

STATUTORY INSTRUMENTS

1985 No. 1884

PUBLIC HEALTH, ENGLAND AND WALES

The Waste Regulation and Disposal (Authorities) Order 1985

<i>Made</i> - - - - -	<i>5th December 1985</i>
<i>Laid before Parliament</i>	<i>6th December 1985</i>
<i>Coming into Operation</i>	<i>27th December 1985</i>

Whereas it appears to the Secretary of State in the case of Greater London and the metropolitan counties of Greater Manchester and Merseyside that the councils listed in each Part of Schedule 1 to this order could with advantage make joint arrangements with each other for the discharge from the abolition date (a) of the functions specified in the respective Parts of that Schedule and that no arrangements for that purpose had been made before 15th November 1985:

And whereas by section 10(1) of the Local Government Act 1985(b) the Secretary of State is in consequence under a duty to establish authorities for the discharge of those functions from the abolition date:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 10(1), (3), (6) and (7) of that Act and of all other powers enabling him in that behalf, having had particular regard to the need for satisfactory arrangements in respect of hazardous waste, hereby makes the following order:—

Citation and commencement

1. This order may be cited as the Waste Regulation and Disposal (Authorities) Order 1985 and shall come into operation on 27th December 1985.

Authorities

2.— (1) The authorities named in Schedule 1 shall be established on 1st January 1986 to discharge from the abolition date in their respective areas the functions specified in relation to them in that Schedule.

(2) Each authority shall be a body corporate and shall consist of members of the constituent councils appointed by them to be members of the authority.

(a) 1st April 1986.

(b) 1985 c. 51.

(3) The constituent councils in relation to an authority shall be the councils specified in relation to it in Schedule 1 and the number of members to be appointed to an authority by a constituent council shall be the number shown for that council in that Schedule.

First appointments

3.— (1) It shall be the duty of each constituent council which is required to appoint members of an authority to appoint the first members before 1st January 1986 and those appointments shall take effect on that day.

(2) Notice of appointments made to the authority under paragraph (1) shall be given before 1st January 1986 as follows—

Name of authority to which appointment is made	Council to which notice is to be given
London Waste Regulation Authority West London Waste Authority North London Waste Authority East London Waste Authority Western Riverside Waste Authority Greater Manchester Waste Disposal Authority Merseyside Waste Disposal Authority	Greater London Council Ealing Barnet Havering Wandsworth Greater Manchester County Council Merseyside County Council

Replacement of members etc.

4.— (1) The following provisions of the Local Government Act 1985 shall have effect as if references to a joint authority included references to an authority established by this order—

- (a) section 31 (replacement of members);
- (b) section 32(1) to (7) (filling of vacancies);
- (c) section 34 (chairman, vice-chairman and clerk); and
- (d) section 35(1) and (2) (disqualification).

(2) As soon as practicable after receiving notice from a constituent council that it has made or terminated an appointment to an authority established by this order, the authority shall give public notice of the fact that the appointment has been made or terminated and of the name of the person concerned.

Functions

5.— (1) Schedule 2 shall have effect from the abolition date for vesting functions relating to waste regulation and disposal in the authorities established by this order.

(2) Section 41 of the Local Government Act 1985 (questions on discharge of functions) shall have effect as if references to a joint authority included references to an authority established by this order.

Staff and other matters

6. Sections 53, 55 and 67(2) of the Local Government Act 1985 (compensation for loss of office, offers of employment by successor authorities and transfer of property from a residuary body) shall have effect as if references to a new authority included references to an authority established by this order.

Levies

7.— (1) An authority may in respect of the financial year beginning on 1st April 1986 and any subsequent financial year make levies on its constituent councils to meet all liabilities falling to be discharged by it for which provision is not otherwise made.

(2) Subject to article 12(2) and (3), the amount to be levied by an authority in respect of any financial year from each of its constituent councils shall be determined by apportioning the total amount to be levied by that authority in that year between those councils in such proportions as they may agree or, in default of agreement, in proportion to the populations of their respective areas.

(3) 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 in the financial year two years before the financial year in question.

(4) A levy on a constituent council shall be made by issuing the council with a demand stating the date or dates on or before which a payment or payments in respect of the levy are required to be made and the amount of that payment or each of those payments.

