

(2) Any county bridge in Greater London which is not vested in the highway authority for the highway carried by the bridge by virtue of any other provision shall by virtue of this order be transferred to and vest in the highway authority for such highway, and

- (a) all liabilities attaching to any authority in respect of the bridge shall by virtue of this order be transferred to and attach to such highway authority;
- (b) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, any authority in respect of the bridge, or in respect of liabilities transferred by sub-paragraph (a), shall be of full force and effect in favour of, or against, such highway authority; and
- (c) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, any authority in respect of the bridge, or in respect of liabilities transferred by sub-paragraph (a), shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, such highway authority.

(3) Nothing in this article shall apply to any drain belonging to a highway which is on 1st April 1965 a metropolitan road or any other drain or sewer which is on that date used for any purpose in connection with the drainage of a metropolitan road, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto.

(4) Any expression in this article which is also used in the Highways Act 1959 shall have the same meaning as in that Act.

Transfer of particular properties

7. Any property described in column (2) of Schedule 1 (or of any extension thereof contained in any further order under section 84 of the Act made before 1st April 1965) of an authority named in column (1) and all liabilities attaching to the said authority in respect of any such property shall by virtue of this order be transferred to and vest in or attach to the authority specified in respect of such property in column (3), and

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- (a) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the authority named in the said column (1) in respect of such property and liabilities shall be of full force and effect in favour of, or against, the authority specified in column (3); and
- (b) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, the authority named in the said column (1) in respect of such property and liabilities shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the authority specified in column (3).

Parks and open spaces

8. Section 58(2) of the Act (which applies to any land which immediately before 1st April 1965 is vested in the London County Council or the county council of Middlesex and used as a park or open space) shall also apply to any land (not being land to which section 57(2) or 59(1) of the Act applies) which immediately before such date is vested in either such council for the purposes of parks and open spaces but is not used for such purposes, and

- (i) all liabilities attaching to any authority in respect of any such land shall by virtue of this order be transferred to and attach to the Greater London Council;
- (ii) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, any authority in respect of such land or liabilities shall be of full force and effect in favour of, or against, the Greater London Council; and
- (iii) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, any authority in respect of such land or liabilities shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the Greater London Council.

Lands held for planning purposes, acquired for development or surplus to requirements

9.—(1) This article applies to—

lands held by the London County Council or the county council of Middlesex for planning purposes,

lands held by the London County Council under section 97(2) of the London Government Act 1939 or section 33 (Development of land by Council) of the London County Council (General Powers) Act 1955 or by the county council of Middlesex under section 5 (Further powers to Council to acquire land), 12 (Power to develop lands &c.) or 211 (Acquisition of land for amenities) of the Middlesex County Council Act 1944, section 31 (Acquisition and development of derelict land) of the Middlesex County Council Act 1956 or section 12 (Power of Council to acquire land for rehousing) or 14 (Acquisition of land in advance of requirements) of the Middlesex County Council Act 1961, and not allocated to any purpose for which land may be acquired,

any lands held by the London County Council or the county council of Middlesex and on 31st March 1965 no longer required for the purposes for which they are held,

other than—

- (a) Green Belt land vested immediately before 1st April 1965 in the London County Council or the county council of Middlesex; and
- (b) land described in article 11(8).

(2) The lands to which this article applies and all liabilities attaching to the London County Council or the county council of Middlesex in respect of any such lands shall by virtue of this order be transferred to and vest in or attach to the Greater London Council, and

- (a) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the London County Council or the county council of Middlesex in respect of such lands and liabilities shall be of full force and effect in favour of, or against, the Greater London Council; and
- (b) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, the London County Council or the county council of Middlesex in respect of such lands and liabilities shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the Greater London Council,

but between 1st April 1965 and 31st March 1968 the Greater London Council shall, after consultations with the London borough councils, the Common Council and the county councils of Hertfordshire and Surrey, prepare and submit to the Minister schemes with respect to such lands (and covering all such lands)—

- (i) containing proposals as to the retention of particular lands or parts of lands by the Greater London Council and giving their grounds for such retention;
- (ii) providing for the transfer of any lands or parts of lands to one, or to two or more jointly, of the following councils, namely the London borough councils, the Common Council and the councils of counties, county boroughs or county districts in or near to which such lands or parts are situated, and, in the case of a transfer to two or more councils jointly, providing for the management and control of the land or part by a body representative of both or all those councils,

and the Minister may, after consultation with the Greater London Council and as regards any land or part the council or councils of any of the following areas, namely the London boroughs, the City, counties, county boroughs and county districts, in which the land or part is situated and such other consultation as may appear to the Minister to be appropriate, confirm any such scheme (or, at any time, any part thereof) with or without modifications. Upon such confirmation the provisions of the scheme described in (ii), subject to any modification thereof, shall have effect by virtue of the scheme.

(3) At any time before the confirmation of the scheme provided for in paragraph (2) the Greater London Council may submit to the Minister a proposal for—

- (i) the retention by them, or
- (ii) the transfer to one, or to two or more jointly, of the following councils, namely the London borough councils, the Common Council and the councils of counties, county boroughs or county districts in or near to which such lands are situated (and in the case of a transfer to two or more councils jointly for provision for the management and control of the land or part by a body representative of both or all of those councils)

of any lands to which this article applies or any parts of such lands, and the Minister may, after consultation with the Greater London Council and the council or councils of such of the following areas, namely the London boroughs, the City, counties, county boroughs and county districts, in which the land or part is situated and such other consultation as may appear to the Minister to be appropriate, confirm the proposal with or without modifications. Upon such confirmation the provisions of the proposals described in (ii), subject to any modification thereof, shall have effect by virtue of the proposals.

