

1988 No. 2114

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Reorganisation (Property, etc.)
(Greater Manchester) Order 1988

Made - - - - 2nd December 1988

Laid before Parliament 9th December 1988

Coming into force 30th December 1988

Whereas the Greater Manchester Residuary Body, acting pursuant to section 67(1)(a) and (2) of the Local Government Act 1985(a), has submitted proposals to the Secretary of State for the transfer of certain property, functions, rights and liabilities to local authorities, and he has decided to give effect to those proposals with modifications:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 67(3) and 77 of that Act, and of all other powers enabling him in that behalf, hereby makes the following Order:-

PART I

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government Reorganisation (Property, etc.) (Greater Manchester) Order 1988 and shall come into force on 30th December 1988.

(2) In this Order-

“the 1980 Act” means the Local Government, Planning and Land Act 1980(b);

“the 1985 Act” means the Local Government Act 1985;

“the abolished council” means the former Greater Manchester County Council;

“the county” means the county of Greater Manchester;

“the local council” means the council of a district in the county and in relation to property and mortgages means the council of the district in which the property or, as the case may be, the mortgaged land is situated;

“the Residuary Body” means the Greater Manchester Residuary Body;

“Stockport” means the council of the metropolitan borough of Stockport;

“Tameside” means the council of the metropolitan borough of Tameside;

“the transfer date” means 31st December 1988.

(a) 1985 c.51.

(b) 1980 c.65.

(3) For the purpose of any provision of this Order, other than article 5, which requires the payment or recovery of sums in the appropriate proportions—

- (a) the appropriate proportion in relation to any council is the proportion equal to the proportion which the population of the area of that council bears to the population of the county; and
- (b) the population of an area shall be taken to be the number estimated by the Registrar General and certified by him to the Secretary of State by reference to the 30th June which falls 21 months before the beginning of the financial year in which the payment falls to be made or the sum recovered, as the case may be.

PART II

TRANSFER OF PROPERTY, FUNCTIONS, RIGHTS AND LIABILITIES

Transfer of property, etc.

2.—(1) On the transfer date—

- (a) all immovable property of the Residuary Body other than that mentioned in the Schedule to this Order; and
- (b) all interests of the Residuary Body in respect of any mortgage granted in pursuance of section 132 of the Housing Act 1985(a),

shall vest in the local council.

(2) All rights and liabilities of the Residuary Body acquired or incurred in connection with, and all records relating exclusively to, property and interests transferred by paragraph (1) shall vest in the council to which it is so transferred.

Transfer of monies

3.—(1) Immediately before the transfer date, the Residuary Body shall set aside from their revenue balances the sum of £2,350,000 (“the special fund”).

(2) On the transfer date the Residuary Body shall transfer to Tameside from the special fund the sum of £350,000 which Tameside shall credit to a fund established by them under paragraph 16 of Schedule 13 to the Local Government Act 1972(b) which shall be applied only for defraying expenditure incurred by them in the exercise of the functions or the discharge of the liabilities transferred by article 4(1).

(3) On the transfer date the Residuary Body shall transfer to Stockport from the special fund the sum of £2 millions which Stockport shall credit to a fund established by them under the said paragraph 16 which shall be applied only for defraying expenditure incurred by them in the discharge of the liabilities transferred by article 6(1).

(4) If the defraying of the expenditure mentioned in paragraphs (2) and (3) does not exhaust the funds established as so mentioned, Tameside or, as the case may be, Stockport shall apportion the amount of the balance among the local councils and shall pay the appropriate proportion to each of the other local councils.

Compensation and superannuation matters

4.—(1) Subject to paragraph (3), all the functions of the Residuary Body so far as they relate to any contract of employment with the abolished council or a contract of employment with the Residuary Body terminating before the transfer date and all rights and liabilities of that Body which arise from any such contract shall on the transfer date become functions of, or vest in, Tameside.

(a) 1985 c.68.

(b) 1972 c.70.

(2) Any function of the Residuary Body relating to the making of payments under the Local Government Reorganisation (Reduction of Redundancy Payment Cases) Scheme 1986(a) shall on the transfer date transfer to Tameside.

