

SCHEDULE 6

Regulation 62

TRANSFER OF SPECIFIED CLASSES OF PROPERTY, ETC

PART I

1. “Local matters”, in relation to any area, means —
 - (a) in the case of property—
 - (i) sited property situated in the area;
 - (ii) specified property in relation to buildings or other land constituting local matters in relation to the area, except in so far as such property is excluded by the agreement of the transferee authority; and
 - (iii) other property held exclusively in respect of the area;
 - (b) in the case of liabilities, liabilities incurred exclusively in respect of the area;
 - (c) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given exclusively in respect of the area;
 - (d) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing exclusively in respect of the area.

In this paragraph—

“sited property” means— land, including any interest in land and any easement in, to or over land; buildings not within the meaning of the term “land”; fittings, furniture, equipment and stores supplied in respect of a voluntary school or a controlled community home; lamps, lamp posts and other apparatus forming part of a system not constituting highway matters under paragraph 3;

“specified property”, in relation to any building, means— the fittings, furniture, equipment and records of the building; any stores in the building which have been provided for the discharge of functions therein; any vehicle or other mobile equipment used wholly or mainly in the performance of the functions carried out in the building;

and in the case of any other land means any vehicle or other mobile equipment used wholly or mainly in the performance of the functions carried out on the land.

2. “County matters”, “district matters”, “parish matters”, “community matters”, “Greater London matters” and “borough matters”, in relation to any area, mean the following classes of local matters—
 - (a) in the case of property, property held for the purposes of functions not exercisable in the area on and after the appointed day by the transferor authority or the authority of the relevant class in relation to the transferor authority but so exercisable by the authority specified in respect of the matters transferred in column (3) of the table;
 - (b) in the case of liabilities, liabilities incurred in relation to such functions;
 - (c) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to such functions;
 - (d) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions.

In this paragraph, the relevant class of authorities, in relation to any transferor authority described in column (1) below, means the class specified in respect thereof in column (2).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

(1)	(2)
A county council or the Greater London Council	County councils and the Greater London Council
A district council or a London borough council	District councils and London borough councils
A parish authority or a community council	Parish authorities and community councils

3. “Highway matters”, in relation to any highway, means —
- (a) the interest of the former highway authority, as such, in the highway, in so far as such interest is not vested in a county council, the Greater London Council or a London borough council by virtue of section 226 of the Highways Act 1959;
 - (b) any land held by the former highway authority, as such, for the purposes of their functions in relation to the highway or which has been acquired by them as highway authority for the highway and not appropriated for any other purpose;
 - (c) any equipment on or near the highway belonging to the former highway authority as such, including any road lighting system within the meaning of Part III of the Local Government Act 1966 and any other lighting system belonging to the former highway authority as highway authority for the highway; and
 - (d) any traffic sign (in the meaning attached to that expression in section 54(1) of the Road Traffic Regulation Act 1967) on or near the highway, belonging to the former highway authority and not comprised in (c).

4. “Magistrates' court matters”, “police matters” and “probation and after-care matters” mean the following classes of local matters—

- (i) in the case of property, property held for the purposes of the relevant functions;
- (ii) in the case of liabilities, liabilities incurred in relation to such functions;
- (iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instrument subsisting and notices given in relation to such functions; and
- (iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions,

and for the purposes of the foregoing definitions “the relevant functions” means —

- (a) in the case of magistrates' court matters, functions exercisable for the purposes of the Magistrates' Courts Acts 1952 and 1957;
- (b) in the case of police matters, functions exercisable for police purposes, including the purposes of section 81 of the Road Traffic Regulation Act 1967; and
- (c) in the case of probation and after-care matters, functions exercisable in relation to the probation and after-care service.

5. “The appropriate authority” means — in the case of an area transferred to a county for which there is a combined police authority, that authority; in the case of an area transferred to the Metropolitan Police District, the Receiver for that District; in the case of any other area, the county council of, or the police committee for, the county to which the area is transferred.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

6. No entry in column (2) of the table in this Part of this Schedule shall extend to any property included in any extension of the table effected by the order.