(4) The Minister may require the preparation and submission to him by a specified date of a scheme under paragraph (2) with respect to lands in any specified area or of proposals under paragraph (3) in relation to specified lands or parts thereof.

10.—(1) This article applies to the following lands in Greater London—

lands held by the county council of Essex, Hertfordshire, Kent or Surrey for planning purposes; lands held by the county council of Essex under section 5 (Further powers to Council to acquire land) or 121 (Acquisition of land for county roads or amenities) of the Essex County Council Act 1933 or section 15 (Development of land) of the Essex County Council Act 1952, by the county council of Hertfordshire under section 12 (Acquisition of land for county roads, amenities etc.) of the Hertfordshire County Council Act 1935 or section 9 (Acquisition of derelict land) or 10 (Development of land) of the Hertfordshire County Council Act 1960, by the county council of Kent under section 13 (Acquisition of derelict land) or 14 (Development of land) of the Kent County Council Act 1958 or by the county council of Surrey under section 5 (Further powers to Council to acquire land) or 68 (Acquisition of land for county roads and amenities) of the Surrey County Council Act 1931, and not allocated to any purpose for which land may be acquired;

any lands held by the county council of Essex, Hertfordshire, Kent or Surrey and on 31st March 1965 no longer required for the purposes for which they are held,

other than—

- (a) Green Belt land vested in the county council of Essex, Hertfordshire, Kent or Surrey; and
- (b) land described in article 11(8).

(2) Any land to which this article applies and all liabilities attaching to the county council of Essex, Hertfordshire, Kent or Surrey, as the case may be, in respect of such land shall by virtue of this order be transferred to and vest in or attach to the council of the London borough in which the land or the greater part of the area thereof is situated, and

- (a) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the county council of Essex, Hertfordshire, Kent or Surrey, as the case may be, in respect of such land and liabilities shall be of full force and effect in favour of, or against, the council of the London borough; and
- (b) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, the county council of Essex, Hertfordshire, Kent or Surrey, as the case may be, in respect of such land and liabilities shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the council of the London borough.

Accommodation for certain functions

11.—(1) In this article—

“the specified functions” means—

- (a) functions under Part III (other than section 27 (Ambulance services)) of the National Health Service Act 1946, Part III of the National Assistance Act 1948 and section 27 of the Midwives Act 1951;
- (b) functions under the Disabled Persons (Employment) Acts 1944(1) and 1958(2);
- (c) functions under section 77 (Provision of remand homes) of the Children and Young Persons Act 1933, sections 15 (Homes for the accommodation of children) and 19 (Hostels for persons under 21) of the Children Act 1948 and section 1 (Welfare of children) of the Children and Young Persons Act 1963;

(1) 7 & 8 Geo. 6. c. 10

(2) 6 & 7 Eliz. 2. c. 33.

“the relevant councils” means—

in relation to the London County Council, the councils of the inner London boroughs and the London boroughs of Newham and the Common Council;

in relation to the county council of Middlesex, the councils of the London boroughs of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon, Hounslow and Richmond upon Thames and the county councils of Hertfordshire and Surrey;

in relation to the county council of Essex, that council and the councils of the London boroughs of Barking, Havering, Newham, Redbridge and Waltham Forest;

in relation to the county council of Hertfordshire, that council and the council of the London borough of Barnet;

in relation to the county council of Kent, that council and the councils of the London boroughs of Bexley and Bromley;

in relation to the county council of Surrey, that council and the councils of the London boroughs of Croydon, Kingston upon Thames, Merton, Richmond upon Thames and Sutton;

“the appropriate Minister” means—

in the case of the functions comprised in (a) of the definition of “the specified functions”, the Minister of Health;

in the case of the functions comprised in (b) thereof, the Minister of Labour;

in the case of the functions comprised in (c) thereof, the Secretary of State.

(2) Any property held or allocated by the London County Council or the county council of Middlesex for the purposes of the specified functions and all liabilities attaching to such council in respect of any such property shall by virtue of this order be transferred to and vest in or attach to such body as may be agreed between the relevant councils before 1st November 1964 and approved by the appropriate Minister or, if—

(a) the appropriate Minister disagrees with such agreement, or

(b) no agreement has been reached by the relevant councils before such date,

determined by the appropriate Minister.

(3) Any property situated in Greater London held or allocated by the county council of Essex, Hertfordshire, Kent or Surrey for the purposes of the specified functions shall by virtue of this order be transferred to and vest in the corporation of a London borough or retained by such county council as may be agreed between the relevant councils before 1st November 1964 and approved by the appropriate Minister or, if—

(a) the appropriate Minister disagrees with such agreement, or

(b) no agreement has been reached by the relevant councils before such date,

determined by the appropriate Minister.

Such properties situated outside Greater London held or allocated by such county council for the said purposes as may be agreed between the relevant councils before 1st November 1964 and approved by the appropriate Minister or, if—

(a) the appropriate Minister disagrees with such agreement, or

(b) no agreement has been reached by the relevant councils before such date,

determined by the appropriate Minister shall by virtue of this order be transferred to and vest in the corporation of the London borough so agreed or determined.