(5) The demand must be issued, or information as to the amount to be subsequently demanded must be given, to a constituent council not less than twenty-one days before the beginning of the financial year to which the levy relates.

(6) The following enactments—

- (a) sections 11 and 12(8) and (9) of the General Rate Act 1967 (money to be raised by precepts and liability for interest where amount due under a precept is unpaid) (a);
- (b) section 15 of that Act (power to secure payment of precept); and
- (c) section 14 of the Rates Act 1984 (information as to precepts and precepting authorities) (b),

shall apply to a levy issued by an authority established by this order and to such an authority as they apply to a precept issued by a precepting authority and to the precepting authority taking the reference in section 11 to rates as a reference to levies and with the omission in section 15(1) of the words “the rating authority have refused or through wilful neglect or wilful default failed to raise that amount by a rate, or that, having raised the amount by a rate”.

(a) 1967 c. 9.
(b) 1984 c. 23

(7) For the purposes of any other enactment (including in particular section 34 of the Local Loans Act 1875(a)) any sum levied under this article shall be treated as money to be raised out of a rate.

Borrowing, lending and funds

8.— (1) Schedule 13 to the Local Government Act 1972 (borrowing, lending and funds) (b) shall have effect as if—

- (a) in paragraph 5(2) and (3), in relation to an authority established by this order, the words “derived from rates” were omitted; and
- (b) in paragraph 22(1) and (3), references to a joint authority included references to an authority established by this order.

(2) Without prejudice to its other borrowing powers, an authority established by this order may borrow by way of temporary loan or overdraft from a bank or otherwise any sums which it may require for the purpose of defraying its expenses before the abolition date.

(3) The sums borrowed by an authority under paragraph (2) shall not exceed £100,000 and shall be repaid before 31st March 1987.

(4) Paragraph 12 of Schedule 13 to the Local Government Act 1972 (joint borrowing) shall apply to the power conferred by paragraph (2) as it applies to the powers of borrowing conferred by Part I of that Schedule.

Other financial provisions

9.— (1) Sections 72(1), (2) and (4), 73 and 77 of the Local Government Act 1985 (accounts, financial administration and capital and other money received by a residuary body) shall have effect as if references to a new authority included references to an authority established by this order.

(2) Section 12(2)(aa) of the Local Government Finance Act 1982 (accounts subject to audit) (c) shall have effect as if the reference to a joint authority included a reference to an authority established by this order.

Application of local authority provisions

10. The enactments specified in Schedule 3 shall have effect from 1st January 1986 subject to the modifications made by that Schedule.

First meetings of authorities

11.— (1) The first meeting of an authority established by this order shall be held within ten days after 1st January 1986 and shall be treated as an annual meeting for the purposes of section 34(2) of the Local Government Act 1985 (chairman, vice-chairman and clerk) as applied by article 4(1)(c).

(a) 1875 c. 83.

(b) 1972 c. 70; relevant amendments were made by section 70 of the Local Government Act 1985.

(c) 1982 c. 32; relevant amendments were made by section 72(3) of the Local Government Act 1985.

(2) Section 86(2) to (6), (7)(b) and (8) of the Local Government Act 1985 (procedure for first meeting) shall have effect in relation to an authority established by this order as if—

- (a) references to a new authority were references to an authority established by this order;
- (b) references to the relevant council were references to the council to which notice under article 3(2) is to be given; and
- (c) the reference to section 86(1) were a reference to paragraph (1) above.

(3) Schedule 12 to the Local Government Act 1972 (meetings and proceedings of local authorities) as applied by article 10 shall have effect subject to this article, and in particular paragraph 4(2) of that Schedule shall not require notice of the first meeting of an authority established by this order to be published at the authority's offices or summonses to attend the meeting to be signed by the proper officer of that authority.

Special provisions relating to the Greater Manchester Waste Disposal Authority

12.—(1) The members of the Greater Manchester Waste Disposal Authority appointed by the council of the metropolitan district of Wigan shall not be entitled to vote on any matter exclusively relating to the authority's waste disposal functions.

(2) The amount to be levied by the Greater Manchester Waste Disposal Authority in respect of any year from the council of the metropolitan district of Wigan shall not include any amount relating to the authority's waste disposal functions and, accordingly, that amount shall be borne by the other constituent councils of the authority in such proportions as they may agree or, in default of agreement, in proportion to the populations of their respective areas and article 7(2) shall apply with necessary modifications.

