



# Local Government Act 1985

## 1985 CHAPTER 51

An Act to abolish the Greater London Council and the metropolitan county councils; to transfer their functions to the local authorities in their areas and, in some cases, to other bodies; and to provide for other matters consequential on, or connected with, the abolition of those councils. [16th July 1985]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Certain rights and liabilities arising by virtue of the Act transferred by [S.I. 1986/148, art. 9\(1\)\(2\)](#)
- C2 Act amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), [ss. 58\(5\), 140\(2\)](#)
- C3 Act explained by [Housing \(Consequential Provisions\) Act 1985 \(c.71, SIF 61\)](#) s. 5(1), Sch. 3 para. 5(2)

## PART I

### ABOLITION OF GREATER LONDON COUNCIL AND METROPOLITAN COUNTY COUNCILS

#### 1 Abolition of GLC and metropolitan county councils.

- (1) On the date on which this subsection comes into force—
  - (a) the Greater London Council; and
  - (b) the metropolitan county councils,shall cease to exist.
- (2) The date on which subsection (1) above comes into force is in this Act referred to as the “abolition date” and shall be 1st April 1986.

*Status: Point in time view as at 28/03/1991.*

*Changes to legislation: Local Government Act 1985 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**PART II**

**TRANSFER OF FUNCTIONS TO LONDON BOROUGH COUNCILS,  
METROPOLITAN DISTRICT COUNCILS AND OTHER EXISTING AUTHORITIES**

*Preliminary*

**2 Commencement of Part II.**

Except so far as otherwise provided the following provisions of this Part of this Act shall have effect from the abolition date.

*Town and country planning etc.*

**3 Local planning authorities.**

- (1) ..... F1
- (2) ..... F2
- (3) ..... F3

(5) [<sup>F4</sup>In paragraph 55(1) of Schedule 16 to the Local Government Act 1972] after the words “Elsewhere than in Greater London” there shall be inserted the words “, a metropolitan county”.

**Textual Amendments**

**F1** S. 3(1) repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

**F2** S. 3(2) repealed by Housing and Planning Act 1986 (c.63, SIF 81:1), ss. 24(3), 39(4), 49(2), 53(2), **Sch. 12 Pt. III**

**F3** S. 3(3)(4) repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

**F4** Words substituted by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 4, **Sch. 2 para. 69(1)**

- 4, 5. .... F5

**Textual Amendments**

**F5** Ss. 4, 5 repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

**6 Listed buildings, conservation areas and ancient monuments.**

Schedule 2 to this Act shall have effect for amending the law relating to listed buildings, conservation areas, ancient monuments and certain related subjects, the principal purpose of the amendments being—

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- (a) to transfer functions relating to those matters from the Greater London Council to the Historic Buildings and Monuments Commission for England; and
- (b) to make, in the enactments relating to those functions, amendments consequential on section 3(1) above.

**7 National Parks and countryside functions.**

- (1) Schedule 3 to this Act shall have effect for transferring functions relating to National Parks and the countryside from—
  - (a) the Greater London Council to London borough councils and the Common Council; and
  - (b) from metropolitan county councils to metropolitan district councils.
- (2) The Secretary of State shall before the abolition date lay before Parliament a report on the steps he will take to secure the full adoption by the councils to which functions are transferred by this section in Greater London or a metropolitan county of those facilities, services and responsibilities for the protection and enjoyment of the countryside and areas for urban nature conservation which serve the continuing needs of Greater London or that county and neighbouring populations.

*Highways and road traffic*

**8 Highways and road traffic functions.**

- (1) Schedule 4 to this Act shall have effect for amending the law relating to highways, streets and bridges, and Part I of Schedule 5 to this Act for amending certain enactments relating to road traffic, the principal purpose of the amendments being to transfer functions relating to those matters—
  - (a) from the Greater London Council to London borough councils and the Common Council; and
  - (b) from metropolitan county councils to metropolitan district councils.
- (2) The supplementary provisions in Part II of Schedule 5 to this Act shall have effect in relation to the regulation of road traffic in Greater London and the metropolitan counties.
- (3) ..... F6

**Textual Amendments**

**F6** S. 8(3) repealed by [Local Government Finance Act 1988 \(c.41, SIF 81:1\)](#), s. 149, [Sch. 13 Pt. II](#)

*Waste regulation and disposal*

**9 Waste regulation and disposal functions.**

Schedule 6 to this Act shall have effect for transferring functions relating to waste regulation and disposal—

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- (a) from the Greater London Council to London borough councils and the Common Council; and
- (b) from metropolitan county councils to metropolitan district councils.

## 10 Joint arrangements for waste disposal functions.

- (1) If it appears to the Secretary of State in the case of Greater London or of any metropolitan county—
- (a) that all or any of the councils by which functions to which this section applies will be exercisable in that area from the abolition date could with advantage make joint arrangements for the discharge of all or any of those functions from that date but have not made any or any satisfactory arrangements for that purpose before 15th November 1985; or
  - (b) that satisfactory arrangements for that purpose have ceased or will cease to be in operation at any time after the abolition date,
- he shall by order establish for the whole or any part of that area a single authority to discharge from that date or, as the case may be, from any subsequent time all those functions or such of them as are specified in the order.
- (2) For the purposes of subsection (1) above the Secretary of State shall have particular regard to the need for satisfactory arrangements in respect of hazardous waste.
- (3) No person shall be a member of an authority established by an order under subsection (1) above unless he is a member of one of the councils for whose areas the authority is established; and any such order may make provision for enabling the Secretary of State to require the authority established by the order to submit to him a scheme for the winding up of the authority and the transfer to those councils of its functions, property, staff, rights and liabilities.
- (4) This section applies to any functions conferred by section 74 or 76 of the <sup>M1</sup>Public Health Act 1936, [<sup>F7</sup>Part I of the <sup>M2</sup>Control of Pollution Act 1974][<sup>F7</sup>Part II of the Environmental Protection Act 1990], the <sup>M3</sup>Refuse Disposal (Amenity) Act 1978 or section 5 or 6 of the <sup>M4</sup>Litter Act 1983.
- (5) The Secretary of State may by order dissolve any authority established under this section or provide for excluding any functions, or any functions in any area, from those for which the authority was established.
- (6) An order under this section may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions for the transfer of property, staff, rights and liabilities and provisions amending any enactment or any instrument made under any enactment.
- (7) An order may be made by virtue of subsection (1)(a) above at any time before the abolition date.

### Textual Amendments

- F7** Words appearing second substituted (*prosp.*) for words appearing first by [Environmental Protection Act 1990 \(c.43, SIF 46:4\)](#), ss. 162(1), 164(3), **Sch. 15 para. 26**

### Marginal Citations

- M1** [1936 c. 49.](#)

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| <b>M2</b> | 1974 c. 40. |
| <b>M3</b> | 1978 c. 3.  |
| <b>M4</b> | 1983 c. 35. |

### *Land drainage and flood prevention*

## **11 Land drainage and flood prevention functions.**

- (1) Schedule 7 to this Act shall have effect—
- (a) for transferring functions under the <sup>M5</sup>Land Drainage Act 1976 from metropolitan county councils to metropolitan district councils or, as respects one of those functions, to the water authorities for the areas concerned; and
  - (b) for making in that Act amendments which are consequential on the abolition of the Greater London Council.
- (2) The Secretary of State may by an order made before and taking effect on the abolition date make provision for the exercise on and after that date of the functions which by virtue of Schedule 5 to that Act are exercisable by the Greater London Council in the London excluded area and for that purpose may make such consequential amendments in that Act and the <sup>M6</sup>Water Act 1973 as appear to him to be required.
- (3) In section 2(1) of the <sup>M7</sup>Reservoirs Act 1975 (local authorities for the purposes of that Act) for the words “the Greater London Council and county councils” there shall be substituted the words “the councils of counties, metropolitan districts and London boroughs”.

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#### **Marginal Citations**

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| <b>M5</b> | 1976 c. 70. |
| <b>M6</b> | 1973 c. 37. |
| <b>M7</b> | 1975 c. 23. |

### *Administration of justice*

## **12 Petty sessions areas, magistrates’ courts committees etc.**

- (1) The <sup>M8</sup>Justices of the Peace Act 1979 shall have effect with the following amendments the principal effect of which is—
- (a) to replace, for the purposes of the provisions of that Act relating to petty sessions areas, petty sessional divisions and magistrates’ courts committees, the commission areas known as outer London areas by the London boroughs of which they are composed; and
  - (b) to transfer, in respect of those commission areas, the functions of the Greater London Council to the councils of those boroughs.
- (2) In section 4(2) (petty sessions areas) for paragraphs (b) to (d) there shall be substituted—
- “(b) the inner London area if it is not divided into petty sessional divisions;
  - (c) any petty sessional division of the inner London area;

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- (d) any outer London borough which is not divided into petty sessional divisions;
  - (e) any petty sessional division of an outer London borough; and
  - (f) the City of London.”.
- (3) In section 12(5)(c) (allowances) for the words “the Greater London Council” there shall be substituted the words “the council of the outer London borough which is or includes the petty sessions area for which the justice acts”.
- (4) In section 19 (magistrates’ courts committees)—
- (a) in subsection (1) for the word “areas” there shall be substituted the word “boroughs”; and
  - (b) in subsection (2)(c) for the words “each of the outer London areas” there shall be substituted the words “every outer London borough”.
- (5) In section 20 (constitution of committees)—
- (a) in subsection (1)—
    - (i) in paragraph (c) for the words from “areas” to “area” there shall be substituted the words “boroughs or for the City of London, be composed of magistrates for the commission area comprising that borough”; and
    - (ii) in paragraph (d) for the words “each London commission area” there shall be substituted the words “the commission area comprising each London borough”; and
  - (b) in subsection (3), before the words “that area”, there shall be inserted the words “any borough in”.
- (6) In section 22(2)(c) (clerks to committees) for the word “areas” there shall be substituted the word “boroughs” and for the words “for that area” there shall be substituted the words “acting for that borough”.
- (7) In section 23 (petty sessional divisions), in subsection (1) for the words “areas” and “area” there shall be substituted respectively the words “boroughs” and “borough”, in subsection (2) for the word “area” there shall be substituted the word “borough”, and in subsection (4) for the word “areas” in both places where it occurs there shall be substituted the word “boroughs”.
- (8) In section 24 (procedure under section 23)—
- (a) in subsection (1)—
    - (i) in paragraph (a) for the words “or metropolitan district” there shall be substituted the words “, metropolitan district or outer London borough”; and
    - (ii) in paragraph (b) after the word “order” there shall be inserted the words “concerning a non-metropolitan county”;
  - (b) in subsection (2) for the words after “non-metropolitan county” there shall be substituted the words “, metropolitan district or outer London borough concerned, to the magistrates for any existing petty sessional division in the area and, if a non-metropolitan county is concerned, to every interested authority”;
  - (c) in subsection (5) for the words “county or London commission area” there shall be substituted the words “non-metropolitan county, metropolitan district or outer London borough”; and

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- (d) in subsection (6)(a) for the words after “draft order” there shall be substituted the words “concerning a non-metropolitan county, means the council of any district in the county which is wholly or partly included in the area to which the order or draft order relates; and”.
- (9) In section 57(1) (duties of local authorities) for the words after “outer London” there shall be substituted the words “boroughs as if each such borough were a metropolitan district”.
- (10) In section 59(6) (grants to local authorities) for the words “or metropolitan district, the Greater London Council” there shall be substituted the words “, metropolitan district or outer London borough”.
- (11) For the definition of “petty sessions area” in section 88(1) of the <sup>M9</sup>Domestic Proceedings and Magistrates’ Courts Act 1978 and section 150(1) of the <sup>M10</sup>Magistrates’ Courts Act 1980 there shall be substituted “‘petty sessions area’ has the same meaning as in the <sup>M11</sup>Justices of the Peace Act 1979;”.

**Marginal Citations**

- M8 1979 c. 55.
- M9 1978 c. 22.
- M10 1980 c. 43.
- M11 1979 c. 55.

13 ..... F8

**Textual Amendments**

- F8 S. 13 repealed by Coroners Act 1988 (c.13, SIF 33), ss. 33, 36(2), Sch. 4

**14 Local valuation panels.**

- (1) In subsection (1)(b) of section 91 of the <sup>M12</sup>General Rate Act 1967 (schemes for local valuation panels) for the words “and the Greater London Council” there shall be substituted the words “, metropolitan district or London borough and the Common Council of the City of London”.
- (2) The Secretary of State may at any time before the abolition date direct the council of a metropolitan district or London borough or the Common Council or any two or more such councils, to make a new scheme under subsection (1)(a) of that section providing for a local valuation panel or local valuation panels for the whole of their area or areas.
- (3) Any scheme made pursuant to a direction under subsection (2) above shall be submitted to the Secretary of State under subsection (3) of the said section 91 before such date as he may direct and, if approved by him under subsection (5) of that section, shall come into force on the abolition date.
- (4) In subsection (4) of the said section 91 for the words “each of the rating authorities” there shall be substituted the words “each other authority which is a rating authority” and after subsection (6) of that section there shall be inserted—

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“(7) For the purposes of any scheme under this section the area of the Common Council of the City of London shall be deemed to include the Inner Temple and the Middle Temple.”

**Marginal Citations**

**M12** 1967 c. 9.

**15 The probation service.**

- (1) Paragraphs 15(3) and 17(3) of Schedule 3 to the <sup>M13</sup>Powers of Criminal Courts Act 1973 (apportionment between local authorities of expenses in respect of the probation service) shall not apply to a probation area which is situated in the areas of two or more local authorities all of which are councils of metropolitan districts or outer London boroughs or any of which is the council of such a district or borough; but in the case of any such area—
- (a) the sums to be defrayed under paragraph 15(1); and
  - (b) the expenditure referred to in paragraph 17(3),
- shall be apportioned between those authorities in proportion to the populations of their respective areas; and in paragraph 17(1) the reference to paragraph 15(3) shall include a reference to this subsection.
- (2) For the purposes of subsection (1) above 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 such date as the Secretary of State may from time to time direct.
- (3) The probation committee for any such area as is mentioned in subsection (1) above shall co-opt one member from among the members of each local authority which is liable to contribute to the expenses of the committee (or such greater number of members as may be specified for any such local authority by an order made by the Secretary of State); and the member or members to be co-opted shall be chosen by the committee after consultation with those authorities in such manner as the Secretary of State may by order prescribe.
- (4) A probation committee shall not under subsection (3) above co-opt any person who is an employee of that committee; and the number of members of a probation committee co-opted or appointed to the committee under [<sup>F9</sup>paragraph 6] of Schedule 3 to the said Act of 1973, shall not exceed one-third of the number of members of the committee.
- (5) The first persons to become members of a probation committee by virtue of subsection (3) above shall be co-opted by that committee so as to take office on such day before the abolition date as the Secretary of State may by order appoint; and any person who immediately before that day is a member of the committee by virtue of the said paragraph 6 . . . <sup>F10</sup> shall cease to be a member on that day but, subject to subsection (4) above, without prejudice to his being again co-opted or appointed to that committee.
- (6) The provision made by rules under paragraph 18 of Schedule 3 to the said Act of 1973 in relation to the probation areas to which subsection (1) above applies may be different from those made in relation to other areas.



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**Textual Amendments**

- F9** Words substituted by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), s. 170(1), **Sch. 15 para. 105**  
**F10** Words repealed by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), s. 170(2), **Sch. 16**

**Marginal Citations**

- M13** [1973 c. 62.](#)

*Miscellaneous*

**16 Miscellaneous functions.**

Schedule 8 to this Act shall have effect for transferring functions under the enactments there mentioned—

- (a) from the Greater London Council to London borough councils and the Common Council; and
- (b) from metropolitan county councils to metropolitan district councils.

**17 Functions under local statutory provisions.**

(1) Subject to the foregoing provisions of this Part of this Act and to any other provision made by or under this Act or any other enactment—

- (a) any functions conferred by a local statutory provision which immediately before the abolition date are exercisable by the Greater London Council in or for the benefit of the whole of Greater London shall on and after that date be exercisable in or for the benefit of each London borough or the City by the council of that borough or the Common Council, as the case may be; and
- (b) any functions conferred by a local statutory provision which immediately before that date are exercisable by the council of a metropolitan county in or for the benefit of the whole of that county shall on and after that date be exercisable in or for the benefit of each district in the county by the council of that district.

(2) In this section “local statutory provision” means a provision of a local Act (including an Act confirming a provisional order) or a provision of an instrument made under any such local Act or of an instrument in the nature of a local enactment made under any other Act.

**PART III**

**18—** ..... **F11**  
**22.**

**Textual Amendments**

- F11** Ss. 18–22 repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pts. I, II**

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## PART IV

### POLICE, FIRE SERVICES, CIVIL DEFENCE AND TRANSPORT

**Modifications etc. (not altering text)**

**C4** Pt. IV (ss. 23–42) extended by S.I. 1987/2110, art. 2(2), Sch. 1 para. 8

#### *Establishment of joint authorities*

### 23 Preliminary.

In this Part of this Act “the appointed day”, in relation to the establishment of the authorities mentioned in the following provisions (in this Act referred to as “joint authorities”), means such day before the abolition date as the Secretary of State may by order appoint, and different days may be appointed for different authorities.

**Modifications etc. (not altering text)**

**C5** S. 23: 15.9.1985 appointed for the establishment of the authorities mentioned in ss. 24, 25, 26, 27, 28 by S.I. 1985/1283, art. 3

### 24 Metropolitan county police authorities.

- (1) On the appointed day there shall be established for each metropolitan county which is a police area a body corporate to be known by the name of the county with the addition of the words “Police Authority”.
- (2) The police authorities established by this section shall be known as metropolitan county police authorities.
- (3) Each metropolitan county police authority shall consist of—
  - (a) members of the constituent councils appointed by them to be members of the authority; and
  - (b) magistrates for the county appointed by a joint committee of those magistrates (“the joint magistrates’ committee”).
- (4) The constituent councils in relation to a metropolitan county police authority shall be the councils of the metropolitan districts comprised in the county.
- (5) The joint magistrates’ committee for a county shall consist of such number of representatives from each of the magistrates’ courts committees for the districts in the county as those committees may agree or, in default of agreement, as may be determined by the Secretary of State.
- (6) Appointments by a joint magistrates’ committee under subsection (3)(b) above shall be made in accordance with a scheme made by the committee and approved by the Secretary of State; and, subject to sections 30 and 32 below, the persons to be appointed by the committee shall be appointed at such times, in such manner and for such terms as may be prescribed by rules made by the Secretary of State.

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## **25 Northumbria Police Authority.**

- (1) On the appointed day there shall be established for the police area constituted by the <sup>M14</sup>Northumbria Police (Amalgamation) Order 1973 (which consists of the metropolitan county of Tyne and Wear and the county of Northumberland) a body corporate which as from the abolition date shall be known as the Northumbria Police Authority and before that date as the Northumbria Interim Police Authority.
- (2) The authority shall consist of—
  - (a) members of the constituent councils appointed by them to be members of the authority;
  - (b) magistrates for the county of Tyne and Wear appointed by a joint committee of those magistrates (“the joint magistrates’ committee”); and
  - (c) magistrates for the county of Northumberland appointed by the magistrates’ courts committee for that county.
- (3) The constituent councils in relation to that authority shall be the councils of the metropolitan districts comprised in the county of Tyne and Wear and the Northumberland County Council.
- (4) The joint magistrates’ committee for the county of Tyne and Wear shall consist of such number of representatives from each of the magistrates’ courts committees for the districts in that county as those committees may agree or, in default of agreement, as may be determined by the Secretary of State.
- (5) Appointments by the joint magistrates’ committee and the magistrates’ courts committee under subsection (2)(b) and (c) above shall be made in accordance with schemes made by those committees respectively and approved by the Secretary of State; and, subject to sections 30 and 32 below, the persons to be appointed by those committees shall be appointed at such times, in such manner and for such terms as may be prescribed by rules made by the Secretary of State.
- (6) The Order mentioned in subsection (1) above shall cease to have effect on the abolition date and the Authority established by it shall then cease to exist and all its property, rights and liabilities (including rights and liabilities in respect of contracts of employment) shall on that date vest in the Authority established by this section.

### **Marginal Citations**

M14 [S.I. 1973/2049](#).

## **26 Metropolitan county fire and civil defence authorities.**

- (1) On the appointed day there shall be established for each metropolitan county a body corporate to be known by the name of that county with the addition of the words “Fire and Civil Defence Authority”.
- (2) The authorities established by this section shall be known as metropolitan county fire and civil defence authorities.
- (3) Each metropolitan county fire and civil defence authority shall consist of members of the constituent councils appointed by them to be members of the authority.

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- (4) The constituent councils in relation to a metropolitan county fire and civil defence authority shall be the councils of the metropolitan districts comprised in the county.

**27 London Fire and Civil Defence Authority.**

- (1) On the appointed day there shall be established for Greater London a body corporate to be known as the London Fire and Civil Defence Authority.
- (2) The Authority shall consist of members of the constituent councils appointed by them to be members of the Authority.
- (3) The constituent councils in relation to the Authority shall be the London borough councils and the Common Council.

**28 Metropolitan county passenger transport authorities.**

- (1) On the appointed day there shall be established for each metropolitan county a body corporate to be known by the name of that county with the addition of the words “Passenger Transport Authority”.
- (2) The passenger transport authorities established by this section shall be known as metropolitan county passenger transport authorities.
- (3) Each metropolitan county passenger transport authority shall consist of members of the constituent councils appointed by them to be members of the authority.
- (4) The constituent councils in relation to a metropolitan county passenger transport authority shall be the councils of the metropolitan districts comprised in the county.

*Members of joint authorities*

**29 Number of members.**

- (1) The number of members to be appointed to a joint authority by a constituent council, joint magistrates’ committee or magistrates’ courts committee shall be the number specified for that council or committee in relation to that authority in Schedule 10 to this Act.
- (2) Subject to subsection (3) below, the Secretary of State may by order make alterations in the numbers for the time being specified in that Schedule, including alterations resulting in an increase or decrease in the total number of members of any joint authority.
- (3) In making any alteration in the number of members to be appointed to a joint authority by any of its constituent councils the Secretary of State shall have regard to the number of local government electors in the areas of those councils respectively; and any alteration of numbers relating to a police authority shall be such that the number of members of the authority appointed by the constituent councils is two-thirds, or as nearly as may be two-thirds, of the total number of members of the authority.
- (4) The Secretary of State shall consult a joint authority’s constituent councils before making any order in respect of that authority under subsection (2) above.

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### 30 First appointments.