(3) Any rights of the Residuary Body to recover sums paid unlawfully by the abolished council to any of its employees or former employees shall on the transfer date vest in Stockport.

(4) Regulation 3(3) of the Local Government Superannuation (Miscellaneous Provisions) Regulations 1986(b) shall apply to the exercise by Tameside of any discretionary function transferred by paragraph (1) as if references to the appropriate residuary body were references to that council.

Block Grant

5. (1) Any payment which by virtue of any provision of Part VI of the 1980 Act would but for this Order have fallen, by virtue of section 81 of the 1985 Act, to be made by or to the Residuary Body, shall be made by or to the local councils in the appropriate proportions.

(2) For the purposes of paragraph (1)–

(a) “the appropriate proportions” shall be construed in accordance with article 1(3)(a); and

(b) the population of an area shall be taken to be the number estimated by the Registrar General and certified by him to the Secretary of State by reference–

(i) in the case of any payment attributable to the financial year ended 31st March 1985, 30th June 1982; and

(ii) in the case of any payment attributable to the financial year ended 31st March 1986, 30th June 1983.

(3) Any information, notice or request under section 65, 66 or 67 of the 1980 Act(c) which but for this article would have fallen to be given or made by or to the Residuary Body shall be given or made by or to Stockport.

Transfer of rights and liabilities

6.—(1) On the transfer date all rights and liabilities of the Residuary Body other than those mentioned in paragraph (2) shall vest in Stockport; but shall be held for the benefit of, or discharged on behalf of, all the local councils.

(2) The rights and liabilities excluded from transfer by paragraph (1) are those–

(a) in respect of the Midland Hotel site, Manchester or in connection with immovable property which is excluded from transfer by virtue of article 2(1)(a);

(b) transferred by any other article of this Order;

(c) relating to grant from the European Commission, or from the Exchequer under section 1 of the Local Government Grants (Social Need) Act 1969(d) or section 1 of the Derelict Land Act 1982(e);

(d) connected with any function which is exercisable after the transfer date by the Residuary Body; and

(e) relating to any contract connected with the occupation of offices by the Residuary Body.

(a) Made under section 59(3) of the Local Government Act 1985.

(b) S.I. 1986/380.

(c) Section 65 was substituted by paragraph 4 of Schedule 4 to the Local Government Finance Act 1987 (c.6).

(d) 1969 c.2.

(e) 1982 c.42.

Nominations and appointments

7.—(1) On the transfer date the right of the Residuary Body to nominate trustees of the Trust which administers the Greater Manchester County Disaster Fund shall vest in the local councils jointly.

(2) On the transfer date the Council of the Metropolitan Borough of Wigan shall succeed the Residuary Body as Trustee of the Jessie Winstanley Littler Special Bequest.

PART III

MISCELLANEOUS AND GENERAL

Apportionment

8.—(1) All sums realised by Stockport or Tameside, as the case may be, in pursuance of the transfer by article 4 or 6 of this Order of any rights shall, after deduction of any relevant expenditure, be apportioned among the local councils; and Stockport or, as the case may be, Tameside, shall pay the appropriate proportion to each of the other local councils and shall retain the balance.

(2) If in any financial year the aggregate in that year of the sums referred to in paragraph (1) is insufficient to meet any relevant expenditure for that year, that expenditure shall, to the extent that it is not met from that aggregate, be apportioned among the local councils; and the appropriate proportion shall be recoverable by Stockport or Tameside, as the case may be, from each of the other local councils.

(3) In this article, "relevant expenditure" means expenditure attributable to this Order which is not defrayed by virtue of any other provision of this Order.

Continuity of the exercise of functions

9.—(1) Anything done by or in relation to (or having effect as if done by or in relation to) the Residuary Body in the exercise of or in connection with a function which by virtue of this Order becomes the function of a local council shall, so far as is required for continuing its effect after the transfer date have effect as if done by or in relation to that council.

(2) Without prejudice to the generality of paragraph (1), that paragraph applies to the making of any application, decision or determination; to the giving of any notice; to the entering into of any agreement or other instrument; and to the bringing of any action or proceeding; but nothing in this Order shall be construed as transferring any contract of employment.