(3) In this article—

“population” has the meaning given by article 7(3); and

“waste disposal functions” means functions vested in the Greater Manchester Waste Disposal Authority by Schedule 2 which are not exercisable by the authority in the metropolitan district of Wigan.

Schemes for winding up an authority

13. The Secretary of State may require an authority established by this order to submit to him a scheme for the winding up of the authority and for the transfer to its constituent councils of its functions, property, staff, rights and liabilities.

SCHEDULE 1

Article 2

AUTHORITIES ESTABLISHED BY THIS ORDER

PART I

LONDON WASTE REGULATION AUTHORITY

Area: Greater London.

Functions: the functions vested in it by Schedule 2 (being functions relating to waste regulation).

Constituent councils	Number of members to be appointed
The Common Council	1
Westminster	1
Camden	1
Islington	1
Hackney	1
Tower Hamlets	1
Greenwich	1
Lewisham	1
Southwark	1
Lambeth	1
Wandsworth	1
Hammersmith and Fulham	1
Kensington and Chelsea	1
Waltham Forest	1
Redbridge	1
Havering	1
Barking and Dagenham	1
Newham	1
Bexley	1
Bromley	1
Croydon	1
Sutton	1
Merton	1
Kingston upon Thames	1
Richmond upon Thames	1
Hounslow	1
Hillingdon	1
Ealing	1
Brent	1
Harrow	1
Barnet	1
Haringey	1
Enfield	1

PART II

WEST LONDON WASTE AUTHORITY

Area: the area comprising the areas of the authority's constituent councils.

Functions: the functions vested in it by Schedule 2 (being functions relating to waste disposal).

Constituent councils	Number of members to be appointed
Brent	1
Ealing	1
Harrow	1
Hillingdon	1
Hounslow	1
Richmond upon Thames	1

PART III

NORTH LONDON WASTE AUTHORITY

Area: the area comprising the areas of the authority's constituent councils.

Functions: the functions vested in it by Schedule 2 (being functions relating to waste disposal).

Constituent councils	Number of members to be appointed
Barnet	2
Camden	2
Enfield	2
Hackney	2
Haringey	2
Islington	2
Waltham Forest	2

PART IV

EAST LONDON WASTE AUTHORITY

Area: the area comprising the areas of the authority's constituent councils.

Functions: the functions vested in it by Schedule 2 (being functions relating to waste disposal).

Constituent councils	Number of members to be appointed
Barking and Dagenham	2
Havering	2
Newham	2
Redbridge	2

PART V

WESTERN RIVERSIDE WASTE AUTHORITY

Area: the area comprising the areas of the authority's constituent councils.

Functions: the functions vested in it by Schedule 2 (being functions relating to waste disposal).

Constituent councils	Number of members to be appointed
Hammersmith and Fulham	2
Kensington and Chelsea	2
Lambeth	2
Wandsworth	2

PART VI

GREATER MANCHESTER WASTE DISPOSAL AUTHORITY

Area: the metropolitan county of Greater Manchester for its waste regulation functions and that county (excluding the metropolitan district of Wigan) for its waste disposal functions.

Functions: the functions vested in it by Schedule 2 (being functions relating to waste regulation and disposal).

Constituent councils	Number of members to be appointed
Bolton	2
Bury	2
Manchester	3
Oldham	2
Rochdale	2
Salford	2
Stockport	2
Tameside	2
Trafford	2
Wigan	2

PART VII

MERSEYSIDE WASTE DISPOSAL AUTHORITY

Area: the metropolitan county of Merseyside.

Functions: the functions vested in it by Schedule 2 (being functions relating to waste regulation and disposal).

Constituent councils	Number of members to be appointed
Knowsley	1
Liverpool	3
St. Helens	1
Sefton	2
Wirral	2

SCHEDULE 2

Article 5

FUNCTIONS

Interpretation

1. In this Schedule “London waste disposal authority” means an authority established by Part II, III, IV or V of Schedule 1.

Radioactive Substances Act 1960

2. Section 19(1) of the Radioactive Substances Act 1960 (general interpretation provisions)(a) shall have effect as if at the end of the definition of “local authority” the following words were added “or an authority established by the Waste Regulation and Disposal (Authorities) Order 1985”.

