
STATUTORY INSTRUMENTS

1989 No. 2470

The Merseyside Residuary Body (Winding Up) Order 1989

PART II

OF PROPERTY, FUNCTIONS, RIGHTS AND LIABILITIES

Transfer of property, etc

2.—(1) On the transfer date—

- (a) all interests of the Residuary Body in land which is the subject of an agreement for its disposal or option for its purchase shall vest in Liverpool;
- (b) all interests of the Residuary Body in the land described in Column 1 of the Schedule to this Order shall vest in the authority specified in Column 2; and
- (c) subject to paragraph (2), all other interests of the Residuary Body in land shall vest in the local council.

(2) The interests of the Residuary Body in Metropolitan House, Old Hall Street, Liverpool shall not transfer under paragraph (1)(c).

(3) Subject to paragraph (4), all rights and liabilities of the Residuary Body acquired or incurred in connection with, and all records relating exclusively to, any interests in land transferred by paragraph (1) shall vest in the council or authority to which such interests are so transferred.

(4) Where prior to the transfer date the Residuary Body has disposed of any property subject to a covenant that the Residuary Body shall receive a proportion of any subsequent increased development value, the benefit of that covenant shall vest in Liverpool.

(5) In each financial year commencing with the financial year beginning 1st April 1989 Liverpool shall pay to each of the other local councils the appropriate proportion of—

- (a) an amount equal to Liverpool's net revenue receipts from any interest in land or benefit vested by paragraphs (1)(a) or (4); and
- (b) an amount equal to Liverpool's net capital receipts in respect of any interest so vested or the disposal of any such interest so vested.

(6) In the preceding paragraph,—

- (a) "net revenue receipts" means revenue receipts in the year in question after deducting the aggregate amount of expenditure incurred by Liverpool in that year in connection with interests in land vested by paragraph (1)(a); and
- (b) "net capital receipts" means capital receipts in the year in question after deducting any amount by which net revenue receipts are a negative amount.

(7) The balance of the net capital and revenue receipts shall be retained by Liverpool.

Transfer of monies

- (a) **3.** (1) (a) Immediately before the transfer date the Residuary Body shall set aside from its revenue balances the sum of £100,000; and
- (b) on the transfer date the Residuary Body shall transfer that sum to Wirral.
- (2) Immediately before the transfer date the Residuary Body shall set aside from its revenue balances the sum of £1 million to meet its expenditure between the transfer date and 30th March 1990.
- (3) On the transfer date all monies held by the Residuary Body and all sums standing to the credit of that Body on any account (other than the sums referred to in paragraphs (1) and (2)) shall vest in Liverpool.
- (4) On or before 30th March 1990 Liverpool shall pay to each of the other local councils the appropriate capital and appropriate revenue sums as defined in paragraph (5).
- (5) In paragraph (4)—
- “appropriate capital sum” means a sum equal to the appropriate proportion of the aggregate amount of capital money held by the Residuary Body or standing to its credit on any account immediately before the transfer date;
- “appropriate revenue sum” means a sum equal to the appropriate proportion of the aggregate of all other sums which immediately before the transfer date are held by, or stand to the credit of, the Residuary Body on any account other than the special fund.
- (6) The amounts reflecting the difference between the amounts vested by paragraph (3) and the amounts which fall to be paid to other local councils by paragraph (4) shall be retained by Liverpool as their share of the vested amounts.
- (7) In this article “capital money” means monies described in article 2(2)(a) of the Local Government Reorganisation (Capital Money) (Metropolitan Counties) Order 1986(1).

Compensation and superannuation matters

- 4.—**(1) All the functions of the Residuary Body in relation to any contract of employment with the abolished council or a contract of employment with the Residuary Body terminating on or 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, Wirral.
- (2) Without prejudice to the generality of paragraph (1) the functions of the Residuary Body conferred by regulation 3(1) of the Local Government Superannuation (Miscellaneous Provisions) Regulations 1986(2) shall on the transfer date become functions of, or vest in, Wirral.
- (3) All the functions of the Residuary Body relating to the making of payments under the Local Government Reorganisation (Reduction of Redundancy Payment Cases) Scheme 1986(3) shall on the transfer date become functions of, or transfer to, Wirral.
- (4) Regulation 3(3) of the Regulations mentioned in paragraph (2) above shall apply to the exercise by Wirral of any discretionary function transferred by paragraph (1) as if references to the appropriate residuary body were references to Wirral.

(1) S.I.1986/2063.

(2) S.I. 1986/380.

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

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

(3) Any information, notice or request under section 65, 66 or 67 of the 1980 Act⁽⁴⁾ 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 Liverpool.