All liabilities attaching to such county council in respect of any property transferred by this paragraph to any body shall by virtue of this order be transferred to and attach to such body.

(4) All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, a county council in respect of any property or liabilities transferred by paragraph (2) or (3) to any body shall be of full force and effect in favour of, or against, such body.

(5) Any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, a county council in respect of any property or liabilities transferred by paragraph (2) or (3) to any body shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, such body.

(6) In relation to any property transferred by paragraph (2) or (3) to any body, the appropriate Minister may require that such facilities as he may indicate shall, for such period and on such terms and conditions as he may indicate, be granted to any other or others of the following councils, namely the London borough councils, the Common Council and the county councils of Hertfordshire and Surrey, or in the case of any property transferred by paragraph (3) from the county council of Essex or Kent to that council, and

- (i) any such requirement may from time to time be renewed, with or without modifications, or revoked,
- (ii) while any such requirement is in force, no agreement as to the use of the property shall be entered into which would be incompatible with such requirement.

(7) In relation to any property, whether situated in or outside Greater London, held by the county council of Essex, Hertfordshire, Kent or Surrey for the purposes of the specified functions and not transferred by paragraph (3), the appropriate Minister may require that such facilities (additional to those ensured by article 4(2) in the case of any property in Greater London or the urban district of Potters Bar, Staines or Sunbury-on-Thames) as he may indicate shall, for such period and on such terms and conditions as he may indicate, be granted to any other of the relevant councils, and

- (i) any such requirement may from time to time be renewed, with or without modifications, or revoked,
- (ii) while any such requirement is in force, no agreement as to the use of the property shall be entered into which would be incompatible with such requirement.

(8) For the purposes of this article, any land held by the London County Council or the county council of Middlesex, Essex, Hertfordshire, Kent or Surrey shall be deemed to have been allocated for the purposes of the specified functions if its use for such purpose has been approved by a resolution of the council.

Transfer of specified classes of property, etc

12.—(1) Nothing in this article applies to—

- (a) any matter specified in paragraph (1) of article 5 or provided for in paragraph (2) of that article;
- (b) any highway or any matter provided for in article 6;
- (c) any property described in column (2) of Schedule 1 (or of any extension thereof described in article 7), and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto;
- (d) any property provided for in article 8, 9, 10 or 11, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto;
- (e) property held for the purposes of, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings

pending, and causes of action or proceeding existing in relation to, the functions of the London County Council or the county council of Middlesex under the Small Dwellings Acquisition Act 1899, the Housing Act 1957, the Housing (Financial Provisions) Act 1958, the House Purchase and Housing Act 1959 and the Housing Act 1961;

- (f) property held for the purposes of, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation to, the functions of the county council of Essex, Hertfordshire, Kent or Surrey
 - (i) under the Acts mentioned in sub-paragraph (e), or
 - (ii) in relation to smallholdings or cottage holdings;
- (g) any Green Belt land vested in the county council of Essex, Hertfordshire, Kent or Surrey, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto;
- (h) any Green Belt land vested in the council of any county borough, metropolitan borough or county district abolished by section 3(1) of the Act, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto;
- (i) the properties specified in Schedule 2 (or in any extension thereof contained in any further order under section 84 of the Act made before 1st April 1965), and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto.

(2) All property vested in an authority named in column (1) of Part I, II or III of Schedule 3 and within any description of matters specified in respect of such authority in column (2) and all liabilities attaching to the said authority in respect of any such property shall by virtue of this order be transferred to and vest in or attach to the authority specified in respect of such description of matters in column (3).

(3) All other liabilities attaching to an authority named in the said column (1) and within any description of matters specified in respect of such authority in column (2) shall by virtue of this order be transferred to and attach to the authority specified in respect of such description of matters in column (3).

(4) All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, an authority named in the said column (1) in respect of any property or liability transferred by paragraph (2) or (3) shall be of full force and effect in favour of, or against, the authority to whom such property or liability is transferred.

(5) All other contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all other notices in force which were given by, or to, an authority named in the said column (1) and within any description of matters specified in respect of such authority in column (2) shall be of full force and effect in favour of, or against, the authority specified in respect of such description of matters in column (3).

(6) Any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, an authority named in the said column (1) in respect of any property or liability transferred by paragraph (2) or (3) shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the authority to whom such property or liability is transferred.

(7) Any other action or proceeding or any other cause of action or proceeding, pending or existing at 1st April 1965, by, or against, an authority named in the said column (1) and within any description of matters specified in respect of such authority in column (2) shall not be prejudicially affected

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by reason of the Act, and may be continued, prosecuted and enforced by, or against, the authority specified in respect of such description of matters in column (3).

Fittings, furniture, equipment and stores

13.—(1) Where by article 4(2) any right to the continued use of any accommodation used for the purposes of any functions is ensured for any authority, the fittings, furniture, equipment and stores in such accommodation provided exclusively for the purposes of such functions, and all liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, shall, except in so far as such authority shall otherwise agree, by virtue of this order be transferred to such authority.

(2) Subject to paragraph (1), where by the Act or articles 7 to 12 any building is transferred to and vested in any authority, the fittings, furniture, equipment and stores in such building, and all liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, shall, except in so far as such authority shall otherwise agree, by virtue of this order be transferred to such authority.

(3) For the purposes of this article, any vehicles used wholly or mainly in the performance of the functions carried out in any accommodation or building shall be deemed to be equipment therein.