Local Government Act 1972

3.— (1) Paragraphs 5 and 6 of Schedule 14 to the Local Government Act 1972(b) (exercise of refuse disposal powers under sections 74(2) and 76(1) of the Public Health Act 1936(c) and charges) shall have effect as if references to a non-metropolitan county and its council included references to the areas of the following authorities and those authorities respectively—

- (a) a London waste disposal authority;
- (b) the Greater Manchester Waste Disposal Authority; and
- (c) the Merseyside Waste Disposal Authority.

(2) In this paragraph “area”, in relation to the Greater Manchester Waste Disposal Authority, means the metropolitan county of Greater Manchester excluding the metropolitan district of Wigan.

Control of Pollution Act 1974

4. The Control of Pollution Act 1974(d) shall be modified as follows.

5. Section 2 (preparation and revision of waste disposal plans) shall have effect as if—

(a) after subsection (3)(a)(i) the following sub-paragraphs were inserted—

“(ia) in a case where the plan or modification is prepared by a London waste disposal authority, the Common Council of the City of London or the council of a London borough, the London Waste Regulation Authority, and

(ib) in a case where the plan or modification is prepared by the council of the metropolitan district of Wigan, the Greater Manchester Waste Disposal Authority, and”; and

(a) 1960 c. 34.

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

(c) 1936 c. 49.

(d) 1974 c. 40; relevant amendments were made by paragraph 3 of Schedule 6 to the Local Government Act 1985.

- (b) in subsections (3)(a)(ii) and (4) after the words “an English county disposal authority” the following words were inserted “or a London waste disposal authority”.

6. Section 5(4) (consultation on proposal to issue a disposal licence) shall have effect as if for paragraph (a) the following paragraph were substituted—

“(a) to refer the proposal to any water authority whose area includes any part of the relevant land and—

- (i) in the case of the London Waste Regulation Authority, to any London waste disposal authority and any collection authority whose area includes any part of the relevant land;
- (ii) in the case of an English county disposal authority, to any collection authority whose area includes any part of the relevant land; and”.

7. Section 11 (special provisions for land occupied by disposal authorities) shall have effect as if—

- (a) in subsection (3) for paragraph (c) the following paragraph were substituted—

“(c) to refer the proposal and the statement to any water authority whose area includes any of the land in question and—

- (i) in the case of the London Waste Regulation Authority, to any London waste disposal authority and any collection authority whose area includes any of the land in question;
- (ii) in the case of an English county disposal authority, to any collection authority whose area includes any of the land in question;”;

- (b) in subsection (3)(d) after the words “a water authority” the following words were inserted “, London waste disposal authority”; and

- (c) at the end of subsection (11) the following subsection were inserted—

“(12) Any resolution passed in pursuance of this section by the Greater London Council or the Greater Manchester County Council which is in force immediately before 1st April 1986 in relation to land transferred by or under the Local Government Act 1985 to a London waste disposal authority, the Common Council of the City of London, the council of a London borough or the council of the metropolitan district of Wigan (‘the transferee authority’) shall have effect from that date as if it were a disposal licence granted under section 5 of this Act by the London Waste Regulation Authority or, as the case may be, the Greater Manchester Waste Disposal Authority to the transferee authority to use the land in question subject to the conditions specified in the resolution.”.

8. Section 12 (collection of waste) shall have effect as if—

- (a) in subsection (2)—

- (i) after the words “English county disposal authority” the following words were inserted “, each London waste disposal authority”;

- (ii) for the words “an English collection authority” there were substituted the words “a collection authority in England whose area is included in the area of a disposal authority”;
 - (iii) for the words “the relevant disposal authority” the following words were substituted “the disposal authority”; and
- (b) in subsections (6) and (8) after the words “English county disposal authority” the following words were inserted “, a London waste disposal authority”.

9. Section 13(4) (dustbins etc.) shall have effect as if after the words “English county disposal authority” the following words were inserted “, a London waste disposal authority”.