Transfer of proceedings

6.—(1) Subject to paragraphs (2) and (3), on the transfer date in any proceedings before any court or tribunal to which the Residuary Body is a party, Liverpool shall be substituted for the Residuary Body.

(2) In any such proceedings as are mentioned in paragraph (1) but which relate to any matter which by this Order or otherwise is or has been transferred to Wirral, Wirral shall be substituted for the Residuary Body.

(3) In any such proceedings as are mentioned in paragraph (1) but which relate to a property which by this Order or otherwise is or has been transferred to a local council, that local council shall be substituted for the Residuary Body.

Transfers of rights and liabilities

7.—(1) Subject to the preceding provisions of this Order and to paragraph (2), on the transfer date—

- (a) all rights and liabilities and any records of the Residuary Body relating to any function which by virtue of this Order or otherwise becomes or has become a function of Liverpool shall vest in Liverpool;
 - (b) all interests of the Residuary Body in the Mersey Barrage Company Limited and in Oyston Cable Communications Group Limited shall vest in Liverpool to be held for the benefit of all the local councils;
 - (c) all rights of the Residuary Body in relation to the Merseyside Innovation Centre Limited shall vest jointly in all the local councils;
 - (d) all rights and liabilities of the Residuary Body in relation to the Merseyside Enterprise Board shall vest jointly in all the local councils;
 - (e) all other rights and liabilities of the Residuary Body in relation to land shall vest in the local council; and
 - (f) all remaining rights, liabilities and records of the Residuary Body shall vest in Liverpool to be held for the benefit of, or discharged on behalf of, all the local councils.
- (2) Paragraph (1) shall not apply to any right or liability of the Residuary Body in relation to—
- (a) any contract of employment other than those mentioned in article 4(1); or
 - (b) the sum set aside under article 3(1).

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

Consequential financial provisions

8.—(1) Any net capital receipts paid to a local council pursuant to article 2(5)(b) and the balance of net capital receipts retained by Liverpool pursuant to article 2(7) shall be treated for the purposes of Part VIII (capital expenditure) of the 1980 Act as a capital receipt of the council.

(2) Any sum paid to a local council as an appropriate capital sum under article 3(4) or retained by Liverpool pursuant to article 3(6) and reflecting capital monies shall be treated for the purposes of the said Part VIII as a capital receipt of the council.

(3) Regulations under section 72(3)(d) and 75 of the 1980 Act shall apply to amounts to be treated by virtue of this article as capital receipts of a local council for the purposes of Part VIII as they apply to other receipts of the council.

(4) Sums received by Liverpool in respect of the disposal of assets vested in that council by article 2(1)(a) or 2(4) of this Order shall not be capital receipts for the purposes of Part VIII of the 1980 Act.

9. Any net capital receipts or appropriate capital sums paid to a local council pursuant to article 2(5)(b) or 3(4), and the balance of net capital receipts and the appropriate capital sum retained by Liverpool pursuant to articles 2(7) and 3(6), shall be applied for any purpose for which capital money received by a local council on the disposal of land under Part VII of the Local Government Act 1972(5) may properly be applied.

Consequential administrative arrangements

10.—(1) On or before 30th March in the financial year commencing on 1st April 1989 and on or before 30th June in any later financial year, Liverpool shall notify every other local council of its estimate of the amount to be paid to that council in the current financial year by way of net capital receipts under article 2(5)(b) or an appropriate capital sum under article 3(4) and of the classes of disposals and repayments to which that amount relates.

(2) On making any payment of net capital receipts in pursuance of article 2(5)(b) or of an appropriate capital sum in pursuance of article 3(4) Liverpool shall notify the council to which payment is made of the classes of disposals and repayments to which the payment relates.

(3) For the purposes of paragraphs (1) and (2), disposals and repayments shall be classified in accordance with the Schedule 1 to the Local Government (Prescribed Expenditure) (Consolidation and Amendment) Regulations 1987(6) .

(4) When Liverpool send a notification under paragraph (1) or (2) they shall send a copy to the Secretary of State and where he is sent a copy of a notification under paragraph (2) they shall advise the Secretary of State of the amount paid to the relevant council.

(5) Liverpool shall—

(a) on or before the relevant date mentioned in paragraph (1) provide the Secretary of State with an estimate of the amount they anticipate they will retain in the current financial year by way of capital monies and of the classes of disposals and repayments to which that amount relates; and

(b) when they retain any amount following a distribution of capital monies notify the Secretary of State of the amount retained and the classes of disposals and repayments to which that amount relates.

(6) The Local Government Reorganisation (Capital Money) (Metropolitan Counties) Order 1986 shall cease to have effect in relation to the county on the transfer date.

(5) 1972 c. 70.

(6) S.I.1987/2186, to which there are amendments not relevant to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