Mobile equipment, etc

14.—(1) Such property held wholly or mainly for police purposes by the county council of Essex or the standing joint committee for the county, not being property transferred by article 12 or 13, as before 1st April 1965 shall have been determined by agreement between the said standing joint committee and the Receiver for the Metropolitan Police District or in default of agreement by the Secretary of State, and all liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, shall by virtue of this order be transferred to the said Receiver.

(2) Such property held by the county council of Essex, Hertfordshire, Kent or Surrey wholly or mainly for the purposes of their functions as a fire authority, not being property transferred by article 12 or 13, as before 1st April 1965 shall have been determined by agreement between such county council and the Greater London Council or in default of agreement by the Secretary of State, and all liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, shall by virtue of this order be transferred to the Greater London Council.

(3) Such other property held by an authority named in column (1) of the following table, not being property transferred by articles 7 to 13, as before 1st April 1965 shall have been determined by agreement between the said authority and any authority specified in respect of such authority in column (2), and all liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, shall by virtue of this order be transferred to such authority specified in column (2).

TABLE

(1)	(2)
The London County Council.	The Greater London Council.

(1)	(2)
	The council of any inner London borough or the London borough of Newham.
	The Common Council.
The county council of Middlesex.	The Greater London Council.
	The council of the London borough of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon, Hounslow or Richmond upon Thames.
	The county council of Hertfordshire or Surrey.
	The urban district council of Potters Bar, Staines or Sunbury-on-Thames.
The county council of Essex.	The Greater London Council.
	The council of the London borough of Barking, Havering, Newham, Redbridge or Waltham Forest.
The county council of Hertfordshire.	The Greater London Council.
	The council of the London borough of Barnet.
The county council of Kent.	The Greater London Council.
	The council of the London borough of Bexley or Bromley.
The county council of Surrey.	The Greater London Council.
	The council of the London borough of Croydon, Kingston upon Thames, Merton, Richmond upon Thames or Sutton.
The urban district council of Chigwell.	The Greater London Council.
	The council of the London borough of Redbridge.
The council of the borough of Croydon, East Ham or West Ham.	The Greater London Council.

Transfer of certain funds and balances

15.—(1) The county fund of the administrative county of London, the county fund, capital fund and insurance fund of the county of Middlesex and the revenue accounts of the Wandle Valley Main Drainage Authority, the North Surrey Joint Sewage Board and the Richmond Main Sewerage Board shall by virtue of this order be transferred to the Greater London Council, but subject to the provisions of articles 18 to 20.

(2) The general rate fund and any renewal and repairs fund or capital fund of the metropolitan borough of Wandsworth, the metropolitan borough of Woolwich, the borough of Barking or Dagenham or the urban district of Chislehurst and Sidcup shall by virtue of this order be transferred to the corporation of the London borough of Wandsworth, Greenwich, Barking or Bexley, as the case may be, but subject to the provisions of article 22.

Residual transfer of property etc

16.—(1) Paragraph (1) of article 12, except sub-paragraph (e) and (h) thereof, applies to this article as it applies to article 12.

(2) Subject to the provisions of articles 12 to 15—

- (a) all property and liabilities vested in or attaching to an authority named in column (1) of Schedule 4 (or of any extension thereof contained in any further order under section 84 of the Act made before 1st April 1965) shall by virtue of this order be transferred to and vest in or attach to the authority specified in respect of such authority in column (2);
- (b) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, an authority named in column (1) of Schedule 4 (or of any extension thereof as aforesaid) shall be of full force and effect in favour of, or against, the authority specified in respect of such authority in column (2);
- (c) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, an authority named in column (1) of Schedule 4 (or of any extension thereof as aforesaid) shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the authority specified in respect of such authority in column (2).

Liabilities in respect of money borrowed by certain authorities

17. Where any authority named in column (1) of Schedule 4 (or of any extension thereof described in article 16) maintains a loans pool or consolidated loans fund, any liability of such authority in respect of money borrowed, and any loans pool or consolidated loans fund of such authority, shall by virtue of this order be transferred to and vest in or attach to the authority specified in respect of such authority in column (2), and—

- (i) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, an authority named in the said column (1) in respect of such liabilities, pool or fund shall be of full force and effect in favour of, or against, the authority specified in respect of such authority in column (2);
- (ii) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, an authority named in the said column (1) in respect of such liabilities, pool or fund shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the authority specified in respect of such authority in column (2),

and nothing in articles 5 to 16 shall apply to any such matter.

The transfer by this article of a loans pool or consolidated loans fund to any authority shall not require or empower the maintenance of such a pool or fund by that authority.

Apportionments

18.—(1) The balance on the general county account of the administrative county of London apart from the following funds and accounts, namely—

- the housing repairs and renewals fund
- the mechanical vehicles (housing) repairs and renewals fund
- the Royal Festival Hall repairs and renewals fund
- the Crystal Palace fund

the main drainage account,

shall be payable to the rating authorities of the relevant London boroughs, the City, the Inner Temple and the Middle Temple in the proportions which the products of rates of one penny in the pound for the several boroughs (or in the case of the London borough of Newham of the part of the existing metropolitan borough of Woolwich comprised therein), the City, the Inner Temple and the Middle Temple bear to the product of a rate of one penny in the pound for the county.