7. No entry other than the first in the said table shall extend to any property described in such first entry.

TABLE

<i>(1)</i> <i>Transferor authority</i>	<i>(2)</i> <i>Matters transferred</i>	<i>(3)</i> <i>Transferee authority</i>
The council of a county or a London borough or the Greater London Council	Highway matters in relation to any highway in an area transferred from a county or Greater London to another such area	The highway authority in relation to the highway
The council of a county from which any area is transferred to a county and district	District matters in relation to the area	The council of the district to which the area is transferred
	Police matters in relation to the area	The appropriate authority in relation to the area
	Other local matters in relation to the area	The council of the county to which the area is transferred
The council of a county from which any area is transferred to Greater London and a London borough	Borough matters in relation to the area	The corporation or council of the London borough to which the area is transferred
	Police matters in relation to the area	The Receiver for the Metropolitan Police District
	Other local matters in relation to the area	The Greater London Council
The council of a county within which any area is transferred from one district to another	District matters in relation to the area	The council of the district to which the area is transferred
The council of a district from which any area is transferred to a county and district or to another district in the same county	County matters in relation to the area	The council of the county in which the area is comprised on and after the appointed day
	If the area is transferred to a parish, parish matters in relation to the area	The parish authority for the parish
	If the area is transferred to a community with a community council, community matters in relation to the area	The community council
	Other local matters in relation to the area	The council of the district to which the area is transferred

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

(1) <i>Transferor authority</i>	(2) <i>Matters transferred</i>	(3) <i>Transferee authority</i>
The council of a district within which any area is transferred from one parish or community to a parish or a community with a community council	Parish or community matters in relation to the area	The parish authority for the parish or the community council for the community
The council of a district in England	Parish matters in relation to any area which becomes or becomes part of a parish	The parish authority for the parish
The council of a district or the parish authority of a parish from which any area is transferred to Greater London and a London borough	Greater London matters in relation to the area	The Greater London Council
The parish authority for a parish, or the community council for a community, from which any area is transferred otherwise than to Greater London and a London borough	Other local matters in relation to the area	The corporation or council of the London borough to which the area is transferred
	District matters in relation to the area	The council of the district in which the area is comprised on and after the appointed day
	Other local matters in relation to the area	<p>In England, the parish authority for the parish, or if the area is not transferred to a parish, the council of the district, to which the area is transferred</p> <p>In Wales, the community council for the community, or if there is no community council the council of the district, to which the area is transferred</p>
The Greater London Council	District matters in relation to any area transferred to a county and district	The council of the district to which the area is transferred
	Other local matters in relation to such area	The council of the county to which the area is transferred
	Borough matters in relation to an area transferred from a London borough, the City, the Inner Temple or the Middle Temple to another such area	The corporation or council of the London borough to which the area is transferred, the City Corporation or the Common Council, the Honourable Society of the Inner Temple or

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

<i>(1)</i> <i>Transferor authority</i>	<i>(2)</i> <i>Matters transferred</i>	<i>(3)</i> <i>Transferee authority</i>
		the Honourable Society of the Middle Temple
	Magistrates' court matters in relation to an area transferred from an outer London borough to an inner London borough	The Receiver for the Metropolitan Police District
The corporation or council of any London borough from which any area is transferred to a county and district	County matters in relation to such area	The council of the county to which the area is transferred
	If the area is transferred to a parish, parish matters in relation to the area	The parish authority for the parish
	Other local matters in relation to such area	The council of the district to which the area is transferred
The corporation or council of any London borough, the City Corporation or the Common Council, the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple	Greater London matters in relation to any area transferred within Greater London	The Greater London Council
	Other local matters in relation to such area	The corporation or council of the London borough to which the area is transferred, the City Corporation or the Common Council, the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple
The police committee for any county, or the combined police authority for any combined police area, from which any area is transferred	Local matters in relation to the area	The appropriate authority
The Receiver for the Metropolitan Police District	Local matters in relation to any area of the Metropolitan Police District transferred to another police area other than the City and the Temples	The appropriate authority
	Local matters in relation to any such area transferred to the City and the Temples	The City Corporation or the Common Council
	Magistrates' court matters in relation to an area transferred	The Greater London Council

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

<i>(1)</i> <i>Transferor authority</i>	<i>(2)</i> <i>Matters transferred</i>	<i>(3)</i> <i>Transferee authority</i>
	from an inner London borough to an outer London borough	
	Probation and after-care matters in relation to such an area	The probation and after-care committee for the area to which the area is transferred
The City Corporation or the Common Council	Police matters in relation to any area transferred to the Metropolitan Police District	The Receiver for the Metropolitan Police District
The probation and after-care committee for the area from which any area is transferred	Local matters in relation to any area transferred to an inner London borough	The Receiver for the Metropolitan Police District
	Local matters in relation to any other area	The probation and after-care committee for the area to which the area is transferred