10. Section 14 (disposal of waste in England and Wales) shall have effect as if—

- (a) in subsection (1)—
 - (i) after the words “English collection authority” the following words were inserted “and each collection authority in the area of a London waste disposal authority”;
 - (ii) for the words “the relevant disposal authority” the following words were substituted “the disposal authority whose area includes that of the collection authority (‘the relevant disposal authority’)”;
 - (iii) for the words “disposal authority” in each place where they subsequently occur the following words were substituted “relevant disposal authority”; and
- (b) in subsections (2) and (8) for the words “an English collection authority” in each place where they occur the following words were substituted “a collection authority”.

11. Section 30 (interpretation) shall have effect as if—

- (a) in subsection (1) the definitions of “disposal authority”, “English county disposal authority” and “relevant disposal authority” were omitted and the following definitions were inserted at appropriate places—

“‘area’, in relation to the Greater Manchester Waste Disposal Authority, means—

- (a) for the purposes of the waste disposal provisions of this Act, the metropolitan county of Greater Manchester excluding the metropolitan district of Wigan; and

- (b) for the purposes of the waste regulation provisions of this Act, the whole county;

‘disposal authority’ has the meaning given by subsections (2A) to (2D) of this section;

'English county disposal authority' means the council of a county in England, the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority;

'London waste disposal authority' means an authority established by Part II, III, IV or V of Schedule 1 to the Waste Regulation and Disposal (Authorities) Order 1985;

'waste disposal provisions' means—

- (a) sections 1 and 2 (waste disposal arrangements and plans);
- (b) section 12 (collection of waste);
- (c) section 13(4) (provision of receptacles for industrial or commercial waste);
- (d) section 14 (disposal of waste);
- (e) section 17(2)(a) and (c) (disposal of dangerous or intractable waste);
- (f) sections 19 to 21 (powers in relation to disposal of waste which is not controlled waste, reclamation of waste and production of heat and electricity from waste); and
- (g) section 27(1) (interference with refuse tips and dustbins etc.);

'waste regulation provisions' means—

- (a) sections 3 to 11 (disposal licences);
- (b) section 16 (removal of waste deposited in breach of licensing provisions); and
- (c) section 17(1)(a) and (2)(b) to (d) (directions as to disposal of dangerous or intractable waste, supervision of certain activities, recovery of expenses and charges and appeals to the Secretary of State); and

(b) after subsection (1) the following subsections were inserted—

“(2A) In Greater London the disposal authority is—

- (a) for the purposes of the waste disposal provisions of this Act—
 - (i) in the area of a London waste disposal authority, that authority;
 - (ii) in the City of London, the Common Council;
 - (iii) in any other London borough, the council of that borough; and
- (b) for the purposes of the waste regulation provisions of this Act, the London Waste Regulation Authority.

(2B) In the metropolitan county of Greater Manchester the disposal authority is—

- (a) for the purposes of the waste disposal provisions of this Act—
 - (i) in the metropolitan district of Wigan, the district council;
 - (ii) in all other areas in the county, the Greater Manchester Waste Disposal Authority; and

(b) for the purposes of the waste regulation provisions of this Act, the Greater Manchester Waste Disposal Authority.

(2C) In the metropolitan county of Merseyside the disposal authority is the Merseyside Waste Disposal Authority.

(2D) In all other local authority areas in England the disposal authority is the council of the county or metropolitan district and in Wales it is the council of the district.”.

12. Section 98 (interpretation) shall have effect as if in paragraph (a) of the definition of “relevant authority” after the words “Middle Temple” the following words were inserted “, any authority established by the Waste Regulation and Disposal (Authorities) Order 1985”.

The Refuse Disposal (Amenity) Act 1978

13. The Refuse Disposal (Amenity) Act 1978(a) shall have effect subject to the following modifications.

14.— (1) In the area of a London waste disposal authority section 1 (provision by local authorities for disposal of refuse) shall have effect as if—

- (a) in subsection (3) the words “or disposal” were omitted; and
- (b) in subsection (4) the words “and dispose of” were omitted.

(2) Where the council of a London borough provides a place for the deposit of refuse in pursuance of section 1 in the area of a London waste disposal authority, the authority shall be under a duty to sell or otherwise dispose of refuse deposited at that place and the council shall afford them access for that purpose at all reasonable times.

(3) A London waste disposal authority shall have power to provide plant and apparatus for the disposal of refuse in pursuance of sub-paragraph (2) and, where the council enter into an agreement with a person under section 1(4), the authority shall also have power to enter into an agreement with that person for the discharge of its duty under sub-paragraph (2).