The balance on the said main drainage account shall be payable to the rating authorities of the inner London boroughs, the London boroughs of Barking, Barnet, Brent, Bromley, Croydon, Ealing, Haringey, Hounslow, Newham, Redbridge and Waltham Forest, the City, the Inner Temple and the Middle Temple in the proportions which the products of rates of one penny in the pound for the portions of the area chargeable as regards main drainage comprised in such areas bear to the product of a rate of one penny in the pound for the whole of such area.

(2) The balance on the special county account of the administrative county of London shall be payable to the rating authorities of the relevant London boroughs in the proportions which the products of rates of one penny in the pound for the several boroughs (or in the case of the London borough of Newham for the part of the existing metropolitan borough of Woolwich comprised therein) bear to the product of a rate of one penny in the pound for the county.

19.—(1) There shall be ascertained the amounts which bear to—

- (a) the balance on the general county account,
- (b) the balance on the Small Dwellings Acquisition Acts account,
- (c) the balances on the capital fund and the insurance fund, respectively,

of the county of Middlesex the proportions which the products of rates of one penny in the pound for the area of the county comprised in Greater London, the urban district of Potters Bar and the urban districts of Staines and Sunbury-on-Thames bear to the product of a rate of one penny in the pound for the county.

The first amounts so ascertained shall be payable to the councils of the relevant London boroughs in the proportions which the products of rates of one penny in the pound for the several boroughs bear to the product of a rate of one penny in the pound for all the relevant boroughs. In the application of this sub-paragraph the London borough of Barnet shall be deemed not to comprise the areas of the existing urban districts of Barnet and East Barnet, and the London borough of Richmond upon Thames shall be deemed to comprise only the area of the existing borough of Twickenham.

The second amounts so ascertained in the case of items (a) and (b) shall be payable to the county council of Hertfordshire. The second amount so ascertained in the case of item (c) shall be payable to the urban district council of Potters Bar.

The third amounts so ascertained in the case of items (a) and (b) shall be payable to the county council of Surrey. The third amounts so ascertained in the case of item (c) shall be payable to the councils of the urban districts of Staines and Sunbury-on-Thames in the proportions which the products of rates of one penny in the pound for the several urban districts bear to the product of a rate of one penny in the pound for both urban districts.

(2) The outstanding amount of all repayable advances from the capital fund of the county of Middlesex shall, immediately before 1st April 1965, be allocated to the councils of the relevant London boroughs and the urban districts of Potters Bar, Staines and Sunbury-on-Thames in the proportions which the products of rates of one penny in the pound for the several boroughs and urban districts bear to the product of a rate of one penny in the pound for all such boroughs and urban districts. In the application of this paragraph the London borough of Barnet shall be deemed not to comprise the areas of the existing urban districts of Barnet and East Barnet, and the London borough of Richmond upon Thames shall be deemed to comprise only the area of the existing borough of Twickenham.

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Where the amount allocated to the council of any London borough exceeds the amount of the repayable advances from the said capital fund in respect of matters transferred by the Act or this order to such council, the amount of the excess shall be applied in cancellation of liabilities to the consolidated loans fund maintained by the county council of Middlesex (and transferred by article 17 to the Greater London Council) which would under article 30 fall to be discharged by such London borough council.

Where the amount of the repayable advances from the said capital fund in respect of matters transferred by the Act or this order to the council of a London borough exceeds the amount allocated to such council, the amount of the excess shall be deemed to have been advanced from the said consolidated loans fund to such London borough council.

The amount allocated to the urban district council of Potters Bar, Staines or Sunbury-on-Thames shall be payable to the council and shall be applied by them towards the discharge of any debt or otherwise for any purpose for which capital money may properly be applied.

The repayable advances from the said capital fund in respect of any matter transferred by this order to the county council of Hertfordshire or Surrey shall be deemed to have been advanced from the consolidated loans fund aforesaid to such county council.

(3) The balance on the special county account of the county of Middlesex kept as respects any purpose, other than the Small Dwellings Acquisition Acts account, shall be payable to the councils of the London boroughs and urban districts in which the area chargeable as respects such purpose is comprised on and after 1st April 1965 in the proportions which the products of rates of one penny in the pound for the portions of such area comprised in the several boroughs and urban districts bear to the product of a rate of one penny in the pound for the whole of such area.

20. The balance on the revenue account of the Wandle Valley Main Drainage Authority, the North Surrey Joint Sewage Board or the Richmond Main Sewerage Board shall be payable to the councils of the London boroughs in which the area chargeable as respects the expenses of the authority or board is comprised in the proportions which the products of rates of one penny in the pound for the portions of such area comprised in the several boroughs bear to the product of a rate of one penny in the pound for the whole of such area.

21.—(1) There shall be ascertained the amounts which bear to—

- (a) the balance on the general account apart from the smallholdings account,
- (b) the balances on the capital fund, the renewal and repairs fund and the insurance fund, respectively,
- (c) the outstanding amounts of all repayable advances from the capital fund and the renewal and repairs fund, respectively,

of the county of Essex, Hertfordshire, Kent or Surrey the proportion which the product of a rate of one penny in the pound for the area of the county comprised in Greater London bears to the product of a rate of one penny in the pound for the county.

