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STATUTORY INSTRUMENTS

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**1996 No. 532**

**The Local Government Reorganisation  
(Wales) (Property etc.) Order 1996**

**PART I  
GENERAL**

**Citation and commencement**

1. This Order may be cited as the Local Government Reorganisation (Wales) (Property etc.) Order 1996 and shall come into force on 1st April 1996.

**Interpretation and general provisions**

2.—(1) In this Order—

“the 1994 Act” means the Local Government (Wales) Act 1994;

“contract for banking services” means a contract for the provision of services for an old authority by an authorised institution; and “authorised institution” shall be construed in accordance with the Banking Act 1987(1);

“contract of insurance” shall be construed in accordance with section 95 of the Insurance Companies Act 1982(2);

“designated authority”, in relation to an old authority, means the council designated for the purposes of paragraph 12 of Schedule 17 to the 1994 Act(3);

“investment” does not include any land held as an investment;

“new authority” means a county or county borough council which is established as a result of the 1994 Act;

“old authority” means a county or district council which ceases to exist as a result of the 1994 Act;

“records” includes material in whatever form or medium which conveys or is capable of conveying information;

“successor authority” has the meaning given by section 53(2) of the 1994 Act; and

“the Residuary Body” means the Residuary Body for Wales or Corff Gweddilliol Cymru.

(2) The word “land” shall be construed in accordance with Schedule 1 to the Interpretation Act 1978(4), save that any reference to the vesting of land by virtue of this Order shall be construed as including the vesting of any contractual licence for the use of land.

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(1) 1987 c. 22.

(2) 1982 c. 50.

(3) A council has been designated in relation to each old authority; see the Local Authorities (Closure of Accounts) (Wales) Order 1995 (S.I.1995/1043).

(4) 1978 c. 30.

(3) Any provision in this Order vesting property shall be construed, unless the context otherwise requires, as including a reference to the vesting of rights and liabilities of an old authority in respect of any agreement for the hire or use by, or deposit with, such an authority of any such property.

(4) The vesting of any property, rights or liabilities in the Residuary Body by virtue of this Order shall be without prejudice to paragraph 11 of Schedule 13 to the 1994 Act.

(5) Any reference in this Order to any rights or liabilities of an old authority or other body includes a reference to rights or liabilities acquired or incurred by any predecessor in title of such an authority or body.

(6) The provisions of this Order are subject to any other provision made—

- (a) by the 1994 Act (except section 53 of that Act), or
- (b) under the 1994 Act,

which effects the transfer of property, rights, liabilities or functions of an old authority and which comes into force on or before 1st April 1996.

(7) Where property, rights, liabilities or duties of an old authority or other body are vested, by virtue of this Order, in a new authority or other body, anything done by or in relation to the old authority or body in connection with such property, rights, liabilities or duties shall be treated as if it had been done by or in relation to the new authority or body, as the case may be.

## Application

3.—(1) Nothing in this Order shall apply to—

- (a) property held exclusively for charitable purposes by an old authority as sole trustee or any rights or liabilities in respect of such property (being matters for which provision is made by or under section 49 of the 1994 Act)(5);
- (b) property vested in a new authority by virtue of sections 263 and 264 of the Highways Act 1980(6);
- (c) property vested in an old authority which is required to be applied in accordance with a scheme under section 19 of the Welsh Church Act 1914(7) (being property subject to vesting in a new authority in accordance with section 50 of the 1994 Act) or any rights or liabilities in respect of such property(8);
- (d) property, rights or liabilities of an old authority for the transfer of which provision is made by virtue of a scheme made under section 3 of the Environment Act 1995(9) and approved by the Secretary of State;
- (e) a pension fund maintained by an old authority or any rights or liabilities of such an authority in respect of such a fund, for the transfer of which provision is made in the Local Government Pension Scheme (Local Government Reorganisation in Wales) Regulations 1995(10);
- (f) rights or liabilities of an old authority in respect of which provision is made in Part III of the Local Government (Compensation for Redundancy) Regulations 1994(11);

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(5) Section 49 of the 1994 Act is supplemented and modified by the Local Government Reorganisation (Wales) (Charities) Order 1996 (S.I. 1996/183).