(4) Section 1(7) shall have effect as if for the definition of “local authority” the following definition were substituted—

“‘local authority’ means, in relation to England—

- (a) in Greater London, the council of a London borough or the Common Council;
- (b) in the metropolitan county of Greater Manchester (excluding the metropolitan district of Wigan), the Greater Manchester Waste Disposal Authority;
- (c) in the metropolitan county of Merseyside, the Merseyside Waste Disposal Authority;

(a) 1978 c. 3; relevant amendments were made by paragraph 4 of Schedule 6 to the Local Government Act 1985.

(d) in all other areas in England, the council of the county or metropolitan district; and”.

15. Section 3 (removal of abandoned vehicles) shall have effect as if—

(a) after subsection (5) the following subsection were inserted—

“(6) Any vehicle removed under this section by the council of a London borough whose area is included in the area of a London waste disposal authority, or by the council of a metropolitan district whose area is included in the area of the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority, shall be delivered by them to the authority in question in accordance with such arrangements (including arrangements as to the sharing of any expenses incurred or sums received by the council and the authority under this Act) as may be agreed between the council and the authority or, in default of agreement, as may be determined by arbitration.”;

(b) subsection (8) shall have effect as if after the words “local authority” the following words were inserted—

“, a London waste disposal authority, the Greater Manchester Waste Disposal Authority, the Merseyside Waste Disposal Authority”; and

(c) at the end of subsection (9) the following subsection were inserted—

“(10) In this section and section 5 the area of the Greater Manchester Waste Disposal Authority is the metropolitan county of Greater Manchester excluding the metropolitan district of Wigan.”.

16. Section 4 (disposal of removed vehicles) shall have effect as if for subsection (8) the following subsection were substituted—

“(8) In this section ‘local authority’ means, in relation to England—

(a) in the area of a London waste disposal authority, that authority;

(b) in other areas of Greater London, the council of a London borough or the Common Council;

(c) in the metropolitan county of Greater Manchester (excluding the metropolitan district of Wigan), the Greater Manchester Waste Disposal Authority;

(d) in the metropolitan county of Merseyside, the Merseyside Waste Disposal Authority; and

(e) in other areas in England, the council of the county or metropolitan district.”.

17. Section 5 (recovery of expenses connected with removed vehicles) shall have effect as if—

(a) in subsection (4) for the definition of “appropriate authority” the following definition were substituted—

“‘appropriate authority’ means—

(a) in the case of a vehicle removed in pursuance of section 3(1) above by the council of a London borough whose area

is included in the area of a London waste disposal authority, that authority;

(b) in the case of a vehicle so removed by the council of a metropolitan district whose area is included in the area of the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority, the authority in question;

(c) in the case of a vehicle so removed by the council of a non-metropolitan district in England, the county council; and

(d) in the case of a vehicle so removed by any other local authority in England or by a local authority in Wales, that local authority; and"; and

(b) in subsection (5) after the words "subsection (1)(b) above" there were inserted the following paragraph—

"(a) a vehicle removed in pursuance of section 3(1) above by the council of a London borough whose area is included in the area of a London waste disposal authority, or by the council of a metropolitan district whose area is included in the area of the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority, shall be treated as in the control of the authority in question while it was in the custody of the council by whom it was so removed; and "

18. Section 11(1) (interpretation) shall have effect as if the following definition were inserted after the definition of "local authority"—

"'London waste disposal authority' means an authority established by Part II, III, IV or V of Schedule 1 to the Waste Regulation and Disposal (Authorities) Order 1985;".

Regulations

19. The Control of Pollution (Licensing of Waste Disposal) Regulations 1976(a) and the Control of Pollution (Special Waste) Regulations 1980(b) shall have effect as if—

(a) in relation to Greater London, references to a disposal authority were references to the London Waste Regulation Authority;

(b) in relation to the metropolitan county of Greater Manchester references to a disposal authority were references to the Greater Manchester Waste Disposal Authority; and

(c) in relation to the metropolitan county of Merseyside, references to a disposal authority were references to the Merseyside Waste Disposal Authority.

(a) S.I. 1976/732.
(b) S.I. 1980/1709.