- (1) It shall be the duty of each constituent council, joint magistrates' committee and magistrates' courts committee which is required to appoint members of a joint authority to appoint the first members before the appointed day and those appointments shall take effect on that day.
- (2) Notice of the appointments made to a joint authority under this section shall be given before the appointed day—
  - (a) in the case of the London Fire and Civil Defence Authority, to the Greater London Council;
  - (b) in the case of a joint authority established for a metropolitan county, to the council of that county; and
  - (c) in the case of the authority established by section 25 above, to the Tyne and Wear County Council.

### 31 Replacement of members.

- (1) A constituent council may at any time terminate the appointment of a person appointed by it to a joint authority and appoint another member of the council in his place.
- (2) Where a constituent council exercises its powers under this section—
  - (a) it shall give notice of the new appointment and of the termination of the previous appointment to the authority to which those appointments were made; and
  - (b) subject to <sup>[F12]</sup>subsection (3) below and to] section 32(5) below, the new appointment shall take effect, and the previous appointment shall terminate, at the end of one month from the date on which the notice is given.
- <sup>[F13]</sup>(3) Where a constituent council exercises its powers under this section to replace a person who has continued to be a member of a joint authority by virtue of section 32(1A) below and notice is given not later than seven days after the council's annual meeting next following his retirement and re-election, his appointment shall terminate and the new appointment shall take effect upon the notice being given.]

#### Textual Amendments

**F12** Words inserted by [Local Government Act 1986 \(c.10, SIF 81:1, 2\)](#), **s. 10(2)**

**F13** [S. 31\(3\)](#) added by [Local Government Act 1986 \(c.10, SIF 81:1, 2\)](#), **s. 10(2)**

#### Modifications etc. (not altering text)

**C6** [S. 31](#) amended by [S.I. 1985/1884](#), **art. 4(1)(a)**

**C7** [S. 31](#) modified by [S.I. 1987/2110](#), **art. 2(2)**, **Sch. 1 para. 7(a)**

**C8** [S. 31](#) applied (with modifications) (8.1.1996) by [1995 c. x, s. 44](#), **Sch.**

### 32 Filling of vacancies.

- (1) The appointment of a person to a joint authority by a constituent council shall terminate if he ceases to be a member of the council; and where a person's appointment terminates by virtue of this subsection the constituent council shall as soon as practicable give notice of that fact to the authority to which he was appointed.

*Status: Point in time view as at 28/03/1991.*

*Changes to legislation: Local Government Act 1985 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- [<sup>F14</sup>(1A) For the purposes of this section a person shall not be treated as ceasing to be a member of a constituent council where he retires by virtue of—
- (a) section 7(3) of the Local Government Act 1972 (retirement of metropolitan district councillors), or
  - (b) paragraph 6(3) of Schedule 2 to that Act (retirement of London borough councillors),
- and is re-elected to membership of the council not later than the day of his retirement.]
- (2) Where a vacancy among the persons appointed to a joint authority by a constituent council occurs for any reason other than that mentioned in subsection (1) above, the joint authority shall give notice of that fact to the constituent council—
    - (a) in a case where the authority declares the office to be vacant, immediately after the declaration;
    - (b) in a case where the High Court declares the office to be vacant, as soon as practicable after the date of the declaration; and
    - (c) in the case of resignation, as soon as practicable after the date of receipt of the notice of resignation by the officer to whom it is required to be delivered.
  - (3) Where a vacancy occurs among the persons appointed to a joint authority by a constituent council, that council shall not later than one month after the relevant date—
    - (a) appoint another member of the council to fill the vacancy; and
    - (b) give notice of that appointment to the joint authority;

and any appointment made under this subsection shall take effect when notice of the appointment is given as aforesaid.
  - (4) In subsection (3) above “the relevant date” means, in a case within subsection (1) above, the date on which the person in question ceased to be a member of the constituent council and, in a case within subsection (2) above, the date on which notice of the vacancy is given to the constituent council under that subsection.
  - (5) So much of subsection (2)(b) of section 31 above as provides that the previous appointment shall terminate at the end of the period there mentioned shall not be construed as precluding its earlier termination by virtue of subsection (1) above or for any other reason; but in that event—
    - (a) the new appointment and the notice of it given under that section shall be treated as a sufficient compliance with subsection (3) above; and
    - (b) the new appointment shall take effect on the termination of the previous appointment or on the giving of that notice, whichever is the later.
  - (6) For the purposes of subsection (5)(b) above an appointment which terminates by virtue of subsection (1) above shall be treated as terminating when notice of that fact is given in accordance with that subsection.
  - (7) Where a person is appointed to a joint authority by a constituent council and before his appointment takes effect he—
    - (a) ceases to be a member of that council; or
    - (b) otherwise becomes disqualified for appointment,

that council shall as soon as practicable replace his appointment by a further appointment and give notice of it to the joint authority; and the further appointment shall take effect when the original appointment would have taken effect or on the giving of that notice, whichever is the later.

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- (8) Subsections (1), (2) and (7) above shall apply also to a person appointed to a police authority by a joint magistrates' committee or magistrates' courts committee, taking references to a constituent council as references to that committee and references to a person being or ceasing to be a member of the constituent council as references to his being or ceasing to be a magistrate for the county in question.

**Textual Amendments**

**F14** S. 32(1A) inserted by [Local Government Act 1986 \(c.10, SIF 81:1, 2\)](#), s. 10(1)

**Modifications etc. (not altering text)**

**C9** S. 32(1) amended by [S.I. 1985/1884](#), art. 4(1)(b)

**C10** S. 32(1) modified by [S.I. 1987/2110](#), art. 2(2), [Sch. 1 para. 7\(b\)](#)

**C11** S. 32(1)(1A)(5) applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, [Sch.](#)

**C12** S. 32(2)–(7) amended by [S.I. 1985/1884](#), art. 4(1)(b)

**C13** S. 32(2)–(7) modified by [S.I. 1987/2110](#), art. 2(2), [Sch. 1 para. 7\(b\)](#)

**33** ..... **F15**

**Textual Amendments**

**F15** S. 33 repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(4), [Sch. 12 Pt. II](#)

**34** **Chairman, vice-chairman, and clerk.**

- (1) A joint authority shall in each year appoint a chairman and vice-chairman from among its members.
- (2) The appointments under subsection (1) above shall be the first business transacted at the annual meeting of the authority.
- (3) Subject to any standing orders made by the authority, anything authorised or required to be done by or in relation to the chairman may be done by or in relation to the vice-chairman.
- (4) The authority may pay to the chairman and vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the authority thinks reasonable.
- (5) In the case of an equality of votes in respect of the appointment of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (6) On a casual vacancy occurring in the office of chairman, an appointment to fill the vacancy shall be made at the next ordinary meeting of the authority held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date then not later than the next following meeting; and any such meeting may be convened by the proper officer of the authority.
- (7) For the purposes of subsection (6) above the vacancy shall be deemed to have occurred—

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- (a) if the chairman has ceased to be a member of the authority by reason of section 31 above, at the time specified in subsection (2)(b) of that section;
  - (b) if the chairman has ceased to be a member by reason of section 32(1) above, when notice thereof is given to the authority under that provision; and
  - (c) in any other case, on the date of the declaration or of receipt of the notice of resignation mentioned in section 32(2) above.
- (8) Each joint authority shall appoint a person to be the clerk to the authority and in making the appointment the authority shall have regard to the desirability of that person being the chief officer of a constituent council of the authority.

**Modifications etc. (not altering text)**

**C14** S. 34 amended by [S.I. 1985/1884](#), [arts. 4\(1\)\(c\)](#), 11(1)

**C15** S. 34 modified by [S.I. 1987/2110](#), [art. 2\(2\)](#), [Sch. 1 para. 7\(d\)](#)

**35 Disqualification.**

- (1) A person shall be disqualified for being appointed or being a member of a joint authority if he holds any paid office or employment (other than the office of chairman or vice-chairman) appointments to which are or may be made or confirmed by the authority or any committee or sub-committee of the authority or by a joint committee on which the authority is represented or by any person holding any such office or employment.
- (2) A paid officer of a joint authority who is employed under the direction of—
- (a) a committee or sub-committee of the joint authority any member of which is appointed on the nomination of another joint authority or of a local authority; or
  - (b) a joint committee on which the joint authority is represented and any member of which is so appointed,
- shall be disqualified for being appointed or being a member of that other joint authority or for being elected or being a member of the local authority, as the case may be.
- (3) A person who is for the time being a member, officer or servant of, or an officer or servant of a subsidiary (within the meaning of the <sup>M15</sup>Transport Act 1962) of, the Passenger Transport Executive for an area which is or was coterminous with the area of a metropolitan county shall be disqualified for being appointed or being a member of the metropolitan county passenger transport authority for that county.

**Modifications etc. (not altering text)**

**C16** S. 35 applied (with modifications) (8.1.1996) by [1995 c. x, s. 44](#), [Sch.](#)

**C17** S. 35(1)(2) amended by [S.I. 1985/1884](#), [art. 4\(1\)\(d\)](#)

**C18** S. 35(1)(2) modified by [S.I. 1987/2110](#), [art. 2\(2\)](#), [Sch. 1 para. 7\(e\)](#)

**Marginal Citations**

**M15** [1962 c. 46](#).



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### **36 Notices.**

As soon as practicable after receiving notice from a constituent council, joint magistrates' committee or magistrates' courts committee that it has made an appointment, or from a constituent council that it has terminated an appointment, under this Part of this Act, the authority to which the appointment was made shall give public notice of the fact that the appointment has been made or terminated and of the name of the person concerned.

### *Functions*

### **37 Police and fire services.**

Schedule 11 to this Act shall have effect, as from the abolition date, for vesting functions relating to police, fire services and certain related matters in the police authorities and fire and civil defence authorities established by this Part of this Act.

### **38 Civil defence.**

- (1) Any functions which immediately before the abolition date are exercisable by a metropolitan county council by virtue of regulations made under section 2 of the <sup>M16</sup>Civil Defence Act 1948 shall on that date become functions of the metropolitan county fire and civil defence authority; and accordingly references in those regulations to a county council shall include references to such an authority.
- (2) Any functions which immediately before the abolition date are exercisable by the Greater London Council by virtue of those regulations shall on that date become functions of the London Fire and Civil Defence Authority; and accordingly for any reference in those regulations to that Council there shall be substituted a reference to that Authority.
- (3) Subsections (1) and (2) above are without prejudice to any functions exercisable under those regulations by the authorities there mentioned in their capacity as fire authorities.
- (4) For the purpose of determining whether any, and if so what, deduction should be made from grants payable in accordance with regulations made under section 3 of the said Act of 1948 to an authority to which functions are transferred by subsection (1) or (2) above from another authority, any land or article acquired by, or article provided for, that other authority for the purposes of those functions shall be treated as having been acquired or, as the case may be, provided for the first-mentioned authority.
- (5) The power to vary or revoke regulations made under the said Act of 1948 shall include power to amend or repeal any of the foregoing provisions of this section.

#### **Marginal Citations**

M16 1948 c. 5.

### **39 Passenger transport.**

- (1) Schedule 12 to this Act shall have effect for transferring functions relating to passenger transport to the metropolitan county passenger transport authorities and for making provision with respect to the exercise of those functions.

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- (2) In that Schedule [<sup>F16</sup>paragraph 3] shall have effect from the abolition date and paragraph 5 shall have effect as provided in sub-paragraph (5) of that paragraph.

**Textual Amendments**

**F16** Words substituted by [Transport Act 1985 \(c.67, SIF 126\)](#), **ss. 58(4)(b)**, 140

**40 Airports.**

- (1) If, in the case of any airport in respect of which a metropolitan county council has property, rights or liabilities, the Secretary of State is satisfied that the councils of the districts comprised in the county have agreed on—
- (a) the operation of the airport from the abolition date by a committee consisting of or including members appointed by all or any of those councils; and
  - (b) the transfer or division of the property, rights and liabilities of the metropolitan county council to or among all or any of those councils,
- he may, by an order coming into force on that date, provide for the transfer or division of that property and those rights and liabilities in accordance with the agreement.
- (2) If, in the case of any such airport, the Secretary of State is not satisfied as aforesaid he may by an order coming into force on the abolition date provide for the transfer of the property, rights and liabilities of the metropolitan county council in respect of the airport to the metropolitan county passenger transport authority.
- (3) In sections 30 [<sup>F17</sup>, 31, 35] and 88(10) of the <sup>M17</sup>Civil Aviation Act 1982 (airport functions of local authorities) references to a local authority shall include references to a metropolitan county passenger transport authority; and before making any order under subsection (1) or (2) above the Secretary of State shall satisfy himself that any necessary consent under section 30 of that Act has been or will be obtained.

**Textual Amendments**

**F17** Words substituted by [Airports Act 1986 \(c.31, SIF 9\)](#), s. 83(1), **Sch. 4 para. 10**: by [S.I. 1986/1228](#) this substitution came into force 1.8.1986 save as regards the words “60(3)(o)” as to which the substitution came into force by [S.I. 1986/1487, art. 5](#) on 1.4.1987

**Marginal Citations**

**M17** [1982 c. 16](#).

**41 Questions on discharge of functions.**

Arrangements shall be made (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of a joint authority to be put in the course of the proceedings of any constituent council by members of that council for answer by a member of it who is also a member of the authority and is nominated by the authority for that purpose.

**Modifications etc. (not altering text)**

**C19** [S. 41](#) amended by [S.I. 1985/1884, art. 5\(2\)](#)

*Status: Point in time view as at 28/03/1991.*

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**C20** S. 41 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 7(f)**

## 42 Reorganisation of functions.

- (1) The Secretary of State may by order make provision for any of the following purposes—
  - (a) the constitution of a metropolitan district or of the county of Northumberland as a separate police area with its own police force and police authority;
  - (b) the constitution of the council of a metropolitan district or London borough or the Common Council as the fire authority for that district or borough or for the City and Temples, as the case may be;
  - (c) the exclusion of any metropolitan district from, or the abolition of, any passenger transport area . . . <sup>F18</sup> or, as respects any functions exercisable by a metropolitan county passenger transport authority otherwise than by virtue of section 39 above [<sup>F19</sup>or section 58 of the Transport Act 1985], the exclusion of the council of any such district from the authority's constituent councils;
  - (d) whether or not an order is made for any of the foregoing purposes, the transfer to the council of a metropolitan district or London borough or to the Common Council in respect of its area of any functions that would otherwise be exercisable in respect of that area by a joint authority or, in the case of the council of a metropolitan district, by a Passenger Transport Executive.
- (2) The Secretary of State may by order make provision for—
  - (a) the amalgamation of a police area for which a police authority is constituted by this Part of this Act or by an order under subsection (1) above with any other police area or the exclusion from a police area for which a police authority is constituted by this Part of this Act of any area for which a separate police authority could be constituted by an order under that subsection and its amalgamation with any other such area or with another police area; or
  - (b) the combination of the area of any fire authority constituted by this Part of this Act or by an order under subsection (1) above with the area of any other fire authority or the exclusion from an area for which a fire authority is constituted by this Part of this Act of any area for which a separate fire authority could be constituted by an order under that subsection and its combination with any other such area or with the area of another fire authority.
- (3) Before making an order under this section the Secretary of State shall consult each of the following bodies which appears to him to be affected by the order, that is to say, any police, fire or passenger transport authority, the council of a county, district or London borough and the Common Council.
- (4) An order under this section may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions for the transfer of property, staff, rights and liabilities and provisions amending any other provision of this Act, any other enactment or any instrument made under any enactment.

### Textual Amendments

**F18** Words repealed by [Transport Act 1985 \(c.67, SIF 126\)](#), s. 139(3), **Sch. 8**

**F19** Words inserted by [Transport Act 1985 \(c.67, SIF 126\)](#), **ss. 58(4)(c)**, 140

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## PART V

### THE ARTS, RECREATION AND VOLUNTARY ORGANISATIONS

#### 43 Museum of London.

- (1) ..... F20
- (3) In sections 9(1) and (3), 14(1) and (2) and 15(1) and (2) of that Act (functions of Corporation and Greater London Council) for the words “the Corporation and the Greater London Council”, wherever they occur, there shall be substituted the words “and the Corporation”.
- (4) ..... F21
- (5) In paragraph 4 of the Schedule to that Act (resignation and vacation of office)—
- in sub-paragraph (1) for the words “or (c) thereof, to the body by whom he was appointed” there shall be substituted the words “thereof, to the Corporation”;
  - in sub-paragraph (2) for the words from “or (c)” to “was appointed” there shall be substituted the words “of this Act who is, at the time of his appointment, a member of the Common Council of the City of London”.
- (6) Subsections (3) to (5) above shall have effect from the abolition date.

#### Textual Amendments

- F20** S. 43(1)(2) repealed and superseded by [Museum of London Act 1986 \(c.8, SIF 87\)](#), ss. 1(3), 7, [Sch.](#)
- F21** S. 43(4) repealed and superseded by [Museum of London Act 1986 \(c.8, SIF 87\)](#), ss. 3(2), 7, [Sch.](#)

#### 44 Historic House Museums.

The Historic House Museums, that is to say, Kenwood House, Marble Hill House and Ranger’s House, together with such land of the Greater London Council adjacent to Kenwood House and such other property of that Council as may be specified by an order made by the Secretary of State, shall on the abolition date vest in the Historic Buildings and Monuments Commission for England; and the functions of the Greater London Council by virtue of—

- the <sup>M18</sup>Iveagh Bequest (Kenwood) Act 1929;
- Part IV of the <sup>M19</sup>London County Council (General Powers) Act 1902 (which relates to the Marble Hill Estate); and
- section 21 of the <sup>M20</sup>London County Council (General Powers) Act 1900, section 22 of the <sup>M21</sup>London County Council (General Powers) Act 1952 and section 6 of the <sup>M22</sup>Greater London Council (General Powers) (No. 2) Act 1978 (which relate to Ranger’s House),

shall on that date become functions of the Commission.

#### Marginal Citations

- M18** 1929 c. lxix.
- M19** 1902 c. clxxiii.
- M20** 1900 c. cclxviii.
- M21** 1952 c. viii.

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**M22** 1978 c. xvi.

#### 45 Horniman and Geffrye museums.

The Horniman and Geffrye museum, together with such adjacent land and other property of the Greater London Council as may be specified by an order made by the Secretary of State, shall on the abolition date vest in the Authority established by section 18 above; and the functions of the Greater London Council by virtue of—

- (a) section 46 of the <sup>M23</sup>London County Council (General Powers) Act 1901 (which relates to the Horniman museum); and
- (b) section 29 of the <sup>M24</sup>London County Council (General Powers) Act 1959 (which relates to the Geffrye museum),

shall on that date become functions of that Authority.

#### Marginal Citations

**M23** 1901 c. cclxxii.

**M24** 1959 c. lii.

#### 46 Metropolitan county museums.

(1) If it appears to the Minister that any collection of works of art or of objects of historical or scientific interest belonging to a metropolitan county council is of such national importance that on the abolition date it should be vested in a body of trustees appointed by him and supported by moneys provided by Parliament he may make a recommendation to that effect to Her Majesty in Council and Her Majesty may then by Order in Council constitute such a body and make such further provision as appears to Her Majesty to be necessary or expedient for giving effect to the recommendation.

(2) In this section “the Minister” means the [<sup>F22</sup>Lord President of the Council].

#### Textual Amendments

**F22** Words substituted by virtue of S.I. 1986/600, arts. 2(1), 7(1)(2), Sch. 1 Pt. 1

#### 47 The South Bank

(1) The Royal Festival Hall, the Queen Elizabeth Hall, the Purcell Room, the National Theatre, the National Film Theatre and the Hayward Gallery, together with such adjacent land and other property of the Greater London Council as may be specified by an order made by the Secretary of State, shall on the abolition date vest in the Arts Council of Great Britain.

(2) The Council shall furnish the Minister with such information relating to the property vested in them by or under this section and the manner in which they are discharging or intend to discharge their responsibilities in respect of it as he may require and shall make to him, as soon as may be after 31st March in each year following that in which the abolition date falls, a report on their discharge of those responsibilities since the abolition date or, as the case may be, since the end of the period covered by their last

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report under this subsection; and each report shall include particulars of so much of the Council's accounts for the period covered by the report as relates to that property.

- (3) The Minister shall lay before Parliament a copy of each report made to him under subsection (2) above.
- (4) In this section "the Minister" has the same meaning as in section 46 above.

#### **48 Grants to voluntary organisations.**

- (1) A scheme for the making of grants to eligible voluntary organisations may be made for Greater London or a metropolitan county by the constituent councils, that is to say—
  - (a) in relation to Greater London, the London borough councils and the Common Council; and
  - (b) in relation to a metropolitan county, the councils of the metropolitan districts comprised in the county.
- (2) Any such scheme shall provide—
  - (a) for the grants to be made by one of the constituent councils designated for that purpose by the scheme; and
  - (b) for the other constituent councils to contribute as provided by subsection (3) below to the expenditure incurred by the designated council in making the grants or otherwise in discharging its functions under the scheme.
- (3) The constituent councils shall be required to contribute to any expenditure of the designated council which has been incurred with the approval of at least two-thirds of the constituent councils; and the amounts of the contributions shall be determined so that the expenditure in respect of which they are payable is borne by the constituent councils in proportion to the populations of their respective areas.
- (4) For the purposes of subsection (3) above the population of any 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 such date as the Secretary of State may from time to time determine.
- (5) The total expenditure incurred under a scheme by a designated council in Greater London or a metropolitan county in any financial year (including the amounts recoverable under the scheme from other councils) shall not exceed such amount as is for the time being prescribed for that area by an order made by the Secretary of State.
- (6) A scheme shall not provide for the making of grants before the beginning of the financial year after that in which the scheme is made and shall continue in force until the end of at least two financial years after that in which it is made.
- (7) A scheme may, in the absence of agreement between all the constituent councils, be made by a majority of those councils so as to be binding on all of them; but a council shall not be designated by a scheme except with its consent.
- (8) A scheme may contain such supplementary provisions as the councils making the scheme think necessary or expedient and, subject to subsection (6) above, may be revoked by those councils (or, in the absence of agreement between all of them, by a majority of those councils) with effect from the end of any financial year after that in which the decision to revoke the scheme is made.

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- (9) The council designated by a scheme may by giving not less than twelve months notice to the other constituent councils withdraw its consent to act as designated council with effect from the end of any financial year not earlier than the second financial year after that in which the scheme was made; and in that event the scheme shall terminate when the withdrawal takes effect.
- (10) Each constituent council in Greater London or a metropolitan county shall exercise its functions under this section, and under any scheme made under this section, with due regard to the needs of the whole of Greater London or that county, as the case may be, and each scheme shall provide for those needs to be kept under review.
- (11) In this section “voluntary organisation” means a body the activities of which are carried on otherwise than for profit but does not include any public or local authority and “eligible voluntary organisation” means, in relation to Greater London or a metropolitan county, a voluntary organisation whose activities will directly or indirectly benefit either the whole of Greater London or that county or any part of it extending beyond the area of any particular constituent council.
- (12) The powers conferred by this section shall not be regarded as restricting those conferred by section 137 of the principal Act (power to incur expenditure for purposes not authorised by any other enactment) and accordingly the reference to any other enactment in subsection (1) of that section shall not include a reference to this section.
- (13) As respects expenditure incurred before the abolition date subsection (3) shall have effect with the substitution for the reference to two-thirds of the constituent councils of a reference to a majority of those councils.