(3) Any pending action or proceeding may be amended in such a manner as may be appropriate in consequence of this Order.

Continuity of employment in certain cases

10. Where the employment by the Residuary Body of any person is terminated, and that termination is attributable to any provision of this Order, regulation 5 (continuity of employment) of the Local Government Superannuation (Local Government Reorganisation) Regulations 1985(a) shall apply as if, for the purposes of paragraph (1)(b)(ii), the termination were not attributable to an order under section 67(3) of the 1985 Act.

(a) S.I. 1985/1515. Regulation 5 now modifies the operation of the Local Government Superannuation Regulations 1986 (S.I. 1986/24), and the definition of "transferred employee" referred to in that regulation is in regulation H1 of the 1986 Regulations.

Amendment of the capital money order

11. The Local Government Reorganisation (Capital Money) (Metropolitan Counties) Order 1986^(a) shall have effect in relation to the county and in respect of the financial year ending 31st March 1989, with the addition—

- (a) at the end of article 4(1) (additions to net capital receipts) of the words “and (c) the sum of £1 million.”; and
- (b) in article 5(1), in the definition of “distributable capital money”, of the words “and (e) the sum of £1 million.”.

Disputes

12. In the event of a dispute between any of the local councils as to the amount of any expenditure recoverable by Stockport or Tameside pursuant to this Order, the matter shall be determined by an arbitrator appointed by the Secretary of State; and section 31 of the Arbitration Act 1950^(b) shall have effect in relation to the arbitration as if it were an arbitration to which that section applies.

2nd December 1988

Nicholas Ridley
Secretary of State for
the Environment

^(a) S.I. 1986/2063.

^(b) 1950 c.27; section 31 was repealed in part by the Arbitration Act 1975 (c.3), section 8(2), and amended by the Arbitration Act 1979 (c.42), section 7(1).

IMMOVABLE PROPERTY EXCLUDED FROM TRANSFER

There shall not transfer under article 2(1)–

- (a) property which on the transfer date is the subject of an agreement for its disposal by the Residuary Body or an option for its purchase in favour of any person; and
- (b) the following property–

A. In the metropolitan district of Bolton–

474 Bury Road, Bolton.

First Floor, Churchgate House, Churchgate, Bolton.

The Chequerbent, Hewlett Pit and Hart Common Derelict Land Reclamation Sites, Westhoughton.

B. In the metropolitan district of Bury–

Approximately 690 square metres of land to the north of Jubilee Way adjacent to Irwell Street Divisional Police Headquarters, Bury.

1 and 2 St. Mary's Place, Bury.

5 Victoria Street, Radcliffe.

C. In the metropolitan district of Manchester–

The Oldham Road Goods Yard, Ancoats.

Approximately 570 square metres of land being the site of an advertising hoarding and land at rear, Ashton Old Road and Chancellor Lane, Ardwick.

Approximately 237 square metres of land on the east side of Dainton Street, Ardwick.

Approximately 385 square metres of land at the junction of Deansgate and Whitworth Street West together with the footbridge across Whitworth Street West, Knott Mill.

10 Pascal Street, Levenshulme.

26 Smart Street, Longsight.

Eighth and Thirteenth Floors, Sunlight House, Quay Street, Manchester.

The Greater Manchester Residuary Body's offices, Third Floor, The Royal Exchange, Cross Street, Manchester.

The Central Station site, Manchester, registered at Her Majesty's Land Registry under Title Numbers GM 161103 and GM 265086.

Reliance Street Trading Estate, Reliance Street, Newton Heath.

34 Platt Lane, Rusholme.

D. In the metropolitan district of Oldham–

The Clayton Bridge Derelict Land Reclamation Site, Failsworth.

1 and 2 Ashcroft Court, Oldham.

E. In the metropolitan district of Rochdale–

29B and 29C Milnrow Road, Rochdale.

Third Floor, Octagon House, Yorkshire Street, Rochdale.

F. In the metropolitan district of Salford–

The former highways depot, Clarendon Road, Irlam.

G. In the metropolitan district of Stockport—

4, 8 and 13 Bishop Street, Offerton.