(6) 1980 c. 66.

(7) 1914 c. 91.

(8) Provision is made for the vesting of Welsh Church Act property and related rights and liabilities in the new authorities specified in the Welsh Church Act Funds (Designation and Specification) Order 1996 (S.I. 1996/344).

(9) 1995 c. 25. The schemes to which reference is made relate to the transfer of property, rights and liabilities from waste regulation authorities to the Environment Agency.

(10) S.I. 1995/1985.

(11) S.I. 1994/3025 as amended by S.I. 1996/456.

- (g) property, rights or liabilities of an old authority in respect of which provision is made for transfer on 1st April 1996 to the North Wales Fire Authority, the Mid and West Wales Fire Authority or the South Wales Fire Authority<sup>(12)</sup>;
  - (h) rights or liabilities of an old authority for the transfer of which provision is made in the Local Government (Registration Service in Wales) Order 1995<sup>(13)</sup>.
- (2) In this article “charitable purposes” has the same meaning as in the Charities Act 1993<sup>(14)</sup>.

## PART II

### VESTING OF PROPERTY ETC. IN ONE SUCCESSOR AUTHORITY

#### Transfers to one successor authority

4. Where, in relation to an old authority, there is only one successor authority, all the property, rights and liabilities of the old authority shall, subject to articles 16, 17 and 19 to 22, vest in that successor authority.

## PART III

### VESTING OF PROPERTY ETC. WHERE THERE IS MORE THAN ONE SUCCESSOR AUTHORITY

#### Authorities to which this Part applies

5. This Part applies to an old authority in relation to which there is more than one successor authority.

#### Transfers of land

6. Land vested in an old authority shall, subject to articles 16 and 17, vest in the new authority in whose area the land is situated.

#### Transfers of property other than land

7.—(1) Where, by virtue of article 6, land vests in a new authority, any property in or on that land, being property held by the old authority in whom the land was vested shall, subject to articles 11, 16, 17, 20 and 21, vest in the new authority in whom that land is vested.

(2) The expression “property in or on that land” shall include—

- (a) vehicles and moveable property which are normally kept in or on such land when not in use, and
- (b) records.

(3) Where, by virtue of section 263 of the Highways Act 1980, a highway vests in a new authority, any street furniture or equipment, including any signs or lighting systems of an old authority located in or near that highway, not being property transferred by virtue of paragraph (1), shall vest in the new authority.

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<sup>(12)</sup> Such provision is contained in the combination schemes set out in the Schedule to S.I. 1995/3218, 3229 and 3230 respectively.

<sup>(13)</sup> S.I. 1995/3106.

<sup>(14)</sup> 1993 c. 10.

### **Transfer of rights and liabilities**

8. Any rights or liabilities in respect of land or property transferred by articles 6 or 7 shall, subject to articles 9 to 13 and 22, vest in the body in which the land or, as the case may be, the property is vested.

### **Miscellaneous rights and liabilities**

9. Any rights or liabilities of an old authority under a contract of insurance or a contract for banking services entered into by that authority shall vest in the designated authority.

### **Secretary of State payments**

10.—(1) Any rights, liabilities or duties of an old authority in respect of payments to or from the Secretary of State under any of the provisions specified in Part I of Schedule 1 shall vest in the designated authority.

(2) Any rights, liabilities or duties of an old authority in respect of payments to or from the Secretary of State in relation to grants out of the funds specified in Part II of Schedule 1 shall vest in the designated authority.

### **Transfers of residual property etc.**

11.—(1) This paragraph applies to—

- (a) property of an old authority consisting of cash or investments;
- (b) rights or liabilities of an old authority in respect of such property;
- (c) rights or liabilities of an old authority in respect of money borrowed by that authority; and
- (d) any other property, rights or liabilities of an old authority which are not vested by virtue of any other provision of this Part.

(2) All the property, rights or liabilities to which paragraph (1) applies, shall, subject to articles 12, 13, 16, 17 and 19 to 22, vest in the designated authority.

### **Loan debt**

12.—(1) Any liability of an old authority specified in column 1 of Schedule 2 in respect of the payment of interest and the repayment of principal outstanding immediately before 1st April 1996 pursuant to a loan agreement between that authority and the Public Works Loan Commissioners shall, subject to paragraph (2), fall to be discharged by the new authorities specified in relation to that authority in column 2 of that Schedule in the manner described in paragraphs (3) to (6).

