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STATUTORY INSTRUMENTS

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**1986 No. 564**

**LOCAL GOVERNMENT, ENGLAND  
AND WALES LONDON GOVERNMENT  
PUBLIC HEALTH, ENGLAND AND WALES**

**The Local Government Reorganisation  
(Miscellaneous Provision) (No.5) Order 1986**

<i>Made</i>	- - - -	<i>20th March 1986</i>
<i>Laid before Parliament</i>		<i>24th March 1986</i>
<i>Coming into Operation</i>		<i>1st April 1986</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 10, 98(9), 100 and 101 of the Local Government Act 1985, and of all other powers enabling him in that behalf, hereby makes the following order:—

**Citation, commencement and interpretation**

1.—(1) This order may be cited as the Local Government Reorganisation (Miscellaneous Provision) (No.5) Order 1986 and shall come into operation on 1st April 1986.

(2) In this order—

“abolished council” means the Greater London Council or a metropolitan county council; and  
“the Act” means the Local Government Act 1985.

**Thamesmead**

2. Thamesmead Town Limited shall be a relevant successor authority in relation to the London Residuary Body for the purposes of paragraph 8(1) (provision of services by residuary bodies) of Schedule 13 to the Act.

**Deemed planning permissions: transitional provision**

3. Where an abolished council has resolved under regulation 4(5) of the Town and Country Planning General Regulations 1976(1) to carry out development for the purposes of any function

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which on and after the abolition date is exercisable by another authority, the permission deemed to have been granted by virtue of that paragraph shall ensure for the benefit of that authority.

#### **Land acquisition: consequential provision**

4.—(1) This article applies to—

- (a) land acquired by an abolished council under Part XII of the Highways Act 1980;
- (b) land to which section 32 of the Acquisition of Land Act 1981 applies.

(2) Where any land to which this article applies vests by or under the Act in any local authority, new authority or authority established under section 10 of the Act—

- (a) Part XII of the 1980 Act shall apply to that authority in respect of the land as if that authority had itself acquired the land; and
- (b) section 32 of the 1981 Act shall so apply as if that authority had acquired the land, or proposed to acquire it, as described in subsection (1) of that section.

#### **Amendment of the Waste Regulation and Disposal (Authorities) Order 1985**

5. For paragraph 14(1)(a) of Schedule 2 to the Waste Regulation and Disposal (Authorities) Order 1985 (modifications to section 1 of the Refuse Disposal (Amenity) Act 1978<sup>(2)</sup>) there shall be substituted—

- “(a) in subsection (3) the words ‘or disposal’ and all the words following ‘such a place’ were omitted; and”.

#### **Amendment of the Local Government Reorganisation (Property etc.) Order 1986**

6. Article 9(4) of the Local Government Reorganisation (Property etc.) Order 1986 is amended by the insertion after the words “rights and liabilities” of the words “(other than liabilities in tort, or for breach of any contract which fell to be wholly discharged before 1st April 1986),”.

20th March 1986

*Kenneth Baker*  
Secretary of State for the Environment

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(2) relevant amendments were made by paragraph 4(2) of Schedule 6 to the Local Government Act 1985.

## EXPLANATORY NOTE

This order makes provision consequential on the Local Government Act 1985 which abolishes the Greater London Council and the metropolitan county councils ('the abolished councils') on 1st April 1986 ('the abolition date').

Article 2 enables the London Residuary Body to provide professional or technical services to Thamesmead Town Limited.

Article 3 provides that a planning permission deemed to have been granted before the abolition date for the carrying out of development by an abolished council for the purposes of any of its functions shall enure for the benefit of an authority who exercises those functions after that date.

Article 4 enables a local authority or an authority established under section 10 or Part III or IV of the 1985 Act in whom land acquired under the Highways Act 1980, or to which section 32 of the Acquisition of Land Act 1981 applies, vests on the abolition date to exercise certain powers otherwise exercisable only by the authority who acquired, or proposed to acquire, the land.

Article 5 amends the Waste Regulation and Disposal (Authorities) Order 1985 to make it clear that from 1st April 1986 only the London waste disposal authorities established by that order have power to dispose of refuse deposited as sites within their areas provided under section 1(1) of the Refuse Disposal (Amenities) Act 1978.

Article 6 amends the Local Government Reorganisation (Property etc.) Order 1986 to exclude certain liabilities in tort and for breach of contract from transfer to borough and district councils.