8 Dalby Grove, Offerton.

74 Offerton Lane, Offerton.

Second Floor, Block B, Hilton House, Lord Street, Stockport.

Approximately 5,310 square metres of land at the junction of Weybrook Road and Wellington Road North, Stockport.

H. In the metropolitan district of Tameside—

9 and 25 Audenshaw Hall Grove, Audenshaw.

49 Droylsden Road, Audenshaw.

96 Guide Lane, Audenshaw.

107 Manchester Road, Audenshaw.

38 Higher Henry Street, Hyde.

Ground and First Floors, Warfingers Warehouse, Hyde.

144 High Street, Stalybridge.

60 and 415 Mottram Road, Stalybridge.

131 Stamford Street, Stalybridge.

2 Water Street, Stalybridge.

I. In the metropolitan district of Trafford—

First Floor, Dominion House, Sibson Road, Sale.

Approximately 2.22 hectares of land adjacent to Old Hall Road and Vale Avenue, Sale.

172 Barton Road, Stretford.

Fifth Floor, Grove House, Skerton Road, Stretford.

Approximately 630 square metres of land between Chester Road, Newton Street and Lacy Street, formerly sites of 1147 to 1157 (odd) Chester Road, Stretford.

Approximately 340 square metres of land to the east of Chester Road and to the south west of the Newton Street Probation Office, Stretford.

J. In the metropolitan district of Wigan—

Approximately 3.48 hectares of agricultural land fronting Tyldesley Old Road and Douglas Road, Atherton.

118 Twist Lane, Leigh.

Suites 2 and 3, Mabs Cross Garage, Mesnes View, Wigan.

The derelict land reclamation sites and industrial estates listed below—

<i>Location</i>	<i>Description</i>
Abram	Bickershaw Reservoir Maypole Colliery
Ashton-in-Makerfield	Bryn Hall/Bamfurlong Landgate Lane Mains Colliery South Lancashire Industrial Estate, Bryn Road
Atherton	Chequerbent Chanters Industrial Estate
Standish	Crooke Village Giants Hall Colliery
Tyldesley	Astley Green Colliery Higher Folds.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect, with a modification, to proposals of the Greater Manchester Residuary Body for the transfer of certain functions, property, rights and liabilities. The effect of the modification is that the monies referred to in article 3(2) may be used only for the purpose there stated and not to defray expenditure referred to in article 3(1) of the Local Government Reorganisation (Pensions etc.) (Greater Manchester and Merseyside) Order 1987 (S.I. 1987/1579).

Article 2 transfers, with the exception of the property listed in the Schedule, all of the Residuary Body's immovable property and mortgage interests granted under the "right to buy" to the council of the district in which the property or mortgaged land is situated.

Article 3 provides for the transfer of £350,000 to the council of the metropolitan borough of Tameside ("Tameside") for pension purposes; and for the transfer of £2 millions to the council of the metropolitan borough of Stockport ("Stockport") for the discharge of the liabilities transferred to Stockport under article 6(1).

Article 4 provides for the transfer to Tameside of the Residuary Body's functions, rights and liabilities in connection with their employees or employees of the former county council whose employment terminated before 31st December 1988. Article 4(3) transfers to Stockport the right to recover sums paid unlawfully by the former county council.

Article 5 provides for payment or recovery of the former county council's entitlement to block grant to be made to or from the district councils in the county. Article 6 transfers to Stockport, subject to the exceptions mentioned in paragraph (2), the rights and liabilities of the Residuary Body. Article 7 deals with nominations and appointments.

Article 8 makes general provision for apportioning among the councils in the county sums received and expenses incurred by Stockport and Tameside. Article 9 provides for continuity in the exercise of functions, and article 10 for the treatment of the employment of the Residuary Body's staff who take up other local government service as continuous for superannuation purposes.

Article 11 amends the Local Government Reorganisation (Capital Money) (Metropolitan Counties) Order 1986 (S.I. 1986/2063) by permitting the Residuary Body to retain a further £1 million in 1988/89 (for use in the settlement of litigation). Article 12 establishes a disputes procedure in the event of disagreements between the district councils in the county as to the amounts recoverable by Stockport and Tameside under the Order.

£1.60 net

ISBN 0 11 088114 1