Article 10

SCHEDULE 3

APPLICATION OF LOCAL AUTHORITY PROVISIONS

Local Government Act 1972

1. The following provisions of the Local Government Act 1972(a) shall have effect as if references to a joint authority included references to an authority established by this order—

- (a) section 70 (restriction on promotion of Bills for changing local government areas);
- (b) section 80(1)(a) and (2)(b) (disqualification for election and holding office);
- (c) section 85(4) (failure to attend meetings);
- (d) section 86(2) (declaration of vacancy);
- (e) section 92(7) (proceedings for disqualification);
- (f) section 98(1A) (pecuniary interests);
- (g) section 99 (meetings and proceedings);
- (h) section 100J(1)(b) (access to information)(b);
- (i) section 101(13) (discharge of functions);
- (j) section 146A(1) (miscellaneous powers of local authorities);
- (k) section 153(3) (application of capital money);
- (l) sections 176(3) and 177(1)(ac) (allowances to members);
- (m) section 223(2) (legal proceedings);
- (n) sections 224(2), 225(3), 228(7A), 229(8), 230(2), 231(4), 232(1A), 233(11) and 234(4) (documents and notices);
- (o) section 239(4A) (promoting and opposing local or personal Bills); and
- (p) paragraphs 6A and 46 of Schedule 12 (meetings and proceedings).

2. Sections 82, 84(2) and 90 of the Local Government Act 1972 (validity of acts done by unqualified persons, resignation and term of office of person filling casual vacancy)(a) shall have effect as if references to a person appointed to an office under Part IV of the Local Government Act 1985 included references to a person appointed to an office under this order.

3. In relation to an authority established by this order—

- (a) section 173A(3) of the Local Government Act 1972 (financial loss allowances)(c) shall have effect as if for the word “election” in both places where it occurs the following word were substituted “appointment”;
- (b) section 177 of that Act (attendance allowances) shall have effect as if—
 - (i) in subsection (2) for the words “paragraphs (b) to (f) of subsection

(a) Relevant amendments to these provisions were made by Part I of Schedule 14 to Local Government Act 1985.

(b) Inserted by section 1(1) of the Local Government (Access to Information) Act 1985 (c.43).

(c) Inserted by section 24(2) of the Local Government, Planning and Land Act 1980 (c.65), and amended by section 7 of the Miscellaneous Financial Provisions Act 1983 (c.29).

- (1) above” the following words were substituted “paragraphs (a) to (f) of subsection (1) above”;
- (ii) after that subsection the following subsection were inserted—
- “(2AA) References in section 173 and 173A above to a local authority and a councillor include references to an authority established by the Waste Regulation and Disposal (Authorities Order 1985 and a member of the authority appointed by one of its constituent councils, but in this subsection ‘member’ does not include a person deemed to be a member by virtue of subsection (3) below”; and
- (c) paragraph 6B of Schedule 12 to that Act(a) shall have effect as if after the words “in the case of a joint authority” the following words were inserted “, two members in the case of an authority established by the Waste Regulation and Disposal (Authorities) Order 1985”.

Other enactments

4. The following enactments(b) shall have effect as if references to a joint authority established by Part IV of the Local Government Act 1985 included references to an authority established by this order—

- (a) section 69(1) of the Landlord and Tenant Act 1954(c);
- (b) paragraph 1(aa) of the Schedule to the Public Bodies (Admission to Meetings) Act 1960(d);
- (c) section 11(4)(a) of the Trustee Investment Act 1961(e);
- (d) section 85(2) of the General Rate Act 1967(f);
- (e) section 28(5)(a) of the Leasehold Reform Act 1967(g);
- (f) section 86(1) of the Post Office Act 1969(h);
- (g) section 3(2) of the Employers’ Liability (Compulsory Insurance) Act 1969(i);
- (h) section 1(4) of the Local Authorities (Goods and Services) Act 1970(j)
- (i) section 144(2)(a) of the Road Traffic Act 1972(k);
- (j) section 13(7)(f) of the Employment Agencies Act 1973(l);
- (k) sections 25(1)(c) and 26(11)(b) of the Local Government Act 1974(m)

(a) Inserted by paragraph 35(2) of Schedule 14 to the Local Government Act 1985.