The said amounts shall be payable, in the case of the county of Hertfordshire to the council of the London borough of Barnet, and in the case of the county of Essex, Kent or Surrey to the councils of the relevant London boroughs in the proportions which the products of rates of one penny in the pound for the several boroughs bear to the product of a rate of one penny in the pound for all the relevant boroughs. In the application of this sub-paragraph the London borough of Newham shall be deemed to comprise only the part of the existing borough of Barking comprised therein and the London borough of Croydon shall be deemed to comprise only the area of the existing urban district of Coulsdon and Purley.

(2) There shall be ascertained the amount which bears to the balance on the special county account of the county of Essex, Hertfordshire, Kent or Surrey kept as respects any purpose the proportion which the product of a rate of one penny in the pound for the area chargeable as respects that purpose

comprised in Greater London bears to the product of a rate of one penny in the pound for the whole of the area chargeable as respects such purpose, and such amount shall be payable to the councils of the London boroughs in which the area chargeable as first aforesaid is comprised in the proportions which the products of rates of one penny in the pound for the portions of such area comprised in the several boroughs bear to the product of a rate of one penny in the pound for such area.

22. There shall be ascertained the amounts which bear to—

- (a) the balance on the housing revenue account,
- (b) the balance on the housing repairs account,
- (c) the balance on the general rate fund account other than the said accounts,
- (d) the balances on any capital fund and renewal and repairs fund, respectively,
- (e) the outstanding amounts of all repayable advances from any capital fund and renewal and repairs fund, respectively,

of an area named in column (1) of the following table the proportion which the product of a rate of one penny in the pound for the area specified in respect of such first-mentioned area in column (2) bears to the product of a rate of one penny in the pound for the first-mentioned area. The said amounts shall be payable by the council of the area so specified in column (3) to the council of the London borough so specified in column (4).

TABLE

(1)	(2)	(3)	(4)
The metropolitan borough of Wandsworth	The area of the metropolitan borough included in the London borough of Lambeth	The London borough of Wandsworth	The London borough of Lambeth.
The metropolitan borough of Woolwich	The area of the metropolitan borough included in the London borough of Newham	The London borough of Greenwich	The London borough of Newham.
The borough of Barking	The area of the borough included in the London borough of Newham	The London borough of Barking	
The borough of Dagenham	The area of the borough included in the London borough of Redbridge	The London borough of Barking	The London borough of Redbridge.
The urban district of Chigwell	The area of the urban district included in the London borough of Redbridge	The urban district of Chigwell	
The urban district of Chislehurst and Sidcup	The area of the urban district included in the London borough of Bromley	The London borough of Bexley	The London borough of Bromley.

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23.—(1) In articles 18 to 22, any reference to the product of a rate of one penny in the pound for any area is a reference to such product for the year 1964–65, being—

- (a) in a case where that product has been ascertained or estimated by the rating authority for the purposes of section 9(2) of the Rating and Valuation Act 1925, that product as so ascertained or, if not ascertained at the date when, under article 24, the last payments are required to be made or the last allowances are required, estimated;
- (b) in the case of any other part of a rating area, that product estimated by the rating authority in like manner as it would fall to be estimated for the purposes of paragraph (d) of the said section 9(2);
- (c) such aggregate of the products defined in (a) and (b) as may be appropriate.

(2) In articles 18 to 22, “the relevant London boroughs”, in relation to any area, means the London boroughs specified in respect of such area in the following table.

TABLE

<i>(1)</i>	<i>(2)</i>
The administrative county of London.	The inner London boroughs and the London borough of Newham.
The county of Middlesex	The London boroughs of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon, Hounslow and Richmond upon Thames.
The county of Essex	The London boroughs of Barking, Havering, Newham, Redbridge and Waltham Forest.
The county of Kent	The London boroughs of Bexley and Bromley.
The county of Surrey	The London boroughs of Croydon, Kingston-upon-Thames, Merton, Richmond-upon-Thames and Sutton.

(3) Any reference in articles 18 to 22 to the balance on any account or fund is a reference to the balance on that account or fund immediately before 1st April 1965 and in the determination of any such balance investments of the account or fund shall be taken into account at their latest middle market price before such date.

(4) If any balance on any fund or account referred to in articles 18 to 22 is negative, the provision in the said articles and in article 24 applicable thereto shall have effect with the substitution, for any expression relating to an amount payable by any authority, or the payment of such amount or the allowance of abatements from amounts due under precepts, of an expression relating to an amount recoverable by such authority, or the recovery of such amount or the adjustment of amounts due under precepts.

24.—(1) Any amount payable under article 19 to the county council of Hertfordshire or Surrey or the urban district council of Potters Bar, Staines or Sunbury-on-Thames shall be paid by the Greater London Council. One-third of the amount estimated under article 25 shall be paid before 31st May 1965 and a further one-third of such amount before 30th September 1965. The balance of the amount payable shall be paid before 31st January 1966.

(2) Any other amount payable under article 18, 19 or 20 to any authority shall be paid by the Greater London Council by the allowance of abatements from the amounts due under the precepts of the Council to the authority in respect of the year 1965–66. Two-thirds of the amount estimated under article 25 shall be allowed against payments on account of the total amount due under the precept

before 1st October 1965 and the balance of the amount payable against the remaining payments on account of the total amount due under the precept.

(3) Any amounts payable under article 21 to any London borough council in respect of the outstanding amounts of repayable advances from the capital fund, renewal and repairs fund and insurance fund of the county of Essex, Hertfordshire, Kent or Surrey shall be paid by the county council of such county by the allowance of abatements from the amounts payable by the London borough council under article 30.

