

---

STATUTORY INSTRUMENTS

---

**1989 No. 2470**

**The Merseyside Residuary Body (Winding Up) Order 1989**

**PART IV**

**MISCELLANEOUS AND GENERAL**

**Apportionment**

**13.**—(1) All money transferred to or sums realised by Liverpool or Wirral by or in pursuance of the transfer by articles 6(1), 7(1)(a), (1)(b), (1)(f) and 11 of this Order of any property or rights shall, after deduction of any relevant expenditure, be apportioned among the local councils; and Liverpool or, as the case may be, Wirral, shall, not later than the end of the financial year following that in which it is received, pay the appropriate proportion to each of the other councils and shall retain the balance.

(2) If in any financial year the aggregate in that year of the money and sums referred to in paragraph (1) is insufficient to meet any relevant expenditure for that year, that expenditure shall be apportioned among the local councils; and the appropriate proportion shall be recoverable by Liverpool or Wirral, 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**

**14.**—(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 Liverpool or Wirral shall so far as is required for continuing its effect after the transfer date have effect as if done by or in relation to Liverpool or Wirral, as the case may be.

(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 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**

**15.** 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(1) 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.

### **Complaints of maladministration by Residuary Body**

16.—(1) The Parliamentary Commissioner may investigate or, as the case may be, continue to investigate a complaint of maladministration by the Residuary Body notwithstanding its winding up.

(2) In relation to any such investigation begun or continued after the transfer date, the Parliamentary Commissioner Act 1967(2) shall apply as if for any reference to the principal officer of the Residuary Body there were substituted—

- (a) where the complaint relates to the exercise of a function which by virtue of this Order becomes a function of Wirral, a reference to the proper officer of Wirral;
- (b) where the complaint relates to land which, by virtue of this Order, vests in a local council, a reference to the proper officer of that council; or
- (c) in any other case, a reference to the proper officer of Liverpool and as if any specified action had been taken by Wirral or as the case may be, by the local council or by Liverpool.

### **Disputes**

17. In the event of a dispute between any of the local councils as to the amount of any expenditure recoverable by Wirral or Liverpool 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(3) shall have effect in relation to the arbitration as if it were an arbitration to which that section applies.

---

(2) 1967 c. 13; applied to residuary bodies by paragraph 11 of Schedule 13 to the Local Government Act 1985.  
(3) 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).