(b) Relevant amendments to the enactments listed were made by Part II of Schedule 14 to the Local Government Act 1985.

(c) 1954 c. 56.

(d) 1960 c. 67.

(e) 1961 c. 62.

(f) 1967 c. 9.

(g) 1967 c. 88.

(h) 1969 c. 48.

(i) 1969 c. 57.

(j) 1970 c. 39.

(k) 1972 c. 20.

(l) 1973 c. 35.

(m) 1974 c. 7.

- (l) section 28(6) of the Health and Safety at Work Act 1974(a);
- (m) section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976(b);
- (n) section 71 of the Race Relations Act 1976(c);
- (o) section 5(3)(bb) of the Rent (Agriculture) Act 1976(d)
- (p) section 14(cb) of the Rent Act 1977(e);
- (q) section 64(6) of the Justices of the Peace Act 1979(f);
- (r) section 19(1) of, paragraph 1(3)(ab) of Schedule 1 and paragraph 9(2)(a) of Schedule 1A to, the Housing Act 1980(g);
- (s) sections 2(1)(ka), 20(1), 71(1)(j) and 99(4)(db) of and paragraph 5B of Schedule 16 to the Local Government, Planning and Land Act 1980(h);
- (t) section 17(4)(a) of the Acquisition of Land Act 1981(i);
- (u) sections 33(9)(a) and (b) and 41(13)(e) of the Local Government (Miscellaneous Provisions) Act 1982(j);
- (v) paragraph 7(2)(a) of Schedule 1 to the Stock Transfer Act 1982(k);
- (w) section 60(3) of the County Courts Act 1984(l);
- (x) section 4(e) of the Housing Act 1985(m); and
- (y) section 38 of the Landlord and Tenant Act 1985(n).

5. Sections 5(3) and 75(4) of the London Government Act 1963(o) shall have effect as if after the words "the Inner London Education Authority" the following words were inserted", an authority established by Part I, II, III, IV or V of the Waste Regulation and Disposal (Authorities) Order 1985".

Kenneth Baker,
One of Her Majesty's
Principal Secretaries of State.

5th December 1985.

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- (a) 1974 c. 37.
 - (b) 1976 c. 57.
 - (c) 1976 c. 74.
 - (d) 1976 c. 80.
 - (e) 1977 c. 42.
 - (f) 1979 c. 55.
 - (g) 1980 c. 51, prospectively repealed with savings by Schedule 1, and paragraph 2 of Schedule 3, to the Housing (Consequential Provisions) Act 1985 (c.71).
 - (h) 1980 c. 65.
 - (i) 1981 c. 67.
 - (j) 1982 c. 30.
 - (k) 1982 c. 41.
 - (l) 1984 c. 28; relevant amendments were made by paragraph 40 of Schedule 14 to the Local Government Act 1985.
 - (m) 1985 c. 68.
 - (n) 1985 c. 70.
 - (o) 1963 c. 33; relevant amendments were made by paragraph 40 of Schedule 14 to the Local Government Act 1985.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The order sets up seven authorities to take over the waste regulatory functions and, in certain areas, the waste disposal functions of the Greater London Council, the Greater Manchester County Council and the Merseyside County Council on their abolition on 1st April 1986. The new authorities come into existence on 1st January 1986 so that they can prepare for the takeover on 1st April 1986.

The order establishes a waste regulation authority for the whole of London which will take over all functions relating to hazardous waste as well as site licensing. It also sets up four authorities with waste disposal functions in London. They cover the areas where the Secretary of State thinks that there could be advantage in having joint arrangements for the discharge of those functions but where no such arrangements had been concluded between the councils involved by 15th November 1985. The authorities set up for Merseyside and Greater Manchester have both waste regulation and waste disposal functions covering the whole county (except that in Wigan the district council will exercise waste disposal functions, there being no advantage in this case in having joint arrangements for these functions).

The order establishes the authorities (article 2), provides for the appointment and replacement of members (articles 3 and 4), adapts the functional legislation to ensure that the authorities have the necessary powers to discharge the functions (article 5) and deals with ancillary matters such as finance and administration (articles 6 to 12). There is also provision conferring power on the Secretary of State to call for schemes to wind up the authorities and to transfer their functions, property, staff, rights and liabilities to their constituent councils (article 13).

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