(4) In relation to any other amount payable under article 21 by the county council of Essex, Hertfordshire, Kent or Surrey to any London borough council, one-third of the amount estimated under article 25 shall be paid before 31st May 1965 and a further one-third of such amount before 30th September 1965. The balance of the amount payable shall be paid before 31st January 1966.

(5) Any amount payable under article 22 in respect of the outstanding amount of repayable advances from a capital fund or renewal and repairs fund shall be paid by the council of the London borough specified in column (3) of the table in that article out of repayments to the capital fund or the renewal and repairs fund, as the case may be, received by that council or, if the councils concerned agree, by the allowance of abatements from the amounts payable to the council specified in column (3) under article 30.

(6) Any other amount payable under article 22 shall be paid by the council of the London borough specified in column (3) of the table in that article. One-third of the amount estimated under article 25 shall be paid before 31st May 1965 and a further one-third of such amount before 30th September 1965. The balance of the amount payable shall be paid before 31st January 1966.

(7) The provision of paragraphs (1), (4) and (6) as to the instalments and dates of payment may be varied by the agreement of the councils concerned.

25.—(1) The comptroller of the administrative county of London, the county treasurer of the administrative county of Middlesex, Essex, Hertfordshire, Kent or Surrey, or the treasurer of the metropolitan borough of Wandsworth or Woolwich, borough of Barking or Dagenham or urban district of Chigwell or Chislehurst and Sidcup shall, not later than 8th February 1965, estimate—

- (a) the amount which will on 31st March 1965 fall to be apportioned under any provision in articles 18, 19, 21 or 22;
- (b) the amounts thereof which have been the subject of such agreements as are described in article 27;
- (c) the amounts which remain payable to any authorities,

and transmit the estimated figures to the Minister and—

in the case of the comptroller of the administrative county of London, to the rating authorities of the relevant London boroughs, the City, the Inner Temple and the Middle Temple;

in the case of the county treasurer of the county of Middlesex, to the councils of the relevant London boroughs, the county councils of Hertfordshire and Surrey and the urban district councils of Potters Bar, Staines and Sunbury-on-Thames;

in the case of the treasurer of any other area, to the councils of the relevant London boroughs.

In this paragraph, “the relevant London boroughs” has, in relation to the administrative county of London, Middlesex, Essex, Kent or Surrey the same meaning as in article 23, and in relation to any other area means the London boroughs specified in respect of such area in the following table.

TABLE

(1)	(2)
The county of Hertfordshire.	The London borough of Barnet.

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(1)	(2)
The metropolitan borough of Wandsworth.	The London boroughs of Lambeth and Wandsworth.
The metropolitan borough of Woolwich.	The London boroughs of Greenwich and Newham.
The borough of Barking.	The London boroughs of Barking and Newham.
The borough of Dagenham.	The London boroughs of Barking and Redbridge.
The urban district of Chigwell.	The London borough of Redbridge.
The urban district of Chislehurst and Sidcup.	The London boroughs of Bexley and Bromley.

(2) The treasurer of any other borough, metropolitan borough or urban district named in column (1) of Schedule 4 shall, not later than 8th February 1965, estimate the amounts which will on 31st March 1965 be standing as balances in the housing revenue account, the housing repairs account, the general rate fund other than such accounts and any capital fund, renewal and repairs fund or insurance fund of the area and transmit the estimated figures to the council of the London borough specified in respect of such area in column (2) and to the Minister.

26. The provision made in articles 18 to 25 is without prejudice to any adjustment under section 151 of the Local Government Act 1933 as applied by section 84(5) of the Act.

Agreements as to treatment of particular amounts

27. The authority to whom any account or fund is transferred by this order, and the authorities to whom amounts of any account or fund are payable under this order, may agree that any particular amount in the account or fund shall be payable to or retained by any authority notwithstanding any provision of this order.

Liabilities to certain funds

28. Where by virtue of the Act or this order any matter for the purposes of which in pursuance of section 8(1) of the Local Authorities Loans Act 1945 moneys forming part of a capital fund, within the meaning of that Act, to which this article applies have been used is transferred to an authority other than the authority by whom such fund is maintained on and after 1st April 1965, the provisions of paragraph (a) of the said subsection, and paragraph (b) thereof in so far as it relates to the debiting of accounts, shall be applicable to the first-mentioned authority.

This article applies to any capital fund, within the meaning of the said subsection, transferred by article 15 or 16 or maintained by the Common Council, the county council of Essex, Hertfordshire, Kent or Surrey or the urban district council of Chigwell.

29. Where by virtue of the Act or this order any matter in respect of which advances from a capital fund to which this article applies are not fully repaid is transferred to an authority other than the authority by whom such fund is maintained on and after 1st April 1965, such advances shall be repaid by the first-mentioned authority in accordance with the arrangements which would have applied thereto if the Act had not been passed and this order had not been made.

This article applies to the capital fund maintained by the county council of Essex and to any capital fund within the meaning of section 1 of the Local Government (Miscellaneous Provisions) Act 1953 transferred by article 15 or 16 or maintained by the county council of Kent or Surrey or the urban district council of Chigwell.