(2) Paragraph (1) shall not apply to any instalment of principal or interest which was due for payment by an old authority on or before 31st March 1996 but remained unpaid immediately before 1st April 1996.

(3) Each new authority shall be liable for the repayment of the appropriate percentage of principal outstanding in relation to such a loan agreement.

(4) Each new authority shall discharge that part of the liability apportioned to it at the time and in the manner applicable to the loan agreement in question.

(5) Each new authority shall pay to the Public Works Loan Commissioners interest on that part of the liability apportioned to it at the rate and time and in the manner applicable to the loan agreement in question.

(6) In this article “the appropriate percentage” means the percentage specified in column 3 of Schedule 2 in relation to the new authority in question.

### **Cleddau Bridge debt**

**13.** Any liabilities of Dyfed County Council in respect of sums payable to the Secretary of State for Wales by way of repayment of a loan of four million pounds made to that council on 21st December 1979 in relation to the Cleddau Bridge, shall vest in Pembrokeshire County Council.

### **Rights and liabilities related to employment**

**14.** Any rights or liabilities of an old authority under or in connection with a contract of employment between the authority and a person who was an employee of that authority at any time before 1st April 1996 and who is not designated by an order made under section 42(1) of the 1994 Act shall, subject to articles 15, 16 and 19, vest in the designated authority.

### **Liabilities to pay compensation**

**15.—**(1) Any rights, liabilities or duties of an old authority under the relevant provisions shall vest in the relevant administering authority.

(2) In this article—

“the relevant provisions” means—

- (a) the Local Government (Compensation for Premature Retirement) Regulations 1982<sup>(15)</sup>;
- (b) Part III of the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1989<sup>(16)</sup>; and
- (c) paragraph 2 of Schedule 1 to the Coroners Act 1988<sup>(17)</sup>.

“the relevant administering authority” means—

- (a) in relation to Gwent County Council and Blaenau Gwent Borough Council, Torfaen County Borough Council;
- (b) in relation to Ogwr Borough Council, Rhondda, Cynon, Taff County Borough Council;
- (c) in relation to Colwyn Borough Council and Glyndŵr District Council, Flintshire County Council; and
- (d) in relation to any other old authority, the designated authority.

## **PART IV**

### **VESTING OF MISCELLANEOUS PROPERTY, RIGHTS AND LIABILITIES**

#### **Specific transfers**

**16.—**(1) Any property described in column 2 of Part I of Schedule 3 of an old authority named in column 1 shall vest in the body specified in that respect in column 3.

(2) Any property, rights or liabilities described in column 2 of Part II of Schedule 3 of an old authority or body named in column 1 shall vest in the new authority specified in that respect in column 3.

(3) Where, by virtue of paragraph (1), land vests in a body (“the transferee body”), any property in or on that land, being property vested in the old authority in whom the land was vested, shall, subject to articles 17, 20 and 21, vest in the transferee body.

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<sup>(15)</sup> S.I. 1982/1009 as amended by S.I. 1984/740, 1986/151, 1988/466, 1989/372, 1989/1139, 1990/2380, 1992/2432, 1993/2890, 1994/3025 and 1995/817.

<sup>(16)</sup> S.I. 1989/298 as amended by S.I. 1989/1139 and 1994/1059.

<sup>(17)</sup> 1988 c. 13.

(4) For the purposes of paragraph (3) the expression “property in or on that land” shall be construed in accordance with article 7(2) save that it shall not include property consisting of cash or investments and the expression “the transferee body” shall not include the Residuary Body.

(5) Any rights or liabilities in respect of land or property transferred by paragraphs (1), (2) or (3) save for rights or liabilities in respect of money borrowed by an old authority shall, subject to articles 9, 10 and 22, vest in the body in which the land or, as the case may be, the property is vested.

### **Property etc. relating to National Parks**

**17.**—(1) Any property of an old authority which is used wholly in, and any rights or liabilities of an old authority arising out of, the discharge of functions by the authority in relation to a National Park through a National Park Committee, shall, subject to articles 14 and 15, vest in the National Park authority by which those functions become exercisable by virtue of the National Park Authorities (Wales) Order 1995(**18**).