#### **49 Grants by residuary bodies.**

- (1) The Secretary of State may by order provide for the making of grants to eligible charities out of money received from the disposal of land by the residuary bodies established by Part VII of this Act.
- (2) In this section “eligible charity” means, in relation to a residuary body, a body of persons or trust established for charitable purposes only, being purposes which are wholly or primarily for the benefit of the area for which the residuary body is established.

### **PART VI**

#### **STAFF**

#### **50 Functions of staff commission.**

- (1) As respects any time after the passing of this Act the functions of the staff commission established under section 4 of the <sup>M25</sup>Local Government (Interim Provisions) Act 1984 shall be those stated in subsection (2) below, and that subsection and subsection (3) below shall have effect instead of subsections (1)(a) and (b) and (4) of that section.
- (2) The functions of the commission shall be—
  - (a) to advise the Secretary of State on the steps necessary to safeguard the interests of the staff employed by relevant authorities so far as affected by any provision made by or under this Act;

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- (b) to consider and keep under review—
    - (i) the arrangements for the recruitment of staff by those authorities; and
    - (ii) the arrangements for any transfer of the staff of those authorities in consequence of any such provision; and
  - (c) to consider such staffing problems arising in consequence of, and such other matters relating to staff of any body affected by, any such provision as may be referred to the commission by the Secretary of State.
- (3) For the purposes of subsection (2) above and of subsections (2) and (3) of the said section 4 (directions and expenses) the relevant authorities shall be the Greater London Council, London borough councils, the Common Council, metropolitan county councils, metropolitan district councils, the authorities established by Parts III and IV of this Act (in this Act referred to as “new authorities”), the residuary bodies established under Part VII of this Act and any other body to which functions or property of the Greater London Council or a metropolitan county council will be or have been transferred by or under this Act or any other enactment.

**Modifications etc. (not altering text)**

**C21** S. 50 amended by S.I. 1985/1383, art. 6

**Marginal Citations**

**M25** 1984 c. 53.

## 51 Remuneration of employees.

- (1) For the purposes of this section the Secretary of State may, after consulting such bodies representative of relevant authorities as appear to him to be concerned, either—
- (a) designate any existing body appearing to him to be appropriate to consider any increase made or proposed to be made by a relevant authority in the remuneration of any of its employees; or
  - (b) establish a new body to consider any such increase as aforesaid.
- (2) For the purpose of enabling the body designated or established under subsection (1) above (“the advisory body”) to carry out its functions under this section, that body shall consult and seek information from relevant authorities and, if requested to do so by that body, the Secretary of State may give a direction to any such authority requiring it to furnish the advisory body with such information as may be specified in the direction relating to the remuneration and other terms and conditions of employment of such employees of that authority as may be so specified.
- (3) If it appears to the advisory body—
- (a) that a relevant authority has fixed or proposes to fix for any employee or class of employees of the authority a rate of remuneration which, having regard to any recommended levels of remuneration formulated on a national basis by representatives of local authorities and employees of local authorities, is greater than that which the advisory body considers appropriate for that employee or class of employees; and
  - (b) if that authority is the council of a metropolitan district or London borough or the Common Council, that the rate of remuneration is attributable to the abolition of the Greater London Council or a metropolitan county council,



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it shall notify the authority concerned and recommend to it the rate of remuneration which should be paid to the employee or class of employees concerned.

- (4) If it appears to the advisory body that a relevant authority to which they have made a recommendation under subsection (3) above is not complying with the recommendation they may refer the matter to the Secretary of State and on such a reference the Secretary of State may give a direction to the authority requiring it, with effect from such date as may be specified in the direction, to pay such employee or class of employees of the authority as was the subject of the recommendation and as may be so specified remuneration at the rate recommended by the advisory body under subsection (3) above and specified in the direction.
- (5) Before referring any matter to the Secretary of State under subsection (4) above the advisory body shall give notice in writing to the authority concerned of their intention to make the reference; and no direction shall be given by the Secretary of State on any such reference—
  - (a) except after consulting with such persons appearing to him to be representative of local authorities and of employees of local authorities as he considers appropriate in relation to the employee or class of employees concerned; or
  - (b) so as to take effect from a date earlier than that on which notice of the advisory body's intention to make the reference was given under this subsection.
- (6) It shall be the duty of a relevant authority to which a direction is given under subsection (2) or (4) above to comply with the direction.
- (7) If at any time in the period of three months beginning with the abolition date it appears to the advisory body that the remuneration paid at any time before that date to any employee or class of employees of the Greater London Council or a metropolitan county council, was such that, if that council had not ceased to exist, the advisory body—
  - (a) would have made a recommendation to the council under subsection (3) above; or
  - (b) having made such a recommendation before that date, would have referred the matter to the Secretary of State under subsection (4) above,they shall notify the Secretary of State and report to him the rate of remuneration which in their opinion should have been paid to the employee or class of employees concerned immediately before the abolition date or such earlier date as may be specified in the report, being the date on which the employee or employees ceased to be employed by the council concerned.
- (8) On receiving a report under subsection (7) above the Secretary of State may, after such consultation as is specified in subsection (5)(a) above, by order provide that for the purpose of determining—
  - (a) the terms of any contract affected by section 52 below; and
  - (b) any compensation payable in accordance with section 53(2) or (3) below,the employee or class of employees to whom the report relates and who are specified in the order shall be deemed to have been receiving immediately before the abolition date (or such earlier date as may be specified in the report) remuneration at the rate stated in the report and specified in the order but no such order shall affect remuneration payable in respect of service before the date on which the order is made or compensation paid or payable before that date.

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- (9) Nothing in this section shall apply to the remuneration payable to teachers by a local education authority; and this section shall not empower the Secretary of State—
- (a) to give a direction requiring a relevant authority to pay an employee remuneration at a rate below that to which he was entitled on 1st March 1984; or
  - (b) to make an order specifying a rate of remuneration in respect of an employee below that to which he was entitled on that date.
- (10) No direction shall be given or order made under this section after the end of the period of six months beginning with the abolition date; and no direction shall apply to the remuneration payable by the council of a metropolitan district or London borough or the Common Council after the end of that period.
- (11) The relevant authorities for the purposes of this section are the Greater London Council, the councils of metropolitan counties, metropolitan districts and London boroughs and the Common Council.

## **52 Power to transfer staff.**

- (1) This section applies to any person who—
- (a) immediately before the abolition date is in the service of the Greater London Council or a metropolitan county council (in this section referred to as his “employing council”) under a contract of employment which would have continued but for the abolition of that council; and
  - (b) is designated for the purposes of this section by an order made by the Secretary of State.
- (2) The contract of employment between a person to whom this section applies and his employing council shall not be terminated by the abolition of that council but shall have effect from the abolition date as if originally made between him and such successor authority (“the new employer”) as may be specified in relation to that person by the order designating him for the purposes of this section.
- (3) Without prejudice to subsection (2) above—
- (a) all the employing council’s rights, powers, duties and liabilities under or in connection with a contract to which that subsection applies shall by virtue of this section be transferred on the abolition date to the new employer; and
  - (b) anything done before the abolition date by or in relation to the employing council in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the new employer.
- (4) Subsections (2) and (3) above are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions but no such right shall arise by reason only of the change of employer effected by this section.
- (5) An order under this section may designate a person either individually or as a member of a class or description of employees.
- (6) In this section “successor authority” means a London borough council, the Common Council, a metropolitan district council, a new authority and any other body to which functions or property of the Greater London Council or a metropolitan county council are transferred by or under this Act or any other enactment.

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**Modifications etc. (not altering text)**

**C22** S. 52 amended by S.I. 1986/399, arts. 1, 4

**53 Compensation for loss of office or diminution of emoluments.**

- (1) This section applies to any person who at any time after the passing of this Act is in the service of—
  - (a) the Greater London Council or the council of a metropolitan county, metropolitan district or London borough or the Common Council; or
  - (b) a new authority or a residuary body,and suffers loss of employment or loss or diminution of emoluments which is attributable to any provision made by or under this Act.
- (2) Compensation in respect of any such loss or diminution suffered by a person to whom this section applies shall, subject to subsection (3) below, be paid only in accordance with regulations made for the purposes of this section under section 24 of the <sup>M26</sup>Superannuation Act 1972; and accordingly none of the councils, authorities or bodies mentioned in subsection (1) above shall pay any such compensation under any other statutory provision, by virtue of any provision in a contract or otherwise.
- (3) Subsection (2) above shall not preclude the making of any payment to which a person is entitled by virtue of contractual rights acquired by him before 2nd March 1984.
- (4) Regulations under the said section 24 shall not provide compensation for a person to whom this section applies in respect of any such loss or diminution as is mentioned in subsection (1) above so far as attributable to the termination on or before the abolition date of a contract made after 1st March 1984 which provides for the employment of that person for a fixed term extending beyond the abolition date.
- (5) For the purpose of determining under section 82(5) or (6) or 84(3) of the <sup>M27</sup>Employment Protection (Consolidation) Act 1978—
  - (a) whether the provisions of a new contract offered to a person employed by any such council, authority or body as is mentioned in subsection (1) above differ from the corresponding provisions of his previous contract; and
  - (b) whether employment under the new contract is suitable in relation to that person,there shall be treated as forming part of the remuneration payable under the new contract any compensation to which that person is or, if he accepted the offer, would be entitled in accordance with this section.
- (6) Except as provided in subsection (5) above nothing in this section shall be construed as affecting any entitlement to a redundancy payment under Part VI of the said Act of 1978 or to any payment by virtue of any provision of the <sup>M28</sup>Superannuation Act 1972 other than the said section 24.

**Modifications etc. (not altering text)**

**C23** S. 53 amended by S.I. 1985/1884, art. 6

**C24** S. 53 modified by S.I. 1986/399, arts. 1, 5

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#### **Marginal Citations**

**M26** 1972 c. 11.

**M27** 1978 c. 44.

**M28** 1972 c. 11.

### **54 Continuity of employment in certain cases of voluntary transfer.**

- (1) This section applies to a person who at any time after the passing of this Act ceases to be employed by a relevant authority (his “former employer”) if—
  - (a) the termination of his employment is attributable to any provision made by or under this Act;
  - (b) he is subsequently employed by another person (his “new employer”); and
  - (c) by virtue of section 84, 94 or 95 of the <sup>M29</sup>Employment Protection (Consolidation) Act 1978 (renewal or re-engagement) that subsequent employment precludes his receiving any redundancy payment under Part VI of that Act.
- (2) Where this section applies to a person Schedule 13 to the said Act of 1978 (computation of period of employment for the purposes of that Act) shall have effect in relation to that person as if it included the following provisions, that is to say—
  - (a) the period of employment of that person with his former employer shall count as a period of employment with his new employer; and
  - (b) the change of employer shall not break the continuity of the period of employment.
- (3) Where this section applies to a person the period of his employment with his former employer shall count as a period of employment with his new employer for the purposes of any provision of his contract of employment with his new employer which depends on his length of service with that employer.
- (4) The relevant authorities for the purposes of this section are the same as those for the purposes specified in section 50(3) above.

#### **Modifications etc. (not altering text)**

**C25** S. 54 amended by S.I. 1986/399, arts. 1, 6

#### **Marginal Citations**

**M29** 1978 c. 44.

### **55 Offers of employment by successor authorities.**

- (1) Each successor authority shall as soon as may be after the passing of this Act or, in the case of a new authority, after it is established, and in any event before the abolition date consider what additional staff (if any) it will require for the purpose of—
  - (a) discharging any functions which by virtue of any provision made by or under this Act will become functions of that authority or will become exercisable by it alone instead of concurrently with the Greater London Council or a metropolitan county council; or

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- (b) discharging its responsibilities in respect of any property transferred to it by virtue of any such provision.
- (2) If a successor authority proposes to engage a person who is currently in the employment of the Greater London Council or a metropolitan county council it shall, if reasonably practicable, enter into, or offer to enter into, a contract of employment with him such that his employment by the authority will or would take effect either immediately on the ending of his employment by that council or after an interval of not more than four weeks thereafter.
- (3) If a successor authority enters into a contract of employment with a person who has received or is entitled to receive a redundancy payment under Part VI of the <sup>M30</sup>Employment Protection (Consolidation) Act 1978—
- (a) by reason of his dismissal at any time after the passing of this Act by the Greater London Council or a metropolitan county council; or
  - (b) by virtue of section 59(1) below,
- the authority shall, if the Secretary of State so directs, pay to the appropriate residuary body an amount equal to that payment.
- (4) The Secretary of State shall not give a direction under subsection (3) above in respect of the employment of any person by a successor authority if the authority satisfies him—
- (a) that it could not reasonably have made that person an offer of employment on the terms and conditions of the contract mentioned in that subsection which, if accepted by him, would have precluded his entitlement to the redundancy payment; or
  - (b) that the authority has made such an offer but that the person concerned acted reasonably in refusing it or that he could reasonably have refused such an offer if it had been made by the authority.
- (5) In any case in which an amount is payable by a successor authority under subsection (3) above there shall also be payable by it to the appropriate residuary body an amount equal to any compensation under the regulations referred to in section 53(2) above which has been paid or is payable to the person concerned before the time when he enters into the contract.
- (6) A former member of a successor authority shall not be disqualified by virtue of section 116 of the principal Act for being appointed by that authority to a paid office if—
- (a) he is, or at any time between the passing of this Act and the abolition date has been, in the employment of the Greater London Council or a metropolitan county council; and
  - (b) he is appointed not later than twelve months after that date and with the consent of the Secretary of State.
- (7) For the purposes of subsection (2) above employment ending on a Friday or a Saturday shall be treated as ending immediately before the following Monday and the interval of four weeks shall be calculated as if any such employment had ended at that time.
- (8) In this section “successor authority” means a London borough council, the Common Council, a metropolitan district council and a new authority.

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**Modifications etc. (not altering text)**

**C26** S. 55 amended by S.I. 1985/1884, art. 6

**Marginal Citations**

**M30** 1978 c. 44.

**56 Information as to local government manpower.**

- (1) The Secretary of State shall make regulations requiring London borough councils, metropolitan district councils and the Common Council to furnish him with such information as is specified in the regulations with respect to—
  - (a) the number of persons from time to time employed by those councils respectively in the period beginning with 22nd November 1984 and ending three years after the abolition date; and
  - (b) the purposes for which those persons are employed.
- (2) Regulations under this section may—
  - (a) require the information to which they relate to be furnished at such times and in such form as is specified in the regulations;
  - (b) make different provision for different councils; and
  - (c) apply either to all the persons employed by a council or to any class or description of such persons.
- (3) The Secretary of State shall lay before Parliament any information furnished to him in pursuance of regulations made under this section.

**PART VII**

RESIDUARY BODIES

**57 Establishment of residuary bodies.**

- (1) On the appointed day there shall be established—
  - (a) for Greater London a body corporate to be known as the London Residuary Body; and
  - (b) for each metropolitan county a body corporate to be known by the name of that county with the addition of the words “Residuary Body”.
- (2) The bodies established by this section are in this Act referred to as residuary bodies, and in this Act “the appropriate residuary body” means, in relation to Greater London or the Greater London Council, the London Residuary Body and, in relation to a metropolitan county or the council of that county, the residuary body established for that county.
- (3) Each of those bodies shall consist of not less than five and not more than ten members appointed by the Secretary of State; and the Secretary of State shall appoint one of those members to be chairman and may appoint another to be deputy chairman of that body.

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- (4) As soon as may be after the establishment of a joint committee under section 95 below for Greater London or a metropolitan county the Secretary of State shall, after consultation with that committee, appoint one of its members to be a member of the appropriate residuary body.
- (5) The Secretary of State may by an order applying to all or any of the residuary bodies alter either of the numbers specified in subsection (3) above.
- (6) In this section “the appointed day” means such day before the abolition date as the Secretary of State may by order appoint, and different days may be appointed for different residuary bodies.
- (7) Schedule 13 to this Act shall have effect with respect to each residuary body.

**Modifications etc. (not altering text)**

C27 S. 57(3) modified (4.1.1993) by S.I. 1992/3325, art. 2

**58 Repayment of loans.**

- (1) Except so far as otherwise provided by any provision made under this Act, all the rights and liabilities of the Greater London Council or a metropolitan county council on the abolition date in respect of money borrowed by that council shall on that date become rights and liabilities of the appropriate residuary body and those liabilities (both as respects principal and interest) shall be charged on the revenues of that body.
- (2) For the purpose of providing a residuary body with money to discharge those liabilities each relevant authority shall on the abolition date be deemed to have borrowed from the appropriate residuary body such sum as may be specified by or determined in accordance with an order made by the Secretary of State; and that sum shall be deemed to have been borrowed on such terms as to repayment and the payment of interest as may be so specified.
- (3) Without prejudice to its borrowing powers by virtue of Part VIII below, a residuary body may borrow money for the purpose of discharging any liabilities to which it is subject under subsection (1) above and a relevant authority may, during the period within which it is required to discharge its liabilities in respect of principal under subsection (2) above, borrow money for the purpose of discharging its liabilities under that subsection.
- (4) In this section “relevant authority” means—
  - (a) as respects Greater London, each rating authority in Greater London and the authorities established by sections 18 and 27 above;
  - (b) as respects a metropolitan county, each rating authority in the county and any joint authority in relation to which such an authority is a constituent council.
- (5) In subsection (1) above the reference to money borrowed by a council includes a reference to any money borrowed by any other authority whose rights and liabilities in respect of that money have been transferred to that council.

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**Modifications etc. (not altering text)**

**C28** S. 58(1) excluded by S.I. 1986/553, art. 3(1), and 1986/563, art. 3(1)

**59 Redundancy and compensation payments.**

- (1) Any person who immediately before the abolition date is in the service of the Greater London Council or a metropolitan county council under a contract of employment which would have continued but for the abolition of that council and who is not designated for the purposes of section 52 above shall be entitled to receive from the appropriate residuary body any redundancy payment under Part VI of the <sup>M31</sup>Employment Protection (Consolidation) Act 1978 which he would have been entitled to receive from that council if it had not been abolished but had dismissed him by reason of redundancy immediately before the abolition date.
- (2) As respects any such redundancy payment as is mentioned in subsection (1) above the appropriate residuary body shall be treated as the employer of the person concerned for the purposes of sections 101, 102, 104, 108 and 119 of the said Act of 1978 (ancillary provisions about redundancy payments) and references to the relevant date in sections 81(4), 82(1) and 101 of that Act and in Schedule 4 to that Act shall be construed as references to the day before the abolition date.
- (3) With a view to reducing the cases in which redundancy payments will fall to be made to such persons as are mentioned in subsection (1) above the Secretary of State may make a scheme for the making of payments by the residuary bodies to employers offering such persons employment which, by virtue of sections 84, 94 and 95 of the said Act 1978, will preclude their becoming entitled to redundancy payments.
- (4) Any person who immediately before the abolition date is in the service of the Greater London Council or a metropolitan county council under a contract of employment made before 2nd March 1984 and who is not designated for the purposes of section 52 above shall be entitled to receive from the appropriate residuary body—
  - (a) if the contract provided for his employment for a fixed term extending beyond that date without any provision for its prior termination by that council, an amount equal to any damages which he would have been entitled to recover from that council if it had not been abolished but had dismissed him immediately before that date; or
  - (b) if the contract (whether or not for a fixed term) provided for its termination by that council on payment of compensation for loss of employment, an amount equal to the compensation which he would have been entitled to receive from that council if it had not been abolished but had terminated the contract immediately before that date.
- (5) In paragraph (b) of subsection (4) above “compensation for loss of employment” does not include any payment to be made under the contract in lieu of notice; and where the amount of compensation payable under a contract differs according to the reasons for its termination the amount payable under that paragraph shall be determined on the assumption that the contract was terminated by reason of redundancy within the meaning of the said Act of 1978.



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**Modifications etc. (not altering text)**

**C29** S. 59 modified by S.I. 1985/1846, reg. 5(6)

**C30** S. 59 modified by S.I. 1986/399, art. 7

**Marginal Citations**

**M31** 1978 c. 44.

**60 Payment of pensions.**

- (1) Except so far as otherwise provided by regulations made before the abolition date under section 7 of the <sup>M32</sup>Superannuation Act 1972 (local government superannuation) all the functions of the Greater London Council or a metropolitan county council as administering authority under the regulations then in force under that section shall on that date become functions of the appropriate residuary body and the superannuation fund maintained by that council, together with all rights and liabilities in respect of it, shall on that date vest in that body.
- (2) Subject to subsection (3) below, all liabilities of the Greater London Council or a metropolitan county council in respect of pensions payable by it otherwise than under such regulations as aforesaid shall on the abolition date become liabilities of the appropriate residuary body.
- (3) Subsection (2) above does not apply to liabilities which by virtue of any provisions made under this Act become liabilities of a police or fire authority established by Part IV of this Act.
- (4) Any pension granted on or after the abolition date under [<sup>F23</sup>paragraph 2 of Schedule 1 to the Coroners Act 1988] by a metropolitan district council shall be paid by the appropriate residuary body but the sums required for paying the pension shall be reimbursed to that body—
  - (a) if that council is not designated under section 13(3)(b) above, by that council; and
  - (b) if that council is so designated, by that and the other councils in the coroner's district in question in such proportions as they may agree or, in default of agreement, as may be determined by the Secretary of State.
- (5) In subsection (2) above references to pensions include references to allowances, grants or other benefits in respect of past service, death, injury or disease (whether of the pensioner or another person) and any such compensation as is mentioned in section 8(1)(b) of the <sup>M33</sup>Pensions (Increase) Act 1971.
- (6) As from the abolition date section 58(2)(c) of the Justices of the <sup>M34</sup>Peace Act 1979 shall be amended by substituting for the words “the Greater London Council” the words “the London Residuary Body”.

**Textual Amendments**

**F23** Words substituted by Coroners Act 1988 (c.13, SIF 33), ss. 33, 36(1), Sch. 3 para. 18

**Modifications etc. (not altering text)**

**C31** S. 60 modified by S.I. 1986/96, art. 2(1)(2)

*Status: Point in time view as at 28/03/1991.*

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#### Marginal Citations

- M32** 1972 c. 11.  
**M33** 1971 c. 56.  
**M34** 1979 c. 55.