30. Where by virtue of the Act or this order any matter in respect of which, if the Act had not been passed and this order had not been made, sums would have become due and owing to a loans pool or consolidated loans fund transferred by article 17 or maintained by the county council of Essex, Hertfordshire, Kent or Surrey or the urban district council of Chigwell is transferred to an authority other than the authority to whom such pool or fund is so transferred or other than such county council or urban district council, as the case may be, such sums shall be paid by the first-mentioned authority to the last-mentioned authority:

Provided that the said authorities and the lender may agree for the transfer to the first-mentioned authority of the liability with respect to any outstanding loan.

General provisions as to property etc. transferred

31. Any property or liability transferred by the preceding articles of this order to the authority for any area, other than the hereditaments, rents and profits, common lands and public stock and property held for any charitable use or trust as to which provision is made in article 40, shall be held or discharged by them in respect of the area.

32. Any land held for the purposes of an enactment specified in columns (1) and (2) of Schedule 5 (or of any extension thereof contained in any further order under section 84 of the Act made before 1st April 1965) and transferred by the Act or this order to any authority shall be held by that authority for the purposes of the enactment specified in respect of such first-mentioned enactment in column (3).

33. Any byelaws in force for the regulation of any property transferred by the Act or the preceding articles of this order shall have effect as if they had been made by the authority to whom such property is transferred.

Where any such byelaws were made for the purposes of an enactment specified in columns (1) and (2) of Schedule 5 (or in any extension thereof described in article 32) they may be amended or revoked by the said authority as if made for the purposes of the enactment specified in respect of such first-mentioned enactment in column (2).

34. Any authorisation of the borrowing of money in force in respect of any property or liability transferred by the Act or the preceding articles of this order may, in so far as it has not been acted on, and notwithstanding the repeal by any order made under sections 84 and 87 of the Act of the provision effecting or empowering the authorisation, but subject to the terms applicable thereto, be acted on by the authority to whom such property or liability is transferred.

In this article, any reference to the transfer of property by the Act includes the vesting of a highway in a highway authority by virtue of section 226 of the Highways Act 1959.

35. Subject to article 11(6)(ii) and (7)(ii), the provision made by the preceding articles of this order other than articles 18 to 26 is without prejudice to—

- (a) any agreement, or arbitration in default of agreement, as to the use of any property transferred by the Act or this order;
- (b) any scheme under section 32 of the Act;
- (c) any agreement which may be made under section 151 of the Local Government Act 1933, as applied by section 84(5) of the Act, for payment in respect of any matter transferred by the Act or the said articles, or arbitration in default of such agreement;
- (d) any adjustment under the said section 151, as so applied, in relation to matters not transferred by the Act or this order.

36. All legal proceedings pending at 1st April 1965 may be amended in such manner as may be necessary or proper in consequence of the Act or the preceding articles of this order.

Security for loans

37. Where under this order or any adjustment made in consequence of the Act any liability or part of a liability charged indifferently on all the revenues of a public body or on any particular revenues or fund of such body is transferred to another public body, the liability or part of the liability shall be charged indifferently on all the revenues of the public body to whom it is transferred and shall cease to be a charge on any revenues or fund of the public body from whom it is transferred.

In this article, “public body” and “revenues” have the same meaning as in the Local Government Act 1933.

Capital and annual payments

38. Any payment made under this order or any adjustment made in consequence of the Act in respect of any liability for the redemption of a loan shall for tax purposes be deemed to be a capital payment, and any payment so made in respect of interest shall for tax purposes be deemed to be an annual payment.

Audit of accounts

39. The accounts of any authority named in column (1) of Schedule 4 (or of any extension thereof described in article 16) and of the committees and officers thereof shall be made up to 31st March 1965 and shall be audited in like manner and subject to the like incidents and consequences as if the Act had not been passed:

Provided that any sum certified by a district auditor at any such audit as due from any person shall be paid to the authority specified in respect of such authority in column (2).

Freemen

40. Every person who, if the Municipal Corporations Act 1835 had not been passed, might have been admitted a freeman of a borough to which this article applies otherwise than by gift or purchase and

- (a) every inhabitant immediately before 1st April 1965 of such borough; or
- (b) the wife, widow, son or daughter of a freeman of such borough; or
- (c) the husband of a daughter or of a widow of a freeman of such borough; or
- (d) any person who for the time being is bound apprentice to a freeman of such borough,

shall, subject to the provisions of Part XIV of the Local Government Act 1933, have and enjoy and be entitled to acquire and enjoy the same share and benefit of the hereditaments, and of the rents and profits thereof, and of the common lands and public stock held by the borough or body corporate immediately before 1st April 1965, and of any property held in whole or in part for any charitable use or trust, as if the Municipal Corporations Act 1835, the Municipal Corporations Act 1882, the Local Government Act 1933 and the Act had not been passed.

This article applies to the existing boroughs of Acton, Barking, Barnes, Beckenham, Beddington and Wallington, Bexley, Brentford and Chiswick, Bromley, Chingford, Croydon, Dagenham, Ealing, East Ham, Edmonton, Enfield, Erith, Finchley, Harrow, Hendon, Heston and Isleworth, Hornsey, Ilford, Kingston-upon-Thames, Leyton, Malden and Coombe, Mitcham, Richmond, Romford, Southall, Southgate, Surbiton, Sutton and Cheam, Tottenham, Twickenham, Uxbridge, Walthamstow, Wanstead and Woodford, Wembley, West Ham, Willesden, Wimbledon and Wood Green.

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Given under the official seal of the Minister of Housing and Local Government on 14th September 1964.

L.S.

Keith Joseph
Minister of Housing and Local Government