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STATUTORY INSTRUMENTS

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**1986 No. 148**

**The Local Government Reorganisation  
(Property etc.) Order 1986**

**Use of property in connection with functions**

**11.**—(1) Subject to paragraph (6), this paragraph applies to any property (“the relevant property”) which—

- (a) by virtue of the principal Act or this or any relevant order vests in any body (“the owner”), and
- (b) immediately before the abolition date was used by the abolished council, or was proposed to be used, otherwise than temporarily for the purposes of any function (“relevant function”) which is exercisable on and after that date by another body (“the occupier”) (whether or not it is also exercisable by the owner).

(2) The occupier shall be entitled to use that property for the purposes of that function to the extent to which it was so used or proposed to be used by the abolished council.

(3) Where the relevant property is vested in a residuary body, the period during which it may be used in pursuance of paragraph (2) shall be determined by that body, and the other terms on which it may be used shall be agreed between that body and the occupier.

(4) Where the relevant property is vested other than in a residuary body, the period during which, and the other terms on which it may be used in pursuance of paragraph (2), shall be agreed between the owner and the occupier.

(5) This article shall not be construed as conferring, and unless the owner and the occupier otherwise agree, no agreement under this article shall create, or determination under article 22 shall confer, a tenancy or right to a tenancy to which Part II of the Landlord and Tenant Act 1954 applies.

(6) Paragraph (1) shall not apply to any property which was, immediately before 1st April 1986, being used in connection with functions which by virtue of Part I of the Prosecution of Offences Act 1985 (“the 1985 Act”) become functions of the Director of Public Prosecutions.

(7) In relation to any such property as is mentioned in paragraph (6), section 13 (except subsection (6)(b)) of the 1985 Act shall apply to the body in which that property vests by virtue of this or any relevant order as it applies to a local authority or police authority for the purposes of the 1985 Act.