### 61 Payment of pensions increases.

- (1) As from the abolition date paragraphs 48 and 49 of Schedule 2 to the Pensions (Increase) Act 1971 shall be amended by substituting for the words “the Greater London Council” the words “the London Residuary Body”.
- (2) At the end of Part II of that Schedule (pensions payable out of local funds) there shall be inserted—
  - “64A A pension payable by a residuary body established by the Local Government Act 1985 in respect of service ending with service with that body.
  - 64B A pension payable by such a residuary body, being a pension which would fall within any of the foregoing paragraphs of this Part of this Schedule if references to a local authority had continued to include references to the authorities abolished by that Act.”
- (3) In paragraph 1(5) of Schedule 3 to that Act (cases where increase of pension is to be reimbursed by the last employing authority) for the words “and 63” there shall be substituted the words “, 63, 64A and, so far as relating to any pension falling within any of the foregoing paragraphs, 64B.”
- (4) The appropriate residuary body shall pay—
  - (a) any increase which by virtue of regulations under section 5(2) of the said Act of 1971 would have been payable on or after the abolition date by the Greater London Council or a metropolitan county council; and
  - (b) any payment which is analogous to a pensions increase and would have been payable as aforesaid by virtue of regulations under section 13(3) of that Act.
- (5) Notwithstanding subsection (3) above or anything in any such regulations as are mentioned in subsection (4)(a) above no liability to reimburse a residuary body in respect of any payment made by virtue of this section shall attach to the Secretary of State, the Arts Council of Great Britain or the Historic Buildings and Monuments Commission for England.

#### Modifications etc. (not altering text)

- C32** S. 61 modified by S.I. 1986/96, art. 2(1)(2)  
**C33** S. 61(5) modified by S.I. 1989/1815, art. 7(8)

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## 62 Custody of residuary property etc.

- (1) On the abolition date there shall vest in the appropriate residuary body all residuary property, rights and liabilities of the Greater London Council or a metropolitan county council.
- (2) In subsection (1) above “residuary property, rights and liabilities” means any property for the vesting of which provision is not otherwise made by or under this Act or any other enactment and, subject to subsection (3) below, any rights and liabilities which are not transferred, extinguished or otherwise dealt with by any provision made as aforesaid.
- (3) This section shall not be construed—
  - (a) as continuing in force any contract of employment made by the Greater London Council or a metropolitan county council; or
  - (b) as imposing any liability on a residuary body in respect of the termination of any such contract by the abolition of that council;but the rights and liabilities to which this section applies shall include any rights and liabilities attributable to anything done or omitted under or in respect of such a contract before the abolition date except any liability to make a payment prohibited by section 53(2) above.
- (4) The Secretary of State may by order confer on a residuary body any statutory functions which before the abolition date were exercisable by the Greater London Council or a metropolitan county council, being functions exercisable by that council in relation to any property, rights or liabilities which are vested in that body by this section or by any other provision made by or under this Act or any other enactment.
- (5) An order under subsection (4) above may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions amending any enactment or any instrument made under any enactment.

### Modifications etc. (not altering text)

C34 S. 62 extended by S.I. 1986/399, arts. 1, 8

## 63 Preparation of final accounts.

- (1) It shall be for the appropriate residuary body to discharge in relation to the accounts of the Greater London Council or a metropolitan county council for any period ending before the abolition date—
  - (a) any functions under the regulations in force under Part III of the <sup>M35</sup>Local Government Finance Act 1982 which would have fallen to be discharged on or after that date by that council or any of its officers; and
  - (b) any functions under those regulations which fell to be so discharged before that date but have not been discharged.
- (2) As respects anything falling to be done on or after the abolition date in relation to the accounts mentioned in subsection (1) above the provisions of Part III of the said Act of 1982 shall have effect as if those accounts were accounts of the appropriate residuary body but so that—
  - (a) the documents to which an auditor has the right of access under section 16(1) shall include any documents relating to the Greater London Council or

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- the relevant metropolitan county council which are in the possession of a successor authority; and
- (b) the persons who may be required to give information or an explanation under section 16(2) or 28(1) shall include any person who was an officer or member of the Greater London Council or the relevant metropolitan county council at any time during the period to which the accounts relate and who is an officer or member of a successor authority.
- (3) Any requirement under section 29(1) of the said Act of 1982 in respect of a claim, return or account of the Greater London Council or a metropolitan county council, and any consent under section 30(1)(a) of that Act in respect of information relating to such a council, may, on or after the abolition date, be made or given by the appropriate residuary body.
- (4) The appropriate residuary body shall have a right of access at all reasonable times to all such documents as are mentioned in subsection (2)(a) above which appear to the body to be needed for the purpose of discharging its functions under this section and may require any such person as is mentioned in subsection (2)(b) above to give it any such information or explanation as it thinks necessary for that purpose.
- (5) Any person who without reasonable excuse fails to comply with any requirement under subsection (4) above shall be liable on summary conviction to a fine not exceeding the third level on the standard scale and to an additional fine not exceeding £40 for each day on which the offence continues after conviction thereof.
- (6) In so far as this section has effect in relation to accounts for periods earlier than those to which Part III of the said Act of 1982 or regulations under that Part apply, references in this section to that Part or to any provision of it or to regulations in force under that Part shall be construed respectively as references to Part VIII of the principal Act, to the corresponding provision of that Part or to the relevant regulations under section 166 of that Act.
- (7) In this section “successor authority” means a London borough council, the Common Council, a metropolitan district council, a new authority and any other body to which functions or property of the Greater London Council or a metropolitan county council are transferred by or under this Act or any other enactment.

#### Marginal Citations

M35 1982 c. 32.

## 64 Commutation of smallholdings and housing payments.

- (1) Any annual or other periodic payments under the terms of any settlement in respect of amounts payable under section 27 of the <sup>M36</sup>Land Settlement (Facilities) Act 1919 which, apart from this subsection, would fall to be made by the Minister of Agriculture, Fisheries and Food to a residuary body may be commuted by him into a single payment either by agreement with that body or, in default of agreement, by an order made by him in that behalf.
- (2) Any annual or other periodic payments which, apart from this subsection, would fall to be made by the Secretary of State to a residuary body by virtue of any enactment relating to the housing functions of the Greater London Council or a metropolitan

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county council may be commuted by him into a single payment either by agreement with that body or, in default of agreement, by an order made by him in that behalf.

- (3) Where any annual or other periodic payments falling to be made to a residuary body are commuted under subsection (2) above and annual or other periodic payments corresponding to or related to those payments would, apart from this subsection, fall to be made by that body to another person, then, unless those payments are commuted into a single payment by agreement between that body and that person, they may be so commuted by an order in that behalf made by the Secretary of State.
- (4) Any commutation by an order under this section shall be on such terms as appear to the Minister of Agriculture, Fisheries and Food or the Secretary of State, as the case may be, to be just and equitable; and any order under subsection (2) or (3) above shall require the consent of the Treasury.

**Marginal Citations**

M36 1919 c. 59.

**65 Directions.**

- (1) In exercising the functions conferred on it by or under this Act or any other enactment each residuary body shall comply with any directions given to it by the Secretary of State.
- (2) Subsection (1) above does not apply to any functions of a residuary body under regulations made under section 7 of the <sup>M37</sup>Superannuation Act 1972; and no transaction entered into by a residuary body in the exercise of other functions shall be invalid by reason only of a failure to comply with any direction given under this section.
- (3) The Secretary of State shall publish any directions given by him under this section.

**Marginal Citations**

M37 1972 c. 11.

**66 Discharge of certain residuary functions by designated councils.**

- (1) The Secretary of State may by an order made on the application of the councils of the districts in a metropolitan county make provision whereby any rights, liabilities, property or functions which by virtue of section 58, 60 or 61 above would otherwise be vested in or fall to be discharged by the residuary body established for that county are vested in or discharged by one of those councils (a “designated council”) instead of that body.
- (2) An order under subsection (1) above may modify or supplement any of the provisions of the sections mentioned in that subsection; and any such order may in particular—
  - (a) require the designated council to keep such accounts and establish such funds as may be specified in the order;

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- (b) provide for any deficit or surplus in any such account or fund to be recovered from or distributed among the councils on whose application the order is made; and
  - (c) in the case of an order relating to section 58, impose on the designated council liabilities corresponding to those to which it would have been subject under subsection (2) of that section.
- (3) References in this section to the functions falling to be discharged by virtue of section 61 do not include those exercisable by virtue of the paragraph 64A inserted by subsection (2) of that section.

## 67 Winding up of residuary bodies.

- (1) Except as respects any of its functions for the discharge of which provision will be or is likely to be required after the end of the period of five years beginning with the abolition date, it shall be the duty of each residuary body to use its best endeavours to secure that its work is completed as soon as practicable and in any event by the end of that period; and each residuary body shall—
- (a) as respects any such functions, any property held by that body for the purposes of any such functions and any rights or liabilities of that body which will or are likely to subsist for longer than that period, make such arrangements as are practicable for their transfer to another body or bodies or submit proposals to the Secretary of State for effecting such transfers by orders made by him in that behalf.
  - (b) not later than the end of the period of four years beginning with the abolition date, submit to the Secretary of State a scheme for the winding up of the residuary body and the disposal of its remaining functions, property, rights and liabilities so far as not dealt with in pursuance of paragraph (a) above.
- (2) A residuary body may at any time before the end of the period mentioned in subsection (1)(b) above submit proposals to the Secretary of State for the transfer of any property of that body to a local authority or to a new authority.
- (3) The Secretary of State may by order provide for any such transfer or disposal as is mentioned in subsection (1) or (2) above, whether as proposed by the residuary body or otherwise, and for giving effect (with or without modifications) to any scheme submitted to him under subsection (1) above; and, without prejudice to the generality of that power, any such order may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions amending any enactment or any instrument made under any enactment or establishing new bodies corporate to receive any functions, property, rights or liabilities transferred by the order.

### Modifications etc. (not altering text)

- C35** S. 67 restricted by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 164(1)**, 231(7), 235(6)
- C36** S. 67 modified by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 164(1)(2)**, 231(7), 235(6)
- C37** S. 67(2) amended by [S.I. 1985/1884](#), **art. 6**

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## PART VIII

### FINANCIAL PROVISIONS

#### *New authorities*

#### 68 Precepts.

- (1) A new authority may in respect of any financial year beginning after the date on which it is established issue precepts to the appropriate rating authorities for the levying of rates to meet all liabilities falling to be discharged by the authority for which provision is not otherwise made.
- (2) The appropriate rating authorities are—
  - (a) in the case of a joint authority, the rating authorities in the area for which it is established;
  - (b) ..... F24
- (3) In section 12(1) of the <sup>M38</sup>General Rate Act 1967 (supplementary provisions about precepts) after the words “a county council,” there shall be inserted the words “a joint authority established by Part IV of the Local Government Act 1985, the Inner London Education Authority”.
- (4) Part I of the <sup>M39</sup>Rates Act 1984 (selective limitation of rates and precepts) shall apply to the new authorities and accordingly in section 1(3) of that Act for paragraph (c) there shall be substituted—
  - “(c) the Inner London Education Authority;
  - (cc) a joint authority established by Part IV of the Local Government Act 1985; and”.
- (5) In section 2(6) of that Act (classes of authority to which common principles are to be applied in designation and in the determination of expenditure levels) the word “and” at the end of paragraph (e) shall be omitted and after paragraph (f) there shall be inserted—
  - “(g) metropolitan county police authorities and the Northumbria Police Authority;
  - (h) metropolitan county fire and civil defence authorities; and
  - (i) metropolitan county passenger transport authorities.”
- (6) Each new authority shall be deemed for the purposes of Part I of that Act to have been designated under section 2 of that Act in relation to the financial year beginning on the abolition date and the two subsequent financial years; and—
  - (a) the principles in accordance with which expenditure levels are determined for those years under section 3 of that Act may differ as between different new authorities; and
  - (b) notwithstanding any order bringing section 10 of that Act (general limitation) into force before the end of those years, no new authority shall be treated as designated in relation to any of those years by virtue of that section.



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#### Textual Amendments

**F24** S. 68(2)(b) repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

#### Marginal Citations

**M38** 1967 c. 9.

**M39** 1984 c. 33.

### 69 Block grant.

- (1) The new authorities shall be local authorities for the purposes of block grant under Part VI of the <sup>M40</sup>Local Government Planning and Land Act 1980 (rate support grant) for financial years beginning on or after the abolition date and accordingly that Act shall for those purposes have effect with the following amendments.
- (2) In section 53—
- (a) in subsection (5), in paragraph (f) the word “and” shall be omitted and after that paragraph there shall be inserted—
    - “(ff) a joint authority; and”;
  - (b) at the end of subsection (6) there shall be inserted the words “and the area of a joint authority is the area for which the authority is established.”.
- (3) ..... <sup>F25</sup>
- (4) In section 55(3), after paragraph (c), there shall be inserted “; or
- (d) to a joint authority.”.
- (5) In section 59(11)—
- (a) ..... <sup>F26</sup>
  - (b) after paragraph (c) there shall be inserted—
    - “; and
    - (d) as if paragraph (ff) referred to four classes, namely—
      - (i) metropolitan county police authorities and the Northumbria Police Authority;
      - (ii) metropolitan county passenger transport authorities;
      - (iii) metropolitan county fire and civil defence authorities; and
      - (iv) the London Fire and Civil Defence Authority.”
- (6) At the end of section 68(1) there shall be inserted the words “and ”joint authority’ means a joint authority established by Part IV of the Local Government Act 1985”.

#### Textual Amendments

**F25** S. 69(3) repealed by [Local Government Finance Act 1987 \(c.6, SIF 81:1\)](#), s. 11(2), **Sch. 5** (the repeal being subject to the provision at the end of that Sch.)

**F26** S. 69(5)(a) repealed by [Rate Support Grants Act 1986 \(c.54, SIF 103:1\)](#), s. 4(3), **Sch. 2**



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#### Marginal Citations

**M40** 1980 c. 65.

### 70, 71. .... **F27**

#### Textual Amendments

**F27** Ss. 70, 71 repealed by Local Government and Housing Act 1989 (c.42, SIF 81:1), s. 194(2), **Sch. 12 Pt. 1**

### 72 **Accounts and audit.**

- (1) Each new authority shall keep a fund to be known as the general fund; and all receipts of the authority shall be carried to that fund and all liabilities falling to be discharged by the authority shall be discharged out of that fund.
- (2) Accounts shall be kept of receipts carried to, and payments made out of, the general fund.
- (3) In section 12(2) of the <sup>M41</sup>Local Government Finance Act 1982 (accounts subject to audit) after paragraph (a) there shall be inserted—
  - “(aa) a joint authority;
  - (ab) the Inner London Education Authority;”.
- (4) Nothing in subsection (1) above shall be construed as requiring or authorising an authority to apply or dispose of the surplus revenue arising from any undertaking carried on by it otherwise than in accordance with any enactment or instrument applicable to the undertaking.

#### Modifications etc. (not altering text)

**C38** S. 72(1)(2)(4) amended by S.I. 1985/1884, **art. 9(1)**

**C39** S. 72(1)(2)(4) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 7(g)**

#### Marginal Citations

**M41** 1982 c. 32.

### 73 **Financial administration.**

Each new authority shall make arrangements for the proper administration of its financial affairs and shall secure that one of its officers has responsibility for the administration of those affairs.

#### Modifications etc. (not altering text)

**C40** S. 73 amended by S.I. 1985/1884, **art. 9(1)**

**C41** S. 73 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 7(h)**

**C42** S. 73 modified by S.I. 1989/1815, art. 2(2), **Sch. 1 para. 9** (as inserted by S.I. 1990/198, **art. 2**)

*Status: Point in time view as at 28/03/1991.*

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### *Residuary bodies*

#### 74 Levies.

- (1) A residuary body may in respect of any financial year beginning after the date on which it is established make levies on the rating authorities in its area to meet all liabilities falling to be discharged by it for which provision is not otherwise made.
- (2) The amount to be levied by a residuary body in respect of any financial year from each of the rating authorities in its area shall be determined by apportioning the total amount to be levied by that body in respect of that year between those authorities in proportion to the populations of their respective areas; and for that purpose the population of any 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 such date as the Secretary of State may from time to time direct.
- (3) A levy on a rating authority shall be made by issuing the authority 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; and such demand must be issued, or information as to the amount to be subsequently demanded must be given, to a rating authority not less than twenty-one days before the beginning of the financial year to which the levy relates.
- (4) The following enactments—
  - (a) sections 11 and 12(8) and (9) of the <sup>M42</sup>General Rate Act 1967 (money to be raised by precepts and liability for interest where amount due under a precept is unpaid);
  - (b) section 15 of that Act (power to secure payment of precept); and
  - (c) section 14 of the <sup>M43</sup>Rates Act 1984 (information as to precepts and precepting authorities),
 shall apply to a levy issued by a residuary body and to such a body as they apply to a precept issued by a precepting authority and to such an authority taking the reference in section 11 to rates as a reference to levies and with the omission in subsection (1) of section 15 of the words “the rating authority have refused or through wilful neglect or wilful default to raise that amount by a rate, or that, having raised the amount by a rate”.
- (5) For the purposes of any other enactment . . . <sup>F28</sup> any sum levied under this section shall be treated as money to be raised out of a rate.
- (6) In this section references to the area of a residuary body are references to the area for which it is established.

#### **Textual Amendments**

**F28** Words repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(2), **Sch. 12 Pt. I**

#### **Modifications etc. (not altering text)**

**C43** [S. 74](#) modified by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 185(4), 231(7), 235(6)**

**C44** [S. 74\(2\)\(3\)](#) modified by [S.I. 1986/399](#), **arts. 1, 9(3)**

**C45** [S. 74\(5\)](#) extended by [S.I. 1986/399](#), **arts. 1, 9(5)**

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**Marginal Citations**

**M42** 1967 c. 9.

**M43** 1984 c. 33.

75 ..... <sup>F29</sup>

**Textual Amendments**

**F29** S. 75 repealed (with savings in S.I. 1990/431, **Sch. 1 para. 1(a)**) by **Local Government and Housing Act 1989** (c.42, SIF 81:1), ss. 194(2), **Sch. 12 Pt. I**

76 ..... <sup>F30</sup>

**Textual Amendments**

**F30** S. 76 repealed by **Local Government and Housing Act 1989** (c.42, SIF 81:1), s. 194(2), **Sch. 12 Pt. I**

**77 Treatment and distribution of capital and other money.**

- (1) The Secretary of State may by order provide—
  - (a) ..... <sup>F31</sup>
  - (b) for the payment by a residuary body to [<sup>F32</sup>any authority to which this subsection applies] of such part (if any) of any capital money received by that body as is specified in the order.
- (2) Subsection (1) above applies to any [<sup>F33</sup>charging authority] in the area for which the residuary body in question is established and to any new authority established for (or for an area which includes or is included in) that area.
- (3) An order under subsection (1) above may—
  - (a) apply only to capital money of a particular description or make different provision in relation to capital money of different descriptions;
  - (b) apply only to some of the authorities to which that subsection applies or make different provision in relation to different authorities; . . . <sup>F34</sup>
  - (c) ..... <sup>F34</sup>
- (4) A residuary body may in any financial year distribute among [<sup>F35</sup>the charging authorities] in the area for which it is established any money (other than capital money) for the time being in the hands of that body; and any such distribution shall be in the same proportions as those that would apply to a levy made by it on those authorities in respect of that year.
- (5) In this section “capital money” means money of such description as may be specified for the purposes of this section by an order made by the Secretary of State [<sup>F36</sup>; and references in this section to a charging authority shall be construed as references to an authority which is a charging authority for the purposes of the Local Government Finance Act 1988 by virtue of section 144(1)(a), (b) or (c) of that Act].

*Status: Point in time view as at 28/03/1991.*

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#### Textual Amendments

- F31** S. 77(1)(a) repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(2), **Sch. 12 Pt. I**
- F32** Words substituted by [S.I. 1990/776](#), art. 8, **Sch. 3 para. 26**
- F33** Words substituted by [S.I. 1990/268](#), art. 2, **Sch.**
- F34** S. 77(3)(c) and word immediately preceding it repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(2), **Sch. 12 Pt. I**
- F35** Words substituted by [S.I. 1990/268](#), art. 2, **Sch.**
- F36** Words inserted by [S.I. 1990/268](#), art. 2, **Sch.**

#### Modifications etc. (not altering text)

- C46** S. 77 amended by [S.I. 1985/1884](#), art. 9(1)
- C47** S. 77 modified by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 185(8)**, 231(7), 235(6)
- C48** S. 77 restricted by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 185(9)**, 231(7), 235(6)

## 78 Accounts.

- (1) A residuary body shall keep proper accounts and proper records in relation to them.
- (2) A residuary body shall prepare a statement of accounts in respect of each financial year.
- (3) The statement shall comply with any directions given by the Secretary of State, with the consent of the Treasury, as to the information to be contained in the statement, the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared.
- (4) Without prejudice to section 65 above the Secretary of State may give directions to a residuary body requiring it—
  - (a) to keep accounts in respect of such matters and records relating to them as may be specified in the direction; and
  - (b) to comply with such methods and principles as may be so specified with respect to any accounts or records kept by that body;
 and it shall be the duty of a residuary body to comply with any such directions.

#### Modifications etc. (not altering text)

- C49** S. 78: certain functions transferred by [S.I. 1989/814](#), art. 11(a)
- C50** S. 78: certain functions transferred by [S.I. 1989/1359](#), reg. 11(a)
- C51** S. 78: certain functions transferred by [S.I. 1989/2470](#), art. 12(a)
- C52** S. 78(1)(2)(3) amended by [S.I. 1989/1815](#), art. 2, **Sch. 1 para. 7(1)**

## 79 Audit.

- (1) The accounts of a residuary body shall be included among those which are required to be audited in accordance with Part III of the <sup>M44</sup>Local Government Finance Act 1982 and, subject to subsection (2) below, that Part shall accordingly have effect in relation to any such body and its accounts.