(2) Paragraph (1) shall not apply to—

- (a) land vested by virtue of article 16,
- (b) property consisting of cash or investments, or
- (c) rights or liabilities in respect of money borrowed by an old authority.

### **Land vested in different bodies**

**18.**—(1) This paragraph applies to any land parts of which are, by virtue of this Order, vested in different bodies.

(2) Where any easement or other right over one part (“the servient part”) of any land to which paragraph (1) applies is required to enable another such part (“the dominant part”) to be used, or to enable the full benefit of that part to be enjoyed, the body in which the dominant part is vested may serve notice (“the initial notice”) on the body in which the servient part is vested specifying the easement or other right required and demanding that it be granted on the terms specified in the notice (“the specified terms”).

(3) The body on which the initial notice is served shall grant the required easement or other right on the specified terms unless within 3 months of receiving the initial notice it serves a counter-notice stating that it does not agree that the easement or other right is so required or that it does not accept the specified terms.

(4) Any question as to whether an easement or other right is so required or as to the specified terms shall be determined by a person agreed on by the parties concerned or, in default of agreement, appointed by the Secretary of State.

(5) Section 31 of the Arbitration Act 1950(**19**) shall have effect for the purposes of a determination under paragraph (4) as if such a determination were an arbitration under any other Act within the meaning of that section.

### **Coroners**

**19.** All rights and liabilities of an old authority in its capacity as a relevant council for the purposes of the Coroners Act 1988(**20**) for coroners in a coroner’s district specified in column 1 of Schedule 4 to this Order, shall, subject to article 15, vest in the new authority specified in column 2 in relation to that district.

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(18) S.I. 1995/2803.

(19) 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).

(20) 1988 c. 13.

## Archives

**20.**—(1) Subject to paragraph (2), all records of an old authority which is a county council shall vest in, or, as the case may be, transfer to the custody of, the successor authorities in relation to that council.

(2) The records of Powys County Council and Swansea City Council, which exist immediately before 1st April 1996, shall vest in, or, as the case may be, transfer to the custody of, the councils of Powys and Swansea established under the 1994 Act respectively.

(3) Rights and liabilities of an old authority in respect of records shall vest in the authorities in which such records are vested, or, as the case may be, to which custody of such records is transferred by virtue of paragraph (1) or (2).

(4) In this article, “records” has the same meaning as in section 60 of the 1994 Act.

## Records

**21.**—(1) Where by virtue of this Order land or property vests in a body, any records which relate exclusively to that land or property shall vest in the body.

(2) Where—

- (a) by virtue of this Order records are vested in a body, and
- (b) the property, rights, liabilities or functions to which they relate are vested in or are exercisable by another body on or after 1st April 1996,

that other body shall be entitled during ordinary office hours, through any person authorised in that behalf, to inspect those records and to take, or be supplied with, copies.

(3) The rights conferred by paragraph (2) above include the right to require any record which is not in legible form to be made available in legible form for the purposes of inspection or copying or being supplied with copies.

## Contractual rights and liabilities

**22.**—(1) This paragraph applies to any rights or liabilities of an old authority in relation to a contract for the provision of services for, or the delivery of goods to, that authority.

(2) Any rights or liabilities to which paragraph (1) applies shall vest—

- (a) where the contract relates exclusively to land or other property vested, by virtue of this Order, in one new authority, in that authority;
- (b) where the contract relates exclusively to the area of one new authority, in that authority;
- (c) where the contract relates to land or other property which is vested, by virtue of this Order, in two or more new authorities, in those authorities jointly and severally;
- (d) where the contract relates to the area of two or more new authorities, in those authorities jointly and severally.

(3) For the purposes of paragraph (2)(a) and (c) the expressions “new authority” and “new authorities” shall include bodies in which property is vested by virtue of article 16 and Schedule 3 or, as the case may be, article 17.

(4) In this article “contract” includes any enforceable undertaking but does not include a contract of insurance or a contract for banking services.

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

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Signed by authority of the Secretary of State for Wales

8th March 1996

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office