PART II

- (a) (a) Any question as to the functions for the purposes of which any property is held, any liabilities have been incurred, any contract, deed, bond, agreement or other instrument subsists, any notice has been given or any action or proceeding or cause of action or proceeding relates shall, subject to the provision of sub-paragraph (b), be determined by the transferor authority.
 - (b) If notice is given by any authority that they are dissatisfied with any determination under sub-paragraph (a), the question shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State.
2. The provisions of section 187(2) and (3) of the Local Government Act 1972 shall be disregarded.
- (a) (a) This paragraph applies to—
 - (i) any property held for the purposes of section 132 or 133 of the Local Government Act 1972;
 - (ii) any land acquired under section 112, 114 or 119(1)(a) of the Town and Country Planning Act 1971 or any earlier provision corresponding to any such enactment;
 - (iii) any land acquired under section 120(1)(b) of the said Act of 1972, section 124(1)(b) thereof or any other provision empowering the acquisition of land for the benefit, improvement or development of any area and not allocated or appropriated for any statutory purpose; and
 - (iv) any property acquired by a local authority as a gift otherwise than for charitable purposes;
 - (b) Where any property to which this paragraph applies is, immediately before the appointed day—
 - (i) in the case of property referred to in sub-paragraph (a)(i), used wholly or substantially so for the purposes of a particular function being purposes authorised by enactments other than the said sections 132 and 133;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

(ii) in the case of property referred to in sub-paragraph (a)(ii), used wholly or mainly for the purposes of a statutory function other than those exercised under the Town and Country Planning Acts 1971 and 1972; or

(iii) in the case of property referred to in sub-paragraph (a)(iii) or (iv), used wholly or mainly for the purpose of any statutory function,

it shall for the purposes of paragraph (2) of regulation 62 be deemed to be held for the purposes of the function for which it is so used.

(c) In the application of sub-paragraph (b) any temporary use of the property shall be disregarded.

(d) Two (but not more) functions shall be treated as a single function in the application of sub-paragraph (b).

(e) Any property to which sub-paragraph (b) applies shall be held by the authority to whom it is transferred for the purposes of the function described in (i), (ii) or (iii) of that sub-paragraph or where two functions have been treated as a single function for the purposes of such one of those functions as is determined by the authority to whom the property is transferred.

(f) Any question whether any property to which this paragraph applies is, immediately before the appointed day, used as described in (i), (ii) or (iii) of sub-paragraph (b) shall, subject to the provision of sub-paragraph (g), be determined by the authority in whom the property is, before the appointed day, vested.

(g) If notice is given by any authority that they are dissatisfied with any such determination the question shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State, and sub-paragraph (e) shall apply accordingly. Sub-paragraphs (c) and (d) shall apply in the application of this sub-paragraph.

(a) (a) The provisions of this paragraph shall apply where—

(i) at the appointed day any building or part of a building is to be wholly or substantially so replaced by another building which is completed or in the course of erection or for the erection of which a contract has been entered into, or by part of such building;

(ii) it has been resolved by the transferor authority before the coming into operation of the order that the first-mentioned building or part of a building or the site thereof is to be used for some function other than the one for which it is held; and

(iii) the nature of the building or the location of its site is such as to make it peculiarly suited for use for the purposes of such function rather than for other local government purposes,

and apart from the provisions of this paragraph the two buildings or parts of buildings would be transferred to the same authority.

(b) The transferor authority may determine that for the purposes of paragraph (2) of regulation 62 the land on which the building or part of a building first mentioned in sub-paragraph (a) is erected shall be deemed to be held for the purposes for which by the resolution described in (ii) thereof it is to be used.

(c) If notice is given by any authority concerned that they question whether (i), (ii) or (iii) in sub-paragraph (a) is satisfied, the determination shall be of no effect and the question of the purpose for which the land is to be deemed to be held shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

- (a) (a) The provisions of this paragraph shall have effect in relation to any land appropriate within the 12 months preceding the appointed day and to any financial adjustment made on the appropriation.
- (b) Any such land shall for the purposes of paragraph (2) of regulation 62 be treated as held for the purposes for which it has been appropriated, and any financial adjustment made on the appropriation shall be of full effect, unless an authority give notice that the land falls to be treated for the purposes of the said paragraph as being held for the purpose for which it was held before the appropriation, or that the financial adjustment falls to be varied. If such notice is given the question of the purpose for which the land is held, or as the case may be the adjustment to be made, shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State.