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- (2) Sections 15(1)(a), 17, 19, 20, 22, 23 and 24 of that Act shall not apply in relation to a residuary body or its accounts.
- (3) At each audit by an auditor under Part III of the said Act of 1982 of the accounts of a residuary body any local government elector for any area to which the accounts to be audited relate may inspect those accounts and all books, deeds, contracts, bills, vouchers and receipts relating to them and make copies of all or any part of the accounts and those other documents.
- (4) At the request of any such local government elector, the auditor shall give the elector, or any representative of his, an opportunity to question the auditor about those accounts or to draw his attention to any matter on which he could make a report under section 15(3) of the said Act of 1982.
- (5) As soon as the audit of the accounts of a residuary body has been concluded a copy of any statement prepared by that body for the accounting year in question under section 78(2) above, together with a copy of any report made by the auditor on the statement or on the accounts shall be sent by the body to the Secretary of State who shall lay a copy of the statement and report before each House of Parliament.
- (6) Any person, on application to a residuary body, shall be entitled—
  - (a) to inspect and make copies of any statement prepared by it under section 78(2) above and any report made by an auditor on the statement or on the accounts of that body; and
  - (b) to be furnished with copies of any such statement or report on payment of such reasonable sum as the body may determine.
- (7) Any document which a person is entitled to inspect under subsection (3) or (6) above may be inspected by him at all reasonable times and without payment.
- (8) Subsection (2) above shall not have effect so as to exclude the provisions there mentioned from Part III of the said Act of 1982 as applied by section 63 above and references to the accounts of a residuary body in subsection (3) to (6) above do not include references to any accounts in respect of which it has functions under that section.

**Modifications etc. (not altering text)**

- C53** S. 79: certain functions transferred by S.I. 1989/814, **art. 11(a)**  
**C54** S. 79: certain functions transferred by S.I. 1989/1359, **reg. 11(a)**  
**C55** S. 79: certain functions transferred by S.I. 1989/2470, **art. 12(a)**  
**C56** S. 79 excluded by **Local Government and Housing Act 1989 (c.42, SIF 81:1, 2), s. 11(1)(4)**  
**C57** S. 79 amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 7(3)**  
**C58** S. 79(2) excluded by S.I. 1989/1815, art. 2, **Sch. 1 para. 7(4)**

**Marginal Citations**

- M44** 1982 c. 32.

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### *Transitional provisions*

#### **80 Transitional provisions relating to block grant and expenditure levels.**

- (1) ..... F37
- (2) In relation to block grant payable for the year beginning with the abolition date the principles mentioned in section 59(11A) of the said Act of 1980 and those mentioned in section 8(6) of the said Act of 1982 need not be the same for all relevant authorities.
- (3) Notwithstanding subsection (2) of section 3 of the <sup>M45</sup>Rates Act 1984 the principles in accordance with which the Secretary of State exercises his power under that section to determine a level for the total expenditure of a relevant authority in the year beginning with the abolition date may differ from those applied by him in the case of any other relevant authority.
- (4) In this section “relevant authority” means a metropolitan district council, a London borough council, the Common Council, a new authority and any other authority which the Secretary of State, having regard to any transfer of functions or property to that authority under or by virtue of this Act, may by order designate as a relevant authority for the purpose of this section.

#### **Textual Amendments**

F37 S. 80(1) repealed by [Rate Support Grants Act 1986 \(c.54, SIF 103:1\)](#), s. 4(3), [Sch. 2](#)

#### **Marginal Citations**

M45 1984 c. 33.

#### **81 Transitional functions of residuary bodies in respect of block grant.**

- (1) Any payment which by virtue of any provision of Part VI of the Local Government, Planning and Land Act 1980 would but for this Act have fallen to be made on or after the abolition date by or to the Greater London Council or the council of a metropolitan county in respect of block grant payable for a year ending before that date shall instead be made by or to the appropriate residuary body.
- (2) Any information, notice, representation or request under section 65, 66 or 67 of that Act which but for this Act would have fallen to be given or made by or to the Greater London Council or the council of a metropolitan county on or after the abolition date in respect of block grant payable for a year ending before that date shall instead be given or made by or to the appropriate residuary body.
- (3) ..... F38

#### **Textual Amendments**

F38 S. 81(3) repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)

#### **Modifications etc. (not altering text)**

C59 S. 81 modified by [S.I. 1988/2114](#), [art. 5\(1\)\(2\)](#)

C60 S. 81 modified by [S.I. 1989/814](#), [art. 5\(1\)](#)

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C61 S. 81 amended by S.I. 1990/1024, art. 4(1)

## 82 Transitional provisions for interim authorities.

- (1) As respects anything falling to be done before the abolition date in relation to the financial year beginning on that date references in sections 68 and 69 above and in the enactments which they amend to the Inner London Education Authority and the Northumbria Police Authority shall be construed respectively as references to the Inner London Interim Education Authority and the Northumbria Interim Police Authority; and references to the Inner London Education Authority in sections 70 and 72 above shall, as respects any time before the abolition date, be construed as references to the Inner London Interim Education Authority.
- (2) This Act does not affect Part I of the <sup>M46</sup>Rates Act 1984 in its application, for any financial year ending before the abolition date, to the existing Inner London Education Authority, that is to say, that Authority within the meaning of section 30 of the <sup>M47</sup>London Government Act 1963.

### Marginal Citations

M46 1984 c. 33.

M47 1963 c. 33.

### *London rate equalisation*

## 83 London rate equalisation schemes.

- (1) ..... <sup>F39</sup>
- (2) After section 63 of the <sup>M48</sup>Local Government, Planning and Land Act 1980 there shall be inserted—

### **“63A Adjustment of block grant for rates equalisation contribution.**

- (1) Where in any year a local authority is entitled to receive a contribution under a scheme made by virtue of section 66 of the London Government Act 1963 (equalisation of rates) the amount of any block grant payable to the authority for that year shall, if the Secretary of State so determines, be reduced by an amount equal to that contribution or by such lesser amount as he may determine.
- (2) Subsection (5) of section 61 above shall not apply to any exercise of the power conferred by subsection (3) of that section in respect of a determination under this section.”
- (3) This section has effect in relation to any financial year beginning on or after the abolition date.

### Textual Amendments

F39 S. 83(1) repealed by Local Government Finance Act 1988 (c.41, SIF 81:1), s. 149, Sch. 13 Pt. I



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#### Marginal Citations

M48 1980 c. 65.

## PART IX

### MISCELLANEOUS AND SUPPLEMENTARY

#### 84 Application of local authority provisions to new authorities.

- (1) The principal Act shall have effect with the amendments specified in Part I of Schedule 14 to this Act, and the other enactments specified in Part II of that Schedule shall have effect with the amendments there specified, being amendments for applying those enactments in relation to the new authorities.
- (2) ..... F40
- (3) This section has effect in relation to a joint authority from the day on which it is established.

#### Textual Amendments

**F40** S. 84(2) repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

#### Modifications etc. (not altering text)

**C62** S. 84(3) extended by [Local Government Act 1986 \(c.10, SIF 81:1, 2\)](#), **s. 11(6)** (the said s. 11 is repealed (*prosp.*) by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), ss. 194(4), 195(2), **Sch. 12 Pt. II**)

#### 85 Exercise of functions by new authorities in initial period.

- (1) With a view to securing that the functions of a new authority are discharged economically, efficiently and effectively in the period beginning with its establishment and ending three years after the abolition date, the Secretary of State may by regulations provide for the submission to him by the authority, or the making by him, of schemes with respect to the discharge of those functions so far as concerned with any of the matters to which this section applies; and it shall be the duty of the authority to discharge those functions in that period in accordance with any such scheme as approved or made by the Secretary of State and for the time being in force.
- (2) This section applies to—
  - (a) the number of persons employed by the authority or employed by it for a particular purpose;
  - (b) the authority's arrangements for obtaining any services (so far as not provided by its employees) or any supplies or facilities that it may require or may require for any particular purpose;
  - (c) the authority's organisation and its arrangements for managing its affairs.
- (3) This section also applies, in the case of a police authority, to the number of persons constituting the establishment of the police force maintained by the authority, and in



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the case of a fire authority, to the number of persons constituting the establishment of any fire brigade maintained by it; and section 4(2) of the <sup>M49</sup>Police Act 1964 and section 19 of the <sup>M50</sup>Fire Services Act 1947 (which relate to those matters) shall have effect subject to the provisions of this section.

- (4) Regulations under this section may contain such supplementary provisions as the Secretary of State thinks necessary or expedient, including provisions with respect to the procedure to be followed in the preparation and submission of schemes, or for enabling him to approve a scheme with modifications or to vary a scheme approved or made by him; and the regulations may also contain any transitional provisions that he thinks necessary or expedient in connection with the termination of the period mentioned in subsection (1) above.
- (5) The Secretary of State shall lay before Parliament copies of any scheme made, approved or varied by him under this section.

#### Marginal Citations

**M49** 1964 c. 48.

**M50** 1947 c. 41.

## 86 First meetings of new authorities.

- (1) The first meeting of a new authority shall be held within twenty-one days after the day appointed under this Act for its establishment and shall be treated as the annual meeting of the authority for the year in which it is held.
- (2) The meeting shall be convened, and held at a place appointed, by the proper officer of the relevant council; and for the purposes of this section the relevant council is—
  - (a) in relation to the authorities established by sections 18 and 27 above, the Greater London Council;
  - (b) in relation to any other authority, the council of the metropolitan county which is, or is included in, the area for which it is established,and references in this section to the proper officer of the relevant council are references to the officer whose duty it is to summon meetings of that council.
- (3) Notice of the meeting shall be published at the place where the meeting is to be held and summonses to attend the meeting shall be signed by the proper officer of the relevant council.
- (4) Until the completion of the election of a chairman and vice-chairman at the meeting, the functions falling to be exercised by the chairman and vice-chairman shall be exercised by a member of the new authority chosen by the members of that authority present at the meeting.
- (5) At the meeting the proper officer of the relevant council shall exercise any functions falling to be exercised by the proper officer of the new authority in relation to the meeting.
- (6) The standing orders for the regulation of the proceedings and business of the relevant council shall, so far as practicable, apply at the meeting.

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- (7) If it appears to the Secretary of State that the first meeting of a new authority is not likely to be convened to be held within the time specified in subsection (1) above, he may—
- (a) in the case of a joint authority, direct that the foregoing provisions of this section shall have effect with the substitution for references to the relevant council of references to a constituent council of that authority; or
  - (b) in any case, himself convene the meeting and appoint the place where it is to be held;
- and in any such case the meeting shall be held as soon as practicable.
- (8) Where the Secretary of State convenes a meeting under subsection (7) above, he shall himself sign the summonses referred to in subsection (3) above, the functions referred to in subsection (5) above shall be exercised by a person appointed by him and the standing orders referred to in subsection (6) above shall be those of such authority as he may direct.
- (9) Schedule 12 to the principal Act, as applied by section 84 above, shall have effect subject to this section, and in particular paragraph 4(2) of that Schedule shall not require notice of the first meeting of a new authority to be published at that authority's office or summonses to attend the meeting to be signed by the proper officer of that authority.

**Modifications etc. (not altering text)**

**C63** S. 86(2)–(6)(7)(b)(8) modified by S.I. 1985/1884, art. 11(2)

**C64** S. 86(2)–(6)(7)(b)(8) modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 2(3)

**87 Local and personal Bills.**

- (1) Subject to subsections (2) and (3) below, a local Bill promoted in Parliament by the council of a London borough may include provisions requested by the council of another London borough; and a local Bill promoted as aforesaid by the council of a metropolitan district may include provisions requested by the council of another metropolitan district in the same county.
- (2) Subsection (1) above applies only if the council making the request passes a resolution approving the provisions in question and that resolution—
- (a) is passed by a majority of the whole number of the members of the council at a meeting of the council held after thirty clear days' notice of the meeting and of its purpose has been given by advertisement in one or more local newspapers circulating in the area of the council, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the council; and
  - (b) is confirmed by a like majority at a further such meeting convened in accordance with paragraph (a) above and held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament.
- (3) Where a resolution of a council is not confirmed as required by subsection (2)(b) above, the council shall give notice of that fact to the council promoting the Bill who shall take all necessary steps for the omission from the Bill of the provisions to which the resolution relates or, if those provisions were requested also by other councils,

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of those provisions so far as relating to the council whose resolution has not been confirmed.

- (4) A council which in accordance with this section requests the inclusion of provisions in a Bill promoted by another council may contribute towards the expenses of the other council in connection with the Bill.
- (5) In this section references to the council of a London borough include references to the Common Council.
- (6) Neither the Greater London Council nor a metropolitan county council shall have power to promote or oppose a local or personal Bill in any Session of Parliament beginning after the date on which this Act is passed except a Bill presented in pursuance of an order of either House giving leave to suspend proceedings on a corresponding Bill in a Session beginning before that date.

## **88 Research and collection of information.**

- (1) A scheme may be made for Greater London or a metropolitan county by the constituent councils whereby one of those councils designated by the scheme has the function of—
  - (a) carrying out, or assisting in carrying out, investigations into, and the collection of information relating to, any matters concerning that area or any part of it; and
  - (b) making, or assisting in making, arrangements whereby any such information and the results of any such investigation are made available to any other local authority in that area, any government department or the public.
- (2) Any such scheme shall require the other constituent councils to contribute as provided by subsection (3) below to the expenditure incurred by the designated council in carrying out its functions under the scheme.
- (3) The constituent councils shall be required to contribute to any expenditure of the designated council which has been incurred with the approval of at least two-thirds of the constituent councils; and the amounts of the contributions shall be determined so that the expenditure in respect of which they are payable is borne by the constituent councils in proportion to the populations of their respective areas.
- (4) For the purposes of subsection (3) above the population of any 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 such date as the Secretary of State may from time to time determine.
- (5) A scheme may provide that, if two-thirds of the constituent councils so decide, the designated council may require all or any of the constituent councils other than the designated council to carry out in respect of their respective areas an investigation into, or the collection of information relating to, any specified matter concerning the area covered by the scheme or any part of it; and where such a requirement is imposed on a council—
  - (a) that council shall comply with the requirement in such manner and within such time as may be specified in the requirement; and
  - (b) if that council fails to comply with the requirement the designated council may itself do what was required and recover the cost of doing it from that council.
- (6) The expenditure which is to be borne as mentioned in subsection (3) above shall not include—

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- (a) any expenditure of the designated council which is recoverable by virtue of paragraph (b) of subsection (5) above; or
  - (b) if a requirement is imposed by virtue of that subsection on all the constituent councils other than the designated council, any expenditure incurred by that council in doing in respect of its own area what it has required the other councils to do in respect of their areas.
- (7) Any information collected by the designated council, and the results of any investigation carried out by it, in the exercise of its functions under the scheme shall be made available, on request, to each of the other constituent councils.
- (8) A scheme shall not come into force before the abolition date but shall continue in force until the end of at least two financial years after that in which it is made.
- (9) A scheme may, in the absence of agreement between all the constituent councils, be made by a majority of those councils so as to be binding on all of them; but a council shall not be designated by a scheme except with its consent.
- (10) A scheme may contain such supplementary provisions as the councils making the scheme think necessary or expedient and, subject to subsection (8) above, may be revoked by those councils (or, in the absence of agreement between all of them, by a majority of those councils) with effect from the end of any financial year after that in which the decision to revoke the scheme is made.
- (11) The council designated by a scheme may by giving not less than twelve months notice to the other constituent councils withdraw its consent to act as the designated council with effect from the end of any financial year not earlier than the second financial year after that in which the scheme was made; and in that event the scheme shall terminate when the withdrawal takes effect.
- (12) For the purposes of this section the constituent councils are—
- (a) in relation to Greater London, the London borough councils and the Common Council; and
  - (b) in relation to a metropolitan county, the councils of the metropolitan districts comprised in the county.
- (13) Whether or not a scheme is made under this section a London borough council, the Common Council and a metropolitan district council shall have power to exercise any of the functions described in subsection (1)(a) and (b) above.
- (14) The appropriate Minister with respect to any matter may require any such council as is mentioned in subsection (13) above to provide him with any information with respect to that matter which is in the possession of, or available to, that council in consequence of the exercise of any powers conferred by or under any enactment.

## **89 GLC housing transfer orders and nomination rights.**

- (1) The Secretary of State may by order amend or revoke any order made under section 23 of the <sup>M51</sup>London Government Act 1963 (transfer of GLC housing land) so far as it confers rights which are exercisable on or after the abolition date or imposes liabilities which fall to be discharged on or after that date; and an order under this subsection may in particular have effect so as to—
- (a) extinguish rights and liabilities to receive or make payments or transfer such rights or liabilities to the London Residuary Body;

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- (b) extinguish rights to nominate tenants for housing accommodation; and
  - (c) extinguish liabilities to carry out works.
- (2) The Secretary of State may by an order or orders taking effect on the abolition date—
- (a) confer on himself, in respect of housing accommodation transferred by orders under the said section 23, rights of nomination which correspond to those conferred by those orders on the Greater London Council but with such modifications as to their duration and the matters to be taken into account in their exercise as he thinks fit; and
  - (b) transfer to himself any other rights of the Greater London Council to nominate tenants for housing accommodation belonging to other authorities or bodies.
- (3) The Secretary of State may delegate, with or without restrictions, to any other authority, body or person the exercise of any rights conferred on or transferred to him by an order under subsection (2) above (and accordingly such an authority, body or person may take any action necessary for the enforcement of those rights).
- (4) Where any rights transferred under subsection (2)(b) above were acquired by the Greater London Council in consideration of payments by that Council, any liability in respect of such payments which is outstanding on the abolition date and any liability to make such payments on or after that date shall become liabilities of the London Residuary Body.

#### Marginal Citations

M51 1963 c. 33.

## 90 Charities.

- (1) .....<sup>F41</sup>
- (2) .....<sup>F42</sup>, the Secretary of State may by order make such provision in relation to any charity as appears to him to be necessary or expedient in consequence of the abolition of the Greater London Council or the council of a metropolitan county, including provision for transferring to any person any property, rights, liabilities or functions relating to the charity which are vested in that council or in the holder of any office connected with that council, and provision for terminating any such rights, liabilities or functions.
- (3) Nothing in this section shall affect any power of Her Majesty, the court or any other person to alter the trusts of any charity.
- (4) In this section “charity”, “charitable purposes” and “charity trustees” have the same meaning as in the<sup>M52</sup>Charities Act 1960.

#### Textual Amendments

**F41** S. 90(1) repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**

**F42** Words repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**

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### **Marginal Citations**

**M52** 1960 c. 58.

## **91 Control of financial and other assistance to local authorities by GLC and metropolitan county councils.**

- (1) This section applies to—
- (a) any grant made to a local authority by the Greater London Council or a metropolitan county council after 24th July 1984;
  - (b) any agreement or arrangements entered into by the Greater London Council or a metropolitan county council after that date for giving relevant assistance to a local authority; and
  - (c) any relevant assistance given to a local authority by the Greater London Council or a metropolitan county council after that date under an agreement or arrangements entered into by it on or before that date.
- (2) Except with the consent of the Secretary of State neither the Greater London Council nor a metropolitan county council shall after the passing of this Act—
- (a) make any such grant or enter into any such agreement or arrangements as are mentioned in paragraph (a) or (b) of subsection (1) above; or
  - (b) give any such assistance as is mentioned in paragraph (c) of that subsection;
- and if at any time since 24th July 1984 and before the passing of this Act any of those councils has done anything that would have been a contravention of the foregoing provisions if they had then been in force the same consequences shall follow as if those provisions had been contravened by that council.
- (3) The Secretary of State shall not give his consent for the purposes of subsection (2) above unless he is satisfied that it is expedient for the Greater London Council or, as the case may be, the metropolitan county council to make the grant, enter into the agreement or arrangements or give the assistance, as the case may be; and in deciding whether or not to give his consent he shall have regard to the cost to the ratepayers of Greater London or the metropolitan county in question of the grant or of the assistance given or to be given under the agreement or arrangements and to such other matters as he considers relevant.
- (4) Any consent for the purposes of subsection (2) above may be given either in respect of any particular grant, agreement, arrangements or assistance or in respect of grants, agreements, arrangements or assistance of any description and either unconditionally or subject to conditions.
- (5) Any statement made by or on behalf of the Secretary of State before the passing of this Act that he will after the passing of this Act give his consent, or give his consent subject to specified conditions, in respect of any such grant, agreement, arrangements or assistance as are mentioned in subsection (1) above shall be treated for the purposes of subsection (2) above as a consent, or a consent subject to those conditions, given under this section.
- (6) In this section “relevant assistance” has the meaning given in Part I of Schedule 15 to this Act; and Parts II and III of that Schedule shall have effect with respect to the consequences of any contravention of this section and for otherwise supplementing its provisions.

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- (7) Nothing in this section applies to anything done by the Greater London Council or a metropolitan county council which requires the consent of the Secretary of State under sections 7 to 9 of the <sup>M53</sup>Local Government (Interim Provisions) Act 1984.
- (8) Section 7(2) of that Act shall have effect, and be deemed always to have had effect, with the substitution for the reference to 26th June of a reference to 27th June.

#### Marginal Citations

M53 1984 c. 53.

## 92 Control of liabilities affecting successor authorities.

- (1) This section applies to any agreement or arrangements entered into after 21st March 1985 under which the Greater London Council or a metropolitan county council assumes liabilities not falling to be wholly discharged before the abolition date other than—
  - (a) an agreement or arrangements requiring the consent of the Secretary of State under section 91 above;
  - (b) any transaction requiring his consent under sections 7 to 9 of the Local Government (Interim Provisions) Act 1984 or which would require his consent under section 9 of that Act if the consideration exceeded the limit applying under that section;
  - (c) a contract of employment or a contract for the borrowing of money by the council.
- (2) Except with the consent of the Secretary of State neither the Greater London Council nor a metropolitan county council shall after the passing of this Act enter into any agreement or arrangements to which this section applies; and if at any time since 21st March 1985 and before the passing of this Act any of those councils has done anything that would have been a contravention of the foregoing provisions if they had then been in force the same consequences shall follow as if those provisions had been contravened by that council.
- (3) Any consent for the purposes of subsection (2) above may be given either in respect of any particular agreement or arrangements or in respect of agreements or arrangements of any class or description and either unconditionally or subject to conditions.
- (4) No agreement or arrangements entered into in contravention of this section shall be enforceable against a successor authority.
- (5) If, on an application made by a constituent council, by a local government elector for the area of a constituent council or by a successor authority other than a constituent council, it appears to the High Court that the Greater London Council or a metropolitan county council has entered into any agreement or arrangements in contravention of this section, the court may order any person responsible for authorising the agreement or arrangements who is, or was at the time of the conduct in question, a member of the council—
  - (a) to be disqualified for being a member of that council and to be disqualified for a specified period for being a member of any other local authority; and
  - (b) to pay to that council (or, in the case of an order made on or after the abolition date, to the appropriate residuary body) a sum not exceeding the cost of



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discharging such of the liabilities assumed by the council under the agreement or arrangements as have not been, or in the opinion of the court are likely not to be, discharged by that council before that date.

- (6) No order shall be made in respect of any person under subsection (5) above if the court is satisfied that he acted in the belief that the agreement or arrangements had the consent of the Secretary of State and that any conditions attached to the consent had been complied with.
- (7) In paragraph (a) of subsection (5) above “local authority” includes the Common Council and the Council of the Isles of Scilly; and in sections 80(1)(e), 86(b) and 87(1)(d) of the principal Act references to Part III of the <sup>M54</sup>Local Government Finance Act 1982 shall include references to that subsection.
- (8) In this section “a constituent council” means—
- (a) in relation to the Greater London Council, a London borough council or the Common Council;
  - (b) in relation to a metropolitan county council, the council of any district comprised in the county;
- and “a successor authority” means, in relation to the Greater London Council or a metropolitan county council, any body or person who by virtue of any provision made by or under this Act will succeed or has succeeded to any liability of that council.
- (9) Any statement by or on behalf of the Secretary of State before the passing of this Act that he will after the passing of this Act give his consent, or give his consent subject to specified conditions, in respect of any agreement or arrangements to which this section applies shall be treated for the purposes of subsection (2) above as a consent, or a consent subject to those conditions, given under this section.

#### Marginal Citations

M54 1982 c. 32.

### 93 Control of disposals and contracts.

- (1) Any disposal made after 21st March 1985 in contravention of section 8 of the <sup>M55</sup>Local Government (Interim Provisions) Act 1984 shall be void; and section 128(2) of the principal Act (protection of purchasers etc.) shall not have effect in relation to the consent required by the said section 8 for any disposal made after that date.
- (2) As respects any contract entered into after that date subsection (1) of section 9 of the said Act of 1984 shall have effect with the substitution for the reference to £250,000 and for each reference to £100,000 of a reference to £15,000.
- (3) No contract entered into after the said 21st March in contravention of the said section 9 shall be enforceable against a successor authority; and accordingly subsection (5) of that section shall not apply to any contract entered into after that date.
- (4) An application under section 10 of the said Act of 1984 (disqualification for membership of local authority) may be made by a successor authority and in that section “local authority” shall include the Common Council and the Council of the Isles of Scilly.



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- (5) Where by reason of a disposal or contract made after the said 21st March in contravention of section 8 or 9 of the said Act of 1984 the High Court has power to make an order under section 10 of that Act in respect of any person it shall also have power to order him to pay to the Greater London Council or, as the case may be, to the metropolitan county council (or, in the case of an order made on or after the abolition date, to the appropriate residuary body) a sum not exceeding—
- (a) in the case of a disposal in contravention of section 8, an amount equal to the amount or value of the consideration for the disposal or, if there is no consideration or it is less than the market value of what is disposed of, an amount equal to that market value;
  - (b) in the case of a contract in contravention of section 9, an amount equal to the amount or value of the consideration in respect of the matters by virtue of which the contract is subject to that section.
- (6) No order shall be made in respect of any person under the said section 10 or subsection (5) above if the court is satisfied that he acted in the belief that the disposal or contract had the consent of the Secretary of State and that any conditions attached to the consent had been complied with.
- (7) In this section “successor authority” has the same meaning as in section 92 above.

#### **Marginal Citations**

**M55** 1984 c. 53.

## **94 The Temples.**

- (1) Subject to subsection (2) below, Her Majesty may at any time, whether before or after the abolition date, by an Order in Council coming into force not earlier than that date provide that any functions exercisable as respects a London borough by the council of that borough shall be exercisable—
- (a) as respects both the Temples by the Common Council; or
  - (b) as respects the Inner Temple by its Sub-Treasurer and as respects the Middle Temple by its Under Treasurer.
- (2) Subsection (1) above does not apply to any functions for the exercise of which as respects the Temples specific provision is made elsewhere in this Act or by or under any other enactment.
- (3) An Order under this section may make such incidental, consequential, transitional or supplementary provision as appears to Her Majesty to be necessary or proper for the purposes or in consequence of any of the provisions of the Order, including provision—
- (a) applying to the Inner Temple or the Middle Temple any enactment relating to the functions in question which is contained in this Act or in any Act passed before or in the same Session as this Act;
  - (b) modifying or repealing any such enactment in its application to the Inner Temple or the Middle Temple; or
  - (c) excluding the application of any such enactment to the Inner Temple or the Middle Temple.

*Status: Point in time view as at 28/03/1991.*

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- (4) Any expenses incurred by the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple under this Act or any enactment applied to the Temples by or under this Act may be defrayed out of a rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be.

## **95 Co-ordinating committees of successor councils.**

- (1) The London borough councils and the Common Council shall not later than 1st September 1985 establish a joint committee to discharge the functions mentioned in subsection (2) below; and the councils of the districts in each metropolitan county shall not later than that date establish a joint committee to discharge those functions.
- (2) The joint committee required to be established under this section by the councils in Greater London or a metropolitan county shall—
- (a) co-ordinate the making of preparations by those councils—
    - (i) for the transfer of the functions of the Greater London Council or the council of that county which will on the abolition date become functions of those councils by virtue of any provision made by or under this Act; and
    - (ii) for the exercise by those councils of functions which by virtue of any such provision will on that date cease to be exercisable concurrently with those councils by the Greater London Council or the council of that county;
  - (b) consider whether any of those functions could with advantage be discharged jointly by those councils or any of them and, if of that opinion, promote the making of arrangements in that behalf under section 101 of the principal Act;
  - (c) consider whether it is desirable that a scheme under section 48 or 88 above, or schemes under both those sections, should be made by those councils and, if of that opinion, promote the making of such a scheme or such schemes;
  - (d) consult and co-operate, as respects matters affecting those councils or their areas, with the new authorities, the residuary bodies and any other body to which functions or property of the Greater London Council or the council of that county will be transferred by virtue of any provision made by or under this Act and with the staff commission;
  - (e) consider, in consultation with the authorities and bodies mentioned in paragraph (d) above, whether they could with advantage make joint arrangements for the provision of any services or goods required in connection with the discharge of the functions of those councils, authorities and bodies and, if of that opinion, promote the making of such arrangements; and
  - (f) exercise the committee's powers under section 96 below so as to obtain from the Greater London Council or the council of that county and their officers any information the committee may require for discharging its functions under this section.
- (3) Any such joint committee shall consist of such number of members of each of the councils by which it is required to be established as they may determine.
- (4) The first meeting of any such joint committee shall be held at such time and place as the councils by which it is required to be established may determine.

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- (5) The matters for determination under subsections (3) and (4) above by the councils there mentioned shall (in the absence of agreement) be determined in accordance with the wishes of a majority of those councils.
- (6) The expenses of a joint committee under this section shall be defrayed by the councils by which it is required to be established in such proportions as the committee may decide or, in default of a decision by the committee, as the Secretary of State may determine.

## 96 Information for implementation of Act.

The purposes for which information may be requested under section 5 of the <sup>M56</sup>Local Government (Interim Provisions) Act 1984 shall include the implementation of any provision made by or under this Act; and the bodies at whose request information is to be provided under that section shall include—

- (a) in relation to the Greater London Council and its officers, the authorities established by sections 18 and 27 above, the London Residuary Body, any other body in which functions or property of that Council will vest on the abolition date by virtue of any provision made by or under this Act or any other enactment and the joint committee established by the London borough councils and the Common Council under section 95 above;
- (b) in relation to the council of a metropolitan county and its officers, any joint authority established for that county (or for an area which includes that county), the appropriate residuary body, any other body in which functions or property of that council will vest as aforesaid and the joint committee established by the district councils in that county under section 95 above.

### Marginal Citations

M56 1984 c. 53.

## 97 Other provisions for implementation of Act.

- (1) Without prejudice to sections 95 and 96 above and to section 5 of the Local Government (Interim Provisions) Act 1984, it shall be the duty of the relevant authorities and their officers to co-operate with each other and generally to exercise their functions so as to facilitate the implementation of this Act and any transfer of functions, property or staff made under this Act or, in connection with this Act, under any other enactment.
- (2) In the case of the Greater London Council and the council of a metropolitan county the duty imposed by subsection (1) above includes in particular the duty to co-operate with the joint committee established under section 95 above by the London borough councils and the Common Council or, as the case may be, by the district councils in that county.
- (3) A person in the service of the Greater London Council or a metropolitan county council may enter into a contract of employment with a successor authority for the rendering of services by him to that authority concurrently with his service to the council.
- (4) Subsection (3) above has effect notwithstanding anything in a person's contract of employment with the Greater London Council or a metropolitan county council and

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neither his entering into a contract of employment with a successor authority nor anything done by him in pursuance of such a contract shall be a ground for that council to terminate his employment.

- (5) In this section “relevant authority” means the Greater London Council, a metropolitan county council and a successor authority and “successor authority” means a London borough council, the Common Council, a metropolitan district council, a new authority and any other body to which functions or property of the Greater London Council or a metropolitan county council are transferred by or under this Act or any other enactment.

## **98 Continuity of exercise of functions.**

- (1) The abolition of the Greater London Council and the metropolitan county councils shall not affect the validity of anything done by any of those councils before the abolition date.
- (2) Anything which at the abolition date is in process of being done by or in relation to any of those councils in the exercise of or in connection with any statutory functions which by virtue of any provision made by or under this Act becomes functions of another authority, or of other authorities in respect of their respective areas, may be continued by or in relation to the authority (“the successor authority”) by which those functions become exercisable or, as the case may be, become exercisable in respect of the area in question.
- (3) Where immediately before the abolition date any statutory functions exercisable by any of those councils are exercisable concurrently by another authority, or by other authorities in respect of their respective areas, subsection (2) above shall have effect as if those functions had by virtue of this Act become functions of that other authority or of those other authorities in respect of their respective areas.
- (4) Anything done by or in relation to any of those councils before the abolition date in the exercise of or in connection with any functions to which subsection (2) above applies shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the successor authority.
- (5) Subsection (4) above applies in particular to—
- (a) any decision, determination, declaration, designation, agreement or instrument made by a council;
  - (b) any regulations or byelaws made by a council;
  - (c) any licence, permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by or to a council;
  - (d) any notice, direction or certificate given by or to a council;
  - (e) any application, request, proposal or objection made by or to a council;
  - (f) any condition or requirement imposed by or on a council;
  - (g) any fee paid by or to a council;
  - (h) any appeal allowed by or in favour of or against a council;
  - (i) any proceedings instituted by or against a council.
- (6) Any reference in the foregoing provisions of this section to anything done by or in relation to a council includes a reference to anything which by virtue of any enactment is treated as having been done by or in relation to that council.

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- (7) Any reference to a council in any document constituting or relating to anything to which the foregoing provisions of this section apply shall, so far as is required for giving effect to those provisions, be construed as a reference to the successor authority.
- (8) Any question under this section as to which is the successor authority in respect of any particular functions may be determined by a direction given by the Secretary of State.
- (9) The foregoing provisions of this section are without prejudice to any provision made by this Act in relation to any particular functions and shall not be construed as continuing in force any contract of employment made by any of the councils mentioned in subsection (1) above; and the Secretary of State may, in relation to any particular functions, by order exclude, modify or supplement any of the foregoing provisions of this section or make such other transitional provision as he thinks necessary or expedient.
- (10) The foregoing provisions of this section shall apply in relation to the authority abolished by section 25(6) above as they apply in relation to the councils mentioned in subsection (1) above.

**Modifications etc. (not altering text)**

- C65** S. 98 extended by London Building Act 1930 (c.clviii), s. 120 (as substituted by S.I. 1986/452, art. 3, Sch. 2 para. 3(j))
- C66** S. 98(2) excluded by S.I. 1985/1781, art. 3(1)
- C67** S. 98(2) modified by S.I. 1986/148, art. 23(2)
- C68** S. 98(3) excluded by S.I. 1985/1781, art. 3(1)
- C69** S. 98(4) modified by S.I. 1985/1341, art. 3, 1985/1781, art. 3(2) and 1986/148, art. 23(2)
- C70** S. 98(5)–(8) modified by S.I. 1985/1781, art. 3(2) and 1986/148, art. 23(2)

**99 Disqualification of justices.**

Section 64 of the Justices of the <sup>M57</sup>Peace Act 1979 (disqualification of justices) shall apply as if the proceedings in relation to which a justice of the peace is disqualified from acting included—

- (a) proceedings which by virtue of any provision made by or under this Act are continued by or against the authority of which he is a member; and
- (b) proceedings by way of appeal from any decision which by virtue of any such provision is treated as a decision of that authority or of any committee or officer of that authority within the meaning of subsections (1) and (2) of that section.

**Marginal Citations**

- M57** 1979 c. 55.

**100 Transfer of property, rights and liabilities.**

- (1) The Secretary of State may by an order or orders made at any time before the abolition date provide for the transfer on that date to any local authority, new authority or residuary body or to any other person, including any Minister of the Crown, of any property, rights or liabilities of the Greater London Council or a metropolitan county

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council which, if not transferred under this section, would vest in accordance with section 62 above.

- (2) Any transfer under this section and any transfer of property by or under any other provision of this Act may be on such terms, including financial terms, as the Secretary of State thinks fit and the Secretary of State may by order create or impose such new rights or liabilities in respect of what is transferred as appear to him to be necessary or expedient.
- (3) The Secretary of State may by order confer on any person to whom property is transferred by the order or by or under any other provision of this Act any statutory functions which before the abolition date were exercisable in relation to that property by the Greater London Council or a metropolitan county council.
- (4) Without prejudice to subsections (2) and (3) above, any order under this section and any other order under this Act by which property is transferred may include such incidental consequential and supplementary provisions as appear to the Secretary of State to be necessary or expedient.

#### **101 Power to make incidental, consequential, and transitional provisions.**

- (1) The Secretary of State may at any time by order make such incidental, consequential, transitional or supplementary provision as appears to him to be necessary or expedient—
  - (a) for the general purposes or any particular purposes of this Act or in consequence of any of its provisions or for giving full effect to it; or
  - (b) in consequence of such of the provisions of any other Act passed in the same Session as this Act [<sup>F43</sup>or the Housing Act 1988] as apply to any area or authority affected by this Act.
- (2) An order under this section may in particular make provision—
  - (a) for enabling any authority or body by whom any powers will become exercisable on the abolition date by virtue of any provision made by or under this Act to take before that date any steps (such as the undertaking of consultations, the giving of notices or the consideration of objections) which are required to be taken as a preliminary to the exercise of those powers;
  - (b) for the making before the abolition date of arrangements for securing the satisfactory operation from that date of any provision made by or under this Act and for defraying the cost of any such arrangements;
  - (c) for amending, repealing or revoking (with or without savings) any provision of an Act passed, or an instrument under an Act made, before the abolition date, for applying any such provision (with or without modification) and for making savings or additional savings from the effect of any amendment or repeal made by this Act;
  - (d) with respect to the membership of any body so far as consisting of persons elected by, or appointed by or on the nomination of, the Greater London Council or a metropolitan county council, whether alone or together with one or more other bodies;
  - (e) for dissolving any body corporate established by any Act passed, or by any instrument under an Act made, before the abolition date.
- (3) The amendments that may be made under subsection (2)(c) above—

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- (a) shall be in addition and without prejudice to those made by any other provision of this Act; and
  - (b) shall, in particular, include amendments in consequence of functions under provisions applying to Greater London or a metropolitan county becoming exercisable in their respective areas by the councils of London boroughs or metropolitan districts or by the Common Council.
- (4) No other provision of this Act shall be construed as prejudicing the generality of the powers conferred by this section.

#### Textual Amendments

**F43** Words inserted by [Housing Act 1988 \(c.50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 37](#)

### 102 Consequential amendments and repeals.

- (1) The enactments mentioned in Schedule 16 to this Act shall have effect with the amendments there specified, being amendments consequential on the provisions of this Act.
- (2) The enactments mentioned in Schedule 17 to this Act (which include spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This section has effect from the abolition date.
- (4) Subsection (2) above does not affect any orders made before the abolition date under section 23, 83 or 87 of the <sup>M58</sup>London Government Act 1963.

#### Marginal Citations

**M58** 1963 c. 33.

### 103 Orders etc.

- (1) Any power of the Secretary of State to make orders, regulations or rules under this Act shall be exercisable by statutory instrument and may be exercised so as to make different provision for different cases, including different provision for different areas.
- (2) A statutory instrument containing regulations or, subject to subsection (3) below, an order under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Subsection (2) above does not apply to an order under section 13, 15, 18, 23, 42, 51 or 57 above or under paragraph 10 of Schedule 5 to this Act.
- (4) A statutory instrument containing an order under section 13(9) above shall be laid before each House of Parliament after being made.
- (5) No order shall be made under section 42 above unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (6) Any power conferred on the Secretary of State by section 11(2), 98(8), 100 and 101 above may also be exercised by any appropriate Minister.

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#### **104 Expenses.**

There shall be paid out of moneys provided by Parliament—

- (a) any expenses of any Minister under this Act; and
- (b) any increase attributable to this Act in the sums payable out of such moneys under any other Act.

#### **105 Interpretation.**

(1) In this Act—

- “the abolition date” has the meaning given in section 1(2) above;
- “contract of employment”, “employee” and “employer” have the same meaning as in the <sup>M59</sup>Employment Protection (Consolidation) Act 1978;
- “joint authority” means any authority established by Part IV of this Act;
- “new authority” means any authority established by Part III or IV of this Act;
- “the principal Act” means the <sup>M60</sup>Local Government Act 1972;
- “residuary body” means a body established by Part VII of this Act and “the appropriate residuary body” has the meaning given in section 57(2) above;
- “statutory functions” means functions conferred by an enactment or a statutory instrument.

- (2) In this Act any expression which is also used in the principal Act has the same meaning as in that Act.
- (3) Any provision of this Act enabling a power to be exercised or anything else to be done before the abolition date so as to take effect on or after that date is without prejudice to section 13 of the <sup>M61</sup>Interpretation Act 1978 (anticipatory exercise of powers).

#### **Marginal Citations**

- M59** 1978 c. 44.
- M60** 1972 c. 70.
- M61** 1978 c. 30.

#### **106 Short title and extent.**

- (1) This Act may be cited as the Local Government Act 1985.
- (2) Any amendment or repeal by this Act of an enactment which extends to Scotland or Northern Ireland has the same extent as that enactment but, save as aforesaid, this Act extends to England and Wales only.



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## SCHEDULES

### F44F44 SCHEDULE 1

#### Textual Amendments

**F44** Schedule 1 repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

F44

### SCHEDULE 2

Section 6

#### LISTED BUILDINGS, CONSERVATION AREAS AND ANCIENT MONUMENTS

1 ..... F45

#### Textual Amendments

**F45** Sch. 2 para. 1 repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

#### *Ancient monuments*

- 2 (1) The <sup>M62</sup>Ancient Monuments and Archaeological Areas Act 1979 shall be amended as follows.
- (2) In section 33—
- (a) after subsection (2) there shall be inserted—
- “(2A) The Commission may from time to time by order designate as an area of archaeological importance any area in Greater London which appears to them to merit treatment as such for the purposes of this Act.”; and
- (b) in subsection (3), after the words “local authority”, there shall be inserted the words “or by the Commission”.
- (3) At the end of section 34(3) there shall be inserted the words “; and, if the area is wholly or partly situated in Greater London, he shall also notify the Commission.”
- (4) In Schedule 2, at the end of paragraph 15, there shall be inserted—

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*“ Designation orders by the Commission*

- 15A Paragraphs 8, 9, 10 to 13, 14(a) and (b) and 15 above shall have effect in relation to a designation order made by the Commission as if—
- (a) in paragraphs 8(1), 12, 13 and 15 the references to a local authority were a reference to the Commission;
  - (b) in paragraphs 9 and 14 the first reference to a local authority were a reference to the Commission, and the word “other” were omitted; and
  - (c) in paragraph 11—
    - (i) in sub-paragraph (a) the words in brackets were omitted; and
    - (ii) in sub-paragraph (b) the reference to the local authority proposing to make the order were a reference to the Commission, and the word “other” were omitted.”

**Marginal Citations**

**M62** 1979 c. 46.

*Other functions*

- 3 (1) The Historic Buildings and Monuments Commission for England (in this paragraph and paragraph 4 below referred to as “the Commission”) may—
- (a) acquire by agreement any building or place of historical or architectural interest in Greater London;
  - (b) undertake, or contribute towards, the cost of preserving, maintaining and managing any such building or place;
  - (c) acquire by agreement any work of art;
  - (d) agree with any person for the production by that person of a work of art for acquisition by the Commission;
  - (e) erect and maintain, or contribute towards the provision, erection and maintenance of, any work of art in any place in Greater London.
- (2) For the purpose of providing for the accommodation, exhibition and preservation of works of art or objects of historical, antiquarian or other public interest which may for the time being be in the possession of the Commission by virtue of any gift, loan or discovery, or by virtue of this Act, the Commission may adapt, furnish and maintain any premises given to and for the time being vested in it for the purposes of this sub-paragraph.
- (3) The Commission may let any building vested in it for the purposes of sub-paragraph (2) above on such terms and conditions as to payment or otherwise as it thinks fit and may make charges for admission to any such building which may for the time being be under its management and control.
- (4) The Commission may in the case of any building in Greater London cause investigations to be made, and information to be published, with respect to the history of the building.

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- 4 The Commission may in Greater London, and a London borough council may in its borough—
- (a) provide; and
  - (b) on any conspicuous part of a house, building or place, with the consent of its owner, erect, a commemorative plaque, tablet or sign indicating an event or matter of public interest in connection with the house, building or place or its site, and may in that area, with the like consent, maintain any such plaque, tablet or sign erected by it or by any other person or body, whether before or after the passing of this Act.

### SCHEDULE 3

Section 7.

#### NATIONAL PARKS AND COUNTRYSIDE FUNCTIONS

##### *Byelaws for country parks etc.*

- 1 The land in respect of which a metropolitan district council, London borough council or the Common Council may make byelaws under section 41 of the <sup>M63</sup>Countryside Act 1968 shall include any land in the area of the council in respect of which byelaws have been, or could have been, made under that section before the abolition date by a metropolitan county council or the Greater London Council.

#### Marginal Citations

**M63** 1968 c. 41.

- 2 ..... **F46**

#### Textual Amendments

**F46** Sch. 3 paras. 2, 3(1) repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

##### *Functions of local planning authorities in National Parks*

- 3 (1) ..... **F47**
- (2) In section 184(1) of that Act after the words “elsewhere than” there shall be inserted the words “in the metropolitan counties,”.

#### Textual Amendments

**F47** Sch. 3 paras. 2, 3(1) repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

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- 4 In paragraphs . . . <sup>F48</sup> 55(2) of Schedule 16 to the said Act of 1972 for the words “In a National Park” there shall be substituted the words “As respects an area in a National Park outside a metropolitan county”.

**Textual Amendments**

**F48** Words repealed by [Planning \(Consequential\) Provisions Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

- 5 (1) Schedule 17 to the said Act of 1972 shall be amended as follows.
- (2) In paragraph 5 for the words “county or counties” there shall be substituted the words “planning areas”.
- (3) In paragraph 8—
- (a) for the words “new counties” there shall be substituted the words “planning areas”;
  - (b) for the words “those counties”, in both places, there shall be substituted the words “those areas”.
- (4) In paragraph 12A(1) for the words “district councils whose districts” there shall be substituted the words “councils of non-metropolitan districts which”; and any person who immediately before the abolition date is a member of a board or committee by virtue of an appointment made under the said paragraph 12A by the council of a metropolitan district (whether alone or jointly) shall cease to be a member of that board or committee on that date.
- (5) In paragraph 13(b) and (c) for the words “county council” there shall be substituted the words “county or metropolitan district council”.
- (6) In paragraph 14—
- (a) for the words “one county” and “the county” there shall be substituted respectively the words “one planning area” and “the area”;
  - (b) for the words “two or more counties” and “those counties” there shall be substituted respectively the words “two or more planning areas” and “those areas”;
  - (c) for the words (in paragraph (b)) “county council” there shall be substituted the words “county or metropolitan district council”.
- (7) In paragraph 16 for the words “the county council” there shall be substituted the words “the council of the planning area”.
- (8) After paragraph 21 there shall be inserted—
- “21A In this Part of this Schedule “planning area” means a metropolitan district or a non-metropolitan county.”
- (9) Paragraph 35 shall have effect in relation to any area—
- (a) which is in a metropolitan district; and
  - (b) to which subsections (1) and (2) of section 61 of the National Parks and Access to the Countryside Act 1949 do not apply at the abolition date by

*Status: Point in time view as at 28/03/1991.*

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virtue of subsection (3) of that section, as if the reference to the county council were a reference to the council of that metropolitan district.

#### *Grants for expenditure on National Parks*

- 6 In section 7 of the <sup>M64</sup>Local Government Act 1974—
- (a) in subsection (1) for the words “county councils” there shall be substituted the words “councils of counties and metropolitan districts”;
  - (b) in subsection (3) for the words “county councils whose areas” there shall be substituted the words “councils of counties or metropolitan districts which” and for the words “a county council” there shall be substituted the words “a council”.

#### **Marginal Citations**

**M64** 1974 c. 7.

#### *Other powers relating to nature conservation, the countryside and the National Parks*

- 7 (1) The <sup>M65</sup>Wildlife and Countryside Act 1981 shall be amended as follows.
- (2) In section 34(6) for the definition of “the relevant authority” there shall be substituted—
- ““the relevant authority” means—
- (a) in relation to a non-metropolitan county, the county planning authority and, in relation to any other area in England, the local planning authority;
  - (b) in relation to Scotland, the authority exercising district planning functions.”
- (3) In section 39(5)(a) after the words “National Park” there shall be inserted the words “and outside a metropolitan county.”
- (4) In sections 42, 43, 44 and 51(2)(c) for the words “county planning authority”, wherever they occur, there shall be substituted the words “local planning authority”.
- (5) In section 52(2) for the words from the beginning to the end of paragraph (b) there shall be substituted the words
- “In the application of this Part to England (except as respects a metropolitan county or Greater London) and to Wales references to a local planning authority shall be construed—
- (a) in sections 42, 43, 44 and 51(2)(c) as references to a county planning authority; and
  - (b) in any other provision, as references to a county planning authority and a district planning authority;”
- (6) In section 66(1) for the definition of “surveying authority” there shall be substituted—

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““surveying authority”, in relation to any area, means the county council, metropolitan district council or London borough council whose area includes that area.”

- (7) In section 72(10) after the words “a county council” there shall be inserted the words “or metropolitan district council”.
- (8) In the definition of “local authority” in paragraph 5(1) of Schedule 14 and paragraph 13(2) of Schedule 15 for the words “a district council, the Greater London Council” there shall be substituted the words “a non-metropolitan district council”.

#### Marginal Citations

M65 1981 c. 69.

## SCHEDULE 4

Section 8.

### HIGHWAYS

#### PART I

##### AMENDMENTS OF THE HIGHWAYS ACT 1980

- 1 In section 1—
- (a) in subsection (2), after the word “county” in the first place where it occurs, there shall be inserted the words “or metropolitan district”, and after that word in the second place where it occurs there shall be inserted the words “or, as the case may be, the district”;
  - (b) in subsection (3) for the words from the beginning to “the council” there shall be substituted the words “The council”; and
  - (c) in subsection (4), after the word “county”, there shall be inserted the words “or, as the case may be, the metropolitan district”.
- 2 In section 2, in paragraph (a), after the word “county”, there shall be inserted the words “or metropolitan district”, and in paragraph (b) for the words from “the” in the second place where it occurs to the end of the paragraph there shall be substituted the words “the council of the borough,”.
- 3 In section 4(3), before the word “district”, there shall be inserted the word “non-metropolitan”.
- 4 In section 6—
- (a) in subsection (1)—
    - (i) for the words “the Greater London Council” there shall be substituted the words “a metropolitan district council”; and
    - (ii) the words after “below” shall be omitted;
  - (b) after that subsection there shall be inserted—
 

“(1A) The Minister shall not delegate functions to a council under subsection (1) above—

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- (a) with respect to a trunk road or land outside their area but within a non-metropolitan county or London borough, except with the consent of the council of that county or borough;
    - (b) with respect to a trunk road or land outside their area but within a metropolitan district except after consultation with the council of that district.”
  - (c) in subsection (5) for the words “the Greater London Council” there shall be substituted the words “a metropolitan district council”;
  - (d) in subsection (6) the words after “arrangements” in the third place where it occurs shall be omitted; and
  - (e) after that subsection there shall be inserted—
    - “(6A) No arrangements shall be entered into under subsection (6) above for the carrying out by a district council of any functions—
    - (a) with respect to a trunk road or land outside their area but within a non-metropolitan district, except with the consent of the council of the non-metropolitan district;
    - (b) with respect to a trunk road or land outside their area but within a metropolitan district, except after consultation with the council of the metropolitan district.”
- 5 At the end of section 8(4) there shall be inserted “; and the council of a metropolitan district may not enter into an agreement under this section with the council of another metropolitan district or of a county unless the districts are in the same county or in counties which adjoin each other or, as the case may be, the county in which the district is situated and the other county adjoin each other.”.
- 6 In section 20(8) for the words “sections 156 and 159” there shall be substituted the words “section 156”.
- 7 In sections 31(7), 36(6), 40, 172(1), 188(1), 190(1), 191(1) and (3), 192(1) and (3), 193(1) and (2), 194(1) and (2), 195(3), 197(2) and (3), 198, 199 and 200(2) and (3), after the word “county”, there shall be inserted the words “, metropolitan district”.
- 8 In section 34, after the words “county council,” there shall be inserted the words “a metropolitan district council.”.
- 9 In section 35, in subsections (1)(a) and (b) and 3(d) and (e) before the word “district”, and in subsection (7) before the word “district” in the first two places where it occurs, there shall be inserted the word “non-metropolitan”.
- 10 In section 39, after the words “county council”, there shall be inserted the words “or metropolitan district council”.
- 11 In section 42(1) and (3), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”.
- 12 In section 43(2), before the word “district”, there shall be inserted the word “non-metropolitan”.
- 13 In section 45—
- (a) in subsections (4) and (6) for the word “county” there shall be substituted the words “non-metropolitan county, metropolitan district”;

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- (b) in subsections (7) and (8) for the word “county” there shall be substituted the words “non-metropolitan county or metropolitan district”; and
- (c) in subsection (12), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”.
- 14 In section 50, in subsection (2), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”.
- 15 In section 61, before the word “district” in each place where it occurs there shall be inserted the word “non-metropolitan”.
- 16 In section 64(5) for the words “subsections (1) to (4)” there shall be substituted the words “subsections (1) to (3)”.
- 17 In section 66(6), after the word “county” in both places where it occurs, there shall be inserted the words “or metropolitan district”.
- 18 In section 79(3), before the word “district” there shall be inserted the word “non-metropolitan”.
- 19 In sections 80(4), 195(1)(b), 254(2)(b) and 271(1)(ii) and paragraph 1 of Schedule 15 after the word “county”, there shall be inserted the words “or metropolitan district”.
- 20 In section 95(1), in paragraph (a), after the word “county”, there shall be inserted the words “or metropolitan district”, and in paragraph (c) for the words “any other” there shall be substituted the word “a”.
- 21 At the end of section 100(6) there shall be inserted “; and where the highway authority are a metropolitan district council they shall, before so exercising any powers under that Act, give such notice to the water authority within whose area the powers are proposed to be exercised.”.
- 22 In section 114(1), (3) and (4), after the words “county council” there shall be inserted the words “or metropolitan district council”.
- 23 In section 115H, in subsection (1) for the words “subsections (2) and (3)” there shall be substituted the words “subsection (3)”; and in subsection (3) for the words from the beginning to “as” there shall be substituted
- “Subsection (1) above shall have effect in relation to a highway—
- (a) to which this Part of this Act applies; and
- (b) in relation to which there is no pedestrian planning order in force, as”
- 24 In section 116—
- (a) in subsection (1) for the word “appropriate” there shall be substituted the word “highway”; and
- (b) for paragraph (a) of subsection (3) there shall be substituted—
- “(a) if the highway is in a non-metropolitan district, the council of that district; and”
- 25 In sections . . . <sup>F49</sup> 143(1)(a), 146(2)(a) and (5)(b), 147(1)(a), 156(2)(i) and 175, before the word “district”, there shall be inserted the word “non-metropolitan”.



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### Textual Amendments

**F49** Words repealed by [Rights of Way Act 1990 \(c.24, SIF 59\)](#), s. 6(5)

- 26 In section 151(1)(a) for the words after “also” there shall be substituted the words “, if the street is situated in a non-metropolitan district, the council of that district; and”.
- 27 In section 154(1)(b) for the words after “also” there shall be substituted the words “, if the highway is situated in a non-metropolitan district, the council of that district;”.
- 28 In section 160(2) for the words from “the Greater London Council” to “the Council” there shall be substituted the words “the highway authority that any person mentioned in paragraph (a), (b) or (c) of subsection (1) above has caused an unnecessary obstruction for the purposes of this section, that authority”.
- 29 In section 186—
- (a) in subsection (1) for the words “and of every” there shall be substituted the words “, metropolitan district and”; and
  - (b) in subsections (5)(b) and (7), after the words “county council” there shall be inserted the words “, metropolitan district council”.
- 30 In section 189(1) for the words “a London” there shall be substituted the words “, metropolitan district council or London”.
- 31 In section 196(8)(a), after the word “council” there shall be inserted the words “or metropolitan district council”.
- 32 In section 197(1) for the word “the” in the second place where it occurs there shall be substituted the words “metropolitan district council or”.
- 33 In section 203(3) in the definition of “street works authority” after the word “county”, there shall be inserted the words “or metropolitan district”.
- 34 In sections 205(5) and 210(2) for the words after “also” there shall be substituted the words “, in the case of a street situated in a non-metropolitan district, at the offices of the council of that district.”.
- 35 In sections 220(2) and 223(6), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”.
- 36 In section 230(7), after the word “concerned”, there shall be inserted the words “is situated in a non-metropolitan district and”.
- 37 In section 263(5), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”.
- 38 In section 264—
- (a) in subsection (1), after the word “county” in both places where it occurs, there shall be inserted the words “or metropolitan district”;

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(b) for subsection (2) there shall be substituted—

“(2) The drains belonging to a highway—

- (a) which immediately before the date of the abolition of the Greater London Council under the Local Government Act 1985 was a metropolitan road; and
- (b) which did not become a trunk road on that date by virtue of an order made under paragraph 53 of Schedule 4 to that Act,

vest in the council of the London borough in which the highway is situated or, if it is situated in the City in the Common Council, and where any other drain or sewer was, at the date when the highway became a metropolitan road, used for any purpose in connection with the drainage of that highway, that council shall have the right of using the drain or sewer for that purpose.”

(c) in subsection (3)—

- (i) in paragraph (a), before the word “district”, there shall be inserted the word “non-metropolitan”;
- (ii) in paragraph (c) for the words “or the Greater London Council” there shall be substituted the words “, metropolitan district council or London borough council or the Common Council”.

39

In section 285—

- (a) in subsection (1) for the words from “either” to “are” in the first place where it occurs there shall be substituted the words “the Minister of Transport, after consultation with the highway authority, is”, and in paragraph (b) of that subsection for the word “are” in both places where it occurs there shall be substituted the word “is”;
- (b) in subsection (4) for the words “or the Council execute or propose” there shall be substituted the words “executes or proposes”;
- (c) in subsection (5) for the words “or the Council execute” there shall be substituted the word “executes”; and
- (d) in subsection (6) for the words “or the Council proceed” there shall be substituted the word “proceeds”.

40

In section 298(1), before the word “district”, there shall be inserted the word “non-metropolitan”.

41

In section 330(1), after the words “county council” in both places where they occur, there shall be inserted the words “or metropolitan district council”.

42

In paragraph 1 of Schedule 7, before the words “district council”, there shall be inserted the word “non-metropolitan”.

43

In paragraph 1(d) of Schedule 12 for the words from “road” to “is” there shall be substituted the words “road in a non-metropolitan district, to the district council, and if the highway is a classified road”.

44

In paragraph 1 of Schedule 23 for the words “they have” there shall be substituted the words “it has”.

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## PART II

### AMENDMENTS OF OTHER ENACTMENTS

- 45 In section 26 of the <sup>M66</sup>Highways and Locomotives (Amendment) Act 1878 for the words from the beginning to “Greater London Council,” there shall be substituted the words “The council of a county or metropolitan district may, with respect to all or any of the highways in that county or district, and”.

#### Marginal Citations

**M66** 1878 c. 77.

- 46 ..... **F50**

#### Textual Amendments

**F50** Sch. 4 para. 46 repealed by Electricity Act 1989 (c.29, SIF 44:1), s. 112(3)(4), Sch. 17 paras. 33, 35(1), Sch. 18

- 47 In section 21 of the <sup>M67</sup>Public Health Act 1936, after the words “county council” in each place where they occur, there shall be inserted the words “, metropolitan district council or London borough council” and after subsection (4) of that section there shall be inserted—

“(5) In this section references to a London borough council include references to the Common Council of the City of London.”

#### Marginal Citations

**M67** 1936 c. 49.

- 48 In sections 1(1) and 3(1) of the <sup>M68</sup>Agriculture (Improvement of Roads) Act 1955 for the words “county, in England or Wales” there shall be substituted the words “county or metropolitan district in England, or county in Wales”.

#### Marginal Citations

**M68** 1955 c. 20 (4 & 5 Eliz. 2).

- 49 In section 5(1) of the <sup>M69</sup>Parish Councils Act 1957, in the second column of the Table, after the words “county council”, there shall be inserted the words “or metropolitan district council”.

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#### Marginal Citations

**M69** 1957 c. 42.

50 ..... **F51**

#### Textual Amendments

**F51** Sch. 4 para. 50 repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

- 51 In section 19(1) of the <sup>M70</sup>Land Compensation Act 1973—
- (a) at the end of paragraph (a) of the definition of “the appropriate highway authority”, there shall be inserted the words “or any other authority to which the functions of that authority in relation to that highway are transferred by virtue of the Local Government Act 1985”; and
  - (b) at the end of paragraph (b) of that definition, there shall be inserted the words “or any other authority to which the functions of that authority in relation to that highway are transferred by virtue of that Act”.

#### Marginal Citations

**M70** 1973 c. 26.

### PART III

#### SUPPLEMENTARY PROVISIONS

- 52 Where by virtue of this Act the functions of a highway authority are transferred to other highway authorities any rights of the transferor authority under section 82(2) of the <sup>M71</sup>Public Health Act 1961 shall become rights of each of the transferee authorities affected by the local Act in question.

#### Marginal Citations

**M71** 1961 c. 64.

- 53 (1) All such highways or proposed highways as immediately before the abolition date are metropolitan roads shall on that date cease to be metropolitan roads but, subject to sub-paragraph (2) below, shall continue to be principal roads for the purposes of any enactment or instrument which refers to roads or highways classified by the Secretary of State or the Minister of Transport as principal roads.
- (2) The Secretary of State may by order direct that a highway or proposed highway which immediately before the abolition date is a metropolitan road shall on that date become a trunk road.
- 54 (1) Where a bridge carries a highway for which the Secretary of State is not the highway authority and part of the bridge is situated in one metropolitan district and part in

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another in the same county, the highway authority for the highway carried by the bridge and the approaches to it is such one of the councils of those districts as may be agreed between them before such a day as the Secretary of State may by order appoint or, in default of such agreement, as may be determined by the Secretary of State.

- (2) Where a bridge carries a highway to which this sub-paragraph applies and part of the bridge is situated in one London borough and part in another, the highway authority for the highway carried by the bridge and the approaches to it is such one of the councils of those boroughs as may be agreed between them before such a day as the Secretary of State may by order appoint or, in default of such agreement, as may be determined by the Secretary of State.
- (3) Sub-paragraph (2) above applies to a highway which—
- (a) immediately before the abolition date is a metropolitan road; and
  - (b) does not on that date become a trunk road by virtue of an order under paragraph 53(2) above.
- (4) Where the Secretary of State has made a determination under sub-paragraph (1) or (2) above, the determination—
- (a) may be varied at the request of either of the councils concerned; and
  - (b) shall be varied to give effect to any request made jointly to the Secretary of State by both those councils;
- and any such variation shall take effect on the 1st April falling not less than 3 months, and not more than 15 months, after the date on which the determination is varied.
- (5) In sub-paragraph (2) above references to a London borough include references to the City and references to the council of a London borough include references to the Common Council; and in sub-paragraph (4) above references to councils shall be construed accordingly.
- (6) Without prejudice to section 3(3) of the <sup>M72</sup>Highways Act 1980, where a bridge carries a highway for which the Secretary of State is not the highway authority and sub-paragraphs (1) and (2) above do not apply, but some part of one or more of the approaches to the bridge lies in a metropolitan district or London borough different from that in which the bridge itself is situated, the highway authority for the whole of that approach or those approaches is the council of the metropolitan district or London borough in which the bridge is situated.
- (7) For the purposes of this paragraph, the approaches to a bridge consist of so much of the highway or highways on either side of the bridge as is situated within 100 yards of either end of the bridge.

#### Marginal Citations

M72 1980 c. 66.

55 In the foregoing provisions of this Part of this Schedule “bridge”, “highway”, “proposed highway” and “trunk road” have the same meaning as in the Highways Act 1980 and “metropolitan road” has the meaning which, but for the provisions of this Act, it would continue to have in that Act.

56 (1) Subject to the following provisions of this paragraph—

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- (a) any agreement made between the Secretary of State or the Minister of Transport and a metropolitan county council under subsection (1) or (5) of section 6 of the Highways Act 1980, and
- (b) any arrangements made by a metropolitan county council with a district council under subsection (6) of that section,

shall, if subsisting immediately before the abolition date, cease to have effect on that date; and where any such agreement ceases to have effect under this sub-paragraph anything done before the abolition date by or in relation to the metropolitan county council in respect of the agreement shall have effect as if done by or in relation to the Secretary of State.

- (2) Subject to sub-paragraph (4) below, the Secretary of State may by order provide that any such agreement specified in the order shall have effect as from the abolition date as an agreement between the Secretary of State and a metropolitan district council or non-metropolitan county council specified in the order (a “successor council”) or as two or more separate agreements, each being between the Secretary of State and a successor council.
- (3) An order under this paragraph in respect of an agreement may—
  - (a) provide that anything done by or in relation to the metropolitan county council in respect of the agreement shall have effect as if done by or in relation to any successor council or councils;
  - (b) modify or exclude any term of the agreement in relation to any successor council or councils;
  - (c) make provision in respect of any arrangements made by the metropolitan county council under section 6(6) of the said Act of 1980 in relation to the agreement;
  - (d) include such other incidental, consequential, transitional or supplementary provision as appear to the Secretary of State to be necessary or expedient.
- (4) All rights of a metropolitan county council arising from or in connection with any such agreement as is mentioned in sub-paragraph (1) above to receive payments from the Secretary of State and all liabilities of such a council arising as aforesaid to make payments to him (being rights and liabilities attributable to anything done or omitted under or in respect of any such agreement before the abolition date) shall be transferred on that date to the appropriate residuary body; and accordingly as from that date any such agreement shall have effect as respects such rights and liabilities as an agreement between the Secretary of State and the appropriate residuary body.

57 The Secretary of State may by order provide that any agreement specified in the order and made before the abolition date between him and a metropolitan county council in pursuance of regulation 14 of the <sup>M73</sup>Noise Insulation Regulations 1975 (local authorities as agents of highway authorities) shall cease to have effect on that date.

#### Marginal Citations

M73 S.I. 1975/1763.

*Status: Point in time view as at 28/03/1991.*

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SCHEDULE 5

Section 8.

ROAD TRAFFIC

PART I

AMENDMENTS OF ENACTMENTS

*The Chronically Sick and Disabled Persons Act 1970*

1 In section 21(8) of the Chronically Sick and Disabled Persons Act 1970, after the  
word “county”, there shall be inserted the words “or metropolitan district”.

2 ..... F52

**Textual Amendments**

**F52** Sch. 5 para. 2 repealed by Road Traffic (Consequential Provisions) Act 1988 (c.54, SIF 107:1), ss. 3(1), 5, Sch. 1 Pt. I, Sch. 4 paras. 1, 2

*The Public Passenger Vehicles Act 1981*

3 (1) The Public Passenger Vehicles Act 1981 shall be amended as follows.

(2) In section 5(3)(b) for the words “and Wales county councils and the Greater London Council” there shall be substituted the words “non-metropolitan county councils, in Wales county councils”.

(3) For section 31(4)(a) there shall be substituted—  
“*(a)* in metropolitan counties, metropolitan county passenger transport authorities;”

(4) In section 38(8), in the definition of “local authority”, after the words “county council”, there shall be inserted the words “or metropolitan district council”.

(5) In section 40(2)(c)(i), before the word “district”, there shall be inserted the word “non-metropolitan”.

(6) In section 47(7) in the definition of “local authority”, for the words “a county council or the Greater London Council” there shall be substituted the words “the council of a county, metropolitan district or London borough and the Common Council of the City of London”.

(7) In Schedule 1, in paragraph 2(2)(a), for the words “the Greater London Council or a county council” there shall be substituted the words “the council of a county, metropolitan district or London borough and the Common Council of the City of London”.

(8) In Schedule 4, in paragraphs 2(1)(b) and 4(b), before the word “district” there shall be inserted the word “non-metropolitan”.

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*The Road Traffic Regulation Act 1984*

- 4 (1) The Road Traffic Regulation Act 1984 shall be amended as follows.
- (2) In section 1(2)(a), after the word “council”, there shall be inserted the words “or metropolitan district council”.
- (3) In section 6—
- (a) in subsection (2)—
- (i) in paragraph (a), for the words “the Greater London Council” there shall be substituted the words “the local authority, that is to say, the London borough council or the Common Council of the City of London”; and
- (ii) in paragraph (b) for the word “Council” there shall be substituted the words “local authority”; and
- (b) for subsection (3)(a) there shall be substituted—
- “(a) to the whole area of a local authority, or to particular parts of that area, or to particular places or streets or parts of streets in that area;”.
- (4) In section 9(5) for the words “the Greater London Council” there shall be substituted the words “a London borough council or the Common Council of the City of London”; and for the words “the Council” in each place where they occur there shall be substituted the words “the council”.
- (5) In section 10(5) for the words “the Greater London Council” there shall be substituted the words “a London borough council or the Common Council of the City of London”; and for the words “that Council” there shall be substituted the words “that council”.
- (6) In section 12—
- (a) in subsection (1) for the words “the Greater London Council” and “that Council” there shall be substituted the words “the local authority” and “that authority” respectively;
- (b) in subsection (2) for the words “The Greater London Council”, “that Council” and “the Council” there shall be substituted the words “The local authority”, “that authority” and “the authority” respectively;
- (c) in subsection (3) for the words “the Council’s” and “the Council” there shall be substituted the words “the local authority’s” and “the authority” respectively;
- (d) in subsection (6) for the words “the Greater London Council” there shall be substituted the words “the local authority”; and
- (e) for subsection (10) there shall be substituted—
- “(10) In this section—
- “the commissioner of police”, in relation to the metropolitan police district, means the commissioner of police of the metropolis and, in relation to the City of London, means the commissioner of police for the City of London; and
- “local authority” means the council of a London borough or the Common Council of the City of London.”



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- (7) In section 15(4) for the words after “or” there shall be substituted the words “by a London borough council or the Common Council of the City of London”.
- (8) In section 19(3)(a), after the word “county”, there shall be inserted the words “or metropolitan district”.
- (9) In section 23(5)(a) for the words “or the Greater London Council” there shall be substituted the words “, metropolitan district or London borough or the Common Council of the City of London”.
- (10) In section 26—
  - (a) in subsection (2)(a), after the word “county”, there shall be inserted the words “or metropolitan district”;
  - (b) in subsection (4)(a), after the word “county” in the first place where it occurs there shall be inserted the words “or metropolitan district”, and for the words “or in the” there shall be substituted the words “, metropolitan district or”; and
  - (c) in subsection (5)(a) for the words “as respects places in the county” there shall be substituted the words “or metropolitan district as respects places in the county or district”.
- (11) In section 29(1), after the word “county”, there shall be inserted the words “or metropolitan district”.
- (12) In section 30(6) for the words “The Greater London Council” there shall be substituted the words “The Secretary of State”, and the words “and the confirmation of such orders” and “and confirmed” shall be omitted.
- (13) In section 31(2) for the words after “confirmation” there shall be substituted the words “by the Secretary of State”.
- (14) In section 36(3), before the word “district”, there shall be inserted the word “non-metropolitan”.
- (15) In section 37(1), after the word “county”, there shall be inserted the words “or metropolitan district”.
- (16) In section 39—
  - (a) in subsection (3), after the words “district council”, there shall be inserted the words “, other than a metropolitan district council,”;
  - (b) in subsection (4)—
    - (i) after “32” there shall be inserted “or 35”;
    - (ii) before the word “district” in the second place where it occurs there shall be inserted the word “non-metropolitan”; and
    - (iii) the words “or Wales” shall be omitted; and
  - (c) in subsection (6), after the words “district council” in the first place where they occur, there shall be inserted the words “, other than a metropolitan district council,”.
- (17) In section 43—
  - (a) in subsection (1) for the words “the Council”, in both places where they occur, there shall be substituted the words “the local authority”;
  - (b) in subsection (6) for the words “the Council” there shall be substituted the words “a local authority”, and the words “comprised within the area of a

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- particular local authority” in paragraph (a) and the words after paragraph (c) shall be omitted;
- (c) in subsection (13) for the words “the Council” there shall be substituted the words “the local authority”;
- (d) in subsection (14) the definitions of “the Common Council” and “the Council” shall be omitted, and for the definition of “local authority” there shall be substituted—
- ““local authority” means the council of a London borough or the Common Council of the City of London;”;
- (e) in subsection (15) for the words “the Council” there shall be substituted the words “a local authority”, and after the word “designated” there shall be inserted the words “by the local authority”.
- (18) In section 44—
- (a) in subsection (1) for paragraph (a) there shall be substituted—
- “(a) in English counties, by the county council or metropolitan district council, and in Welsh counties, by the county council; and”
- (b) in subsection (3) for paragraph (b) there shall be substituted—
- “(b) may in relation to non-metropolitan counties in England and counties in Wales provide for certain functions of local authorities under the London provisions in respect of areas designated as controlled areas to be conferred on district councils or on both county councils and district councils, and may in consequence of any such distribution of functions make such incidental and supplementary provision as appears to Her Majesty to be necessary or expedient;”
- (19) In section 45—
- (a) in subsection (1) for the words from the beginning to “area” in the second place where it occurs there shall be substituted the words “Subject to Parts I to III of Schedule 9 to this Act and, in the case of a highway outside Greater London for which they are not the highway authority, to obtaining the consent of the highway authority, the local authority may by order designate parking places on highways in their area”; and
- (b) in subsection (7)(a), after the word “county”, there shall be inserted the words “, metropolitan district”.
- (20) ..... F53
- (21) ..... F54
- (22) In section 55(4)(c) for the words “any county council, to the Greater London Council” there shall be substituted the words “the council of any county, metropolitan district or London borough or to the Common Council of the City of London”.
- (23) In section 58(1), in the second column of the Table, after the words “county council”, there shall be inserted the words “or metropolitan district council”.
- (24) In section 59—
- (a) in subsection (1), after the word “county” in the first place where it occurs there shall be inserted the words “or metropolitan district”, and after the

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- words “county council” there shall be inserted the words “or metropolitan district council”.
- (b) in subsection (2)—
- (i) in paragraph (a), after the words “the county council” in the first place where they occur, there shall be inserted the words “or metropolitan district council”, and for the words “the county council” in the second place where they occur there shall be substituted the words “that council”;
- (ii) in paragraph (b) for the words “send a copy of that application” there shall be substituted the words “in the case of an application to a county council, send a copy of it”; and
- (iii) before the words “the county council” in the third place where they occur there shall be inserted the words “, in that case,”;
- (c) in subsection (4), after the words “county council” in both places where they occur, there shall be inserted the words “or metropolitan district council”;
- (d) in subsection (5), after the words “county council”, there shall be inserted the words “or metropolitan district council”;
- (e) in subsection (6), after the words “county council” in each place where they occur, there shall be inserted the words “or metropolitan district council”; and
- (f) in subsection (7), after the words “county council”, there shall be inserted the words “or metropolitan district council”.
- (25) In section 61(1) for the words “a county council or the Greater London Council” there shall be substituted the words “the council of a county, metropolitan district or London borough or the Common Council of the City of London”.
- (26) In section 73—
- (a) for subsection (1) there shall be substituted—
- “(1) In connection with any order under section 6 or 9 of this Act made or proposed by them, the council of a London borough and the Common Council of the City of London may, as respects any road in their area which is not a trunk road affix any traffic sign to any lamp-post or other structure in the highway, whether or not belonging to the council.”; and
- (b) in subsection (2) for the words from “Greater London” to “Council” there shall be substituted the words “their area which is required in connection with an order under section 6 or 9 of this Act, it shall be the duty of the council of a London borough and of the Common Council of the City of London”.
- (27) In section 74(1) for the words “Greater London” there shall be substituted the words “their area”, and the words “the Greater London Council or” and “, as the case may be,” shall be omitted.
- (28) In section 78(2), after the word “county” in the first place where it occurs, there shall be inserted the words “or metropolitan district”.
- (29) In section 91—
- (a) in paragraph (a) for the words “the Greater London Council” there shall be substituted the words “the council of the London borough or the Common Council of the City of London”; and

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- (b) in paragraph (b), after the word “county”, there shall be inserted the words “or metropolitan district”.

(30) For section 94 there shall be substituted—

**“94 Bollards and other obstructions in Greater London.**

- (1) Where an order under section 6 or 9 of this Act is made or proposed to be made by the Secretary of State, he may, to such extent as he considers necessary in connection with the order, authorise or require any person who is responsible for the maintenance of any road in Greater London which is not a trunk road—
- (a) to place on the carriageway such bollards or other obstructions as the Secretary of State may consider appropriate for preventing the passage of vehicles, or vehicles of any class, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order, and to maintain and light those obstructions; or
  - (b) to remove any obstruction placed by that person in pursuance of an authorisation or a requirement under this subsection.
- (2) Where an order under section 6 or 9 of this Act is made or proposed to be made by the council of a London borough, they may, to such extent as they consider necessary in connection with the order, authorise or require any person who is responsible for the maintenance of any road in their area which is not a trunk road and for which they are not the highway authority—
- (a) to place on the carriageway such bollards or other obstructions as they may consider appropriate for preventing the passage of vehicles, or vehicles of any class, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order, and to maintain and light those obstructions; or
  - (b) to remove any obstruction placed by that person in pursuance of an authorisation or a requirement under this subsection.
- (3) Subsections (2) and (3) of section 92 of this Act shall apply in relation to the placing of bollards or other obstructions under subsection (1) or (2) above, as if for any reference in them to subsection (1) of that section there were substituted a reference to subsection (1) or (2) above.
- (4) To such extent as the Secretary of State or, as the case may be, the council of a London borough may consider necessary in connection with an order under section 6 or 9 of this Act, whether made or proposed to be made by the Secretary of State or that council—
- (a) the Secretary of State may do with respect to any trunk road anything which he might under subsection (1)(a) above require to be done with respect to any other road; and
  - (b) the council of the London borough may do with respect to any road in their area which is not a trunk road and for which they are the highway authority anything which they might under subsection (2) (a) above require to be done with respect to a road for which they are not the highway authority.

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- (5) If a person fails to comply with a requirement to carry out any work under subsection (1) or (2), above, the Secretary of State or, as the case may be, the council of the London borough may carry out the work, and the expenses incurred by the Secretary of State or that council in doing so shall be recoverable summarily as a civil debt from that person.
- (6) Section 79 of this Act shall apply in relation to any such obstruction as is mentioned in subsection (1) or (2) above as it applies in relation to traffic signs; and the power of the Secretary of State under that section to make advances towards expenses incurred in relation to traffic signs shall be exercisable with respect to any expenses incurred by the council of a London borough by virtue of subsection (4) above.
- (7) In this section references to the council of a London borough include references to the Common Council of the City of London.”
- (31) In section 100—
- (a) in subsection (2), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”; and
  - (b) in subsection (5)(a) for the words “the Greater London Council or the council of a county” there shall be substituted the words “the council of a county, metropolitan district or London borough or the Common Council of the City of London”.
- (32) In section 102(6) for the words from “by” in the first place where it occurs to “district” in the first place where it occurs there shall be substituted the words “by the council of a non-metropolitan district”.
- (33) In section 106(8)—
- (a) in paragraph (a) for the words “the Greater London Council” there shall be substituted the words “the council of the London borough or the Common Council of the City of London”; and
  - (b) in paragraph (b), after the word “county”, there shall be inserted the words “or metropolitan district”.
- (34) In section 122(1) for the words “the Greater London Council and of every other” there shall be substituted the word “every”.
- (35) In section 125(4), after the word “county”, there shall be inserted the words “metropolitan district”.
- (36) In section 129(4) for the words “the Greater London Council or any other” there shall be substituted the word “a”; and the words “council or” shall be omitted.
- (37) In section 142(1), in paragraph (a) of the definition of “highway authority”, the words “(subject to section 73(4) of this Act)” shall be omitted, and for the words from “the Common Council” to “the Greater London Council” there shall be substituted the words “metropolitan district or London borough or the Common Council of the City of London”.
- (38) In Schedule 4—
- (a) in paragraph 1—
    - (i) for the words “the Council” in each place where they occur there shall be substituted the words “the local authority”; and

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- (ii) the words from “and to each” to “controlled area” shall be omitted;
- (b) in paragraphs 2 to 6 for the words “the Council” in each place where they occur there shall be substituted the words “the local authority”;
- (c) in paragraph 8 for the words “Greater London” there shall be substituted the words “their area”;
- (d) in paragraphs 15, 19 and 20(a) for the words “the Council” there shall be substituted the words “the local authority”.

(39) In Schedule 9—

- (a) for paragraph 1 there shall be substituted—

“1 Subject to paragraphs 8 and 26 of this Schedule, the Secretary of State, after consultation with a local authority having power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1, 6, 9, 19, 32, 35, 37, 38, 45, 46, 49(2) and (4), 53, 83(2) and 84 (in this Part of this Schedule referred to as an “authorised authority”) may give to that authority a direction under paragraph 2 below with respect to any of those provisions.”

- (b) in paragraph 4, for the words “the Greater London Council” in sub-paragraph (a) there shall be substituted the words “the council of a London borough or the Common Council of the City of London under section 6, 9, 45, 46, 49(2) or (4), 83(2) or 84 of this Act”, and the words “the Council or, as the case may be,” in that sub-paragraph and the words “Council or” in sub-paragraph (b) shall be omitted;
- (c) in paragraph 5(1) for the words “the Greater London Council” there shall be substituted the words “the council of a London borough or the Common Council of the City of London”, and for the words “Greater London” in both places where they occur there shall be substituted the words “their area”;
- (d) in paragraph 6(1)(c) for the number “50” in the first place where it occurs there shall be substituted the number “49”, and the words “, or on the application of,” and the words after “authority” shall be omitted.
- (e) in paragraph 12(a), after the words “county council”, there shall be inserted the words “or metropolitan district council”;
- (f) in paragraph 13(1) for the words “the Greater London Council” there shall be substituted the words “the council of a London borough and the Common Council of the City of London”;
- (g) in paragraph 14 for the words “the Greater London Council” there shall be substituted the words “the council of a London borough or the Common Council of the City of London”, and the number “50,” shall be omitted;
- (h) in paragraph 20(1) for the words “the Greater London Council or any other” there shall be substituted the word “a”, and the number “50,” shall be omitted;
- (i) in paragraph 21 for the words “the Greater London Council” there shall be substituted the words “the council of a London borough and the Common Council of the City of London”; and
- (j) in paragraph 23(1) for the words “the Greater London Council” there shall be substituted the words “the council of a London borough or the Common Council of the City of London”, and for the words “that Council” in both places where they occur there shall be substituted the words “that council”.

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### Textual Amendments

- F53** Sch. 5 para. 4(20) repealed by Road Traffic Regulations (Parking) Act 1986 (c.27, SIF 107:1), s. 3(2)(3)(4)
- F54** Sch. 5 para. 4(21) repealed by Road Traffic (Consequential Provisions) Act 1988 (c.54, SIF 107:1), ss. 3(1) 5, Sch. 1 Pt. I, Sch. 4 paras. 1, 2

## PART II

### SUPPLEMENTARY PROVISIONS RELATING TO ROAD TRAFFIC

#### *Designation of roads in Greater London*

- 5 (1) For the purpose of facilitating the movement of traffic in Greater London the Secretary of State may by order designate a road in that area under this paragraph; but before doing so he shall consult—
- the council of the London borough in which the road is;
  - the council of any other London borough or of any county where there is a road which the Secretary of State considers likely to be affected by the designation; and
  - any other body which the Secretary of State thinks it expedient to consult.
- (2) Where the council of a London borough proposes to exercise a power to which this paragraph applies, it shall give notice of its proposal to the Secretary of State in such manner as he may require; and the council shall not exercise that power unless—
- it has given such notice; and
  - either—
    - the Secretary of State has approved the proposal; or
    - one month from the date of his receipt of the notice has expired without his having objected to the proposal.
- (3) Subject to sub-paragraphs (4) and (5) below, this paragraph applies to any power to prohibit, restrict or otherwise regulate traffic or any class of traffic or the use of any parking place or class of parking place—
- on a designated road; or
  - on any other road if its use directly affects—
    - traffic or any class of traffic using a designated road; or
    - the use of any parking place or class of parking place on a designated road.
- (4) The Secretary of State may by an instrument in writing exclude any power from the application of this paragraph to the extent specified in the instrument, and any such instrument may in particular exclude a power—
- as respects one or more than one London borough;
  - as respects all traffic or parking places or any class of traffic or parking place;
  - as respects all designated roads or one or more of them.

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- (5) In relation to a road falling within sub-paragraph (3)(b) above, this paragraph does not apply to a power under section 14 or sections 32 to 38 of the 1984 Act.
- (6) If, contrary to the provisions of sub-paragraph (2) above, the council of a London borough places a traffic sign or carries out other works on or near a road, the Secretary of State may take such steps as he considers appropriate to remove the sign or reverse or modify the effect of the works; and any expenses reasonably incurred by him in doing so shall be recoverable by him from the council summarily as a civil debt.
- (7) In this paragraph references to a designated road are to a road designated under this paragraph.

*Guidance as to exercise of traffic powers in Greater London and metropolitan counties*

- 6 (1) For the purpose of ensuring that the exercise by a council in Greater London or a metropolitan county of the traffic powers specified below in relation to councils of its class does not have an adverse effect on traffic or any class of traffic or parking places or any class of parking place in any part of Greater London or, as the case may be, that county, other than the area of that council, the Secretary of State may issue guidance as to the manner in which, in relation to roads other than trunk roads—
  - (a) the councils of London boroughs should exercise their powers to make, vary or revoke orders under or by virtue of sections 6, 9, 45, 46, 49(2) and (4), 83(2) and 84 of the 1984 Act; and
  - (b) the councils of metropolitan districts should exercise their powers to make, vary or revoke orders under or by virtue of sections 1, 9, 19, 32, 35, 37, 38, 45, 46, 49(2) and (4), 53, 83(2) and 84 of that Act.
- (2) Before issuing any such guidance the Secretary of State shall consult—
  - (a) the chief officers of police for the areas to which the guidance relates; and
  - (b) any association of London borough councils or district councils which the Secretary of State considers appropriate.
- (3) The council of a London borough shall, before exercising any power specified in sub-paragraph (1)(a) above, and the council of a metropolitan district shall, before exercising any power specified in sub-paragraph (1)(b) above—
  - (a) have regard to any guidance issued to it under this paragraph;
  - (b) have regard to any direct effect which the proposed exercise would have on traffic or any class of traffic—
    - (i) on a trunk road; or
    - (ii) on any other road in the area of another local authority;
  - (c) if the proposed exercise would have such an effect, consult the Secretary of State in the case of a trunk road, or the other local authority in the case of any other road; and
  - (d) comply with procedures prescribed by regulations made by the Secretary of State.
- (4) Where the council of a London borough or metropolitan district takes any action which, in the opinion of the Secretary of State—
  - (a) is contrary to any guidance issued to the council under this paragraph; and



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- (b) has or is likely to have an adverse effect on traffic or any class of traffic or parking places or any class of parking place in any part of Greater London or, as the case may be, that county, other than the area of that council, the Secretary of State may, after consulting the council, direct it to take such steps within a period specified by him as may be necessary to conform with that guidance.
- (5) If, in the opinion of the Secretary of State, a council fails to comply with a direction under sub-paragraph (4) above, he may exercise any of its powers for the purpose of giving effect to the direction; and any expenses reasonably incurred by him in doing so shall be recoverable by him from the council summarily as a civil debt.
- (6) Where, in the opinion of the Secretary of State—
- (a) the council of a London borough or metropolitan district fails to act in accordance with any guidance issued to it under this paragraph; and
- (b) that failure has or is likely to have such an adverse effect as is mentioned in sub-paragraph (4)(b) above,
- the Secretary of State, after consulting the council, may exercise any of its powers for the purpose of conforming with that guidance; and any expenses reasonably incurred by him in doing so (including any expenses reasonably incurred in maintaining any traffic signs placed, or in continuing or maintaining any works commenced, by virtue of this sub-paragraph) shall be recoverable by him from the council summarily as a civil debt.

#### *Procedures and objections*

- 7 (1) The power of the Secretary of State to make regulations under paragraph 21 or 23 of Schedule 9 to the 1984 Act (procedure as to certain orders) shall include power to make regulations for the purpose of sub-paragraph (3) of paragraph 6 above; and any such regulations for that purpose shall include provision by which a local authority required to be consulted under that sub-paragraph in connection with a proposed exercise of power may object to that exercise.
- (2) Where such a local authority objects in accordance with regulations under the said paragraph 21 or 23 to a proposed exercise of power by the council of a London borough or metropolitan district, that council shall notify the Secretary of State of its proposal and of the objection, unless either of them is withdrawn, and shall give him such particulars of them as he may require.
- (3) Upon receipt of a notification under sub-paragraph (2) above, the Secretary of State shall determine whether the proposal in question should be abandoned or implemented, with or without modifications; and the council making the proposal shall comply with any such determination.
- (4) To assist him in making a determination the Secretary of State may consult such persons or bodies as he thinks fit and may hold an inquiry; and the provisions of section 129(1) to (3) of the 1984 Act shall apply in relation to an inquiry held under this paragraph as they apply to an inquiry held under that Act.

#### *Application of Part VI of Schedule 9 to the 1984 Act*

- 8 Part VI of Schedule 9 to the 1984 Act (validity of certain orders) shall apply to an order made by the Secretary of State by virtue of paragraph 6(5) or (6) above and

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falling within paragraph 34(1) of that Part as it applies to an order made by him by virtue of paragraph 3 of Part I of that Schedule.

*Supplementary*

- 9 In exercising any power under or by virtue of paragraph 6 or 7 above in relation to a council the Secretary of State shall have regard to the duty of that council under section 122 of the 1984 Act; and in the event of any conflict between that duty and any provision of those paragraphs, that provision shall prevail.

*Reserve powers of the Secretary of State as to traffic control systems in Greater London and metropolitan counties*

- 10 (1) Where the Secretary of State is not satisfied in the case of Greater London or a metropolitan county that all the local authorities in that area have made joint arrangements for the exercise of such of their functions under Part V of the 1984 Act as are necessary to secure the control, management, development and extension of any system of traffic control which relates to two or more of those authorities, he may make an order under this paragraph.
- (2) An order under this paragraph may transfer to the Secretary of State such functions of the local authorities in question under that Part of that Act as he considers necessary to enable him to secure the control, management, development and extension of that system.
- (3) The Secretary of State may delegate, with or without restrictions, the exercise of any function transferred to him under this paragraph to the local authority from which it was transferred.
- (4) Before exercising any function transferred to him under this paragraph, the Secretary of State shall consult any local authority appearing to him to be likely to be affected unless it appears to him that the exercise of the function will only have a temporary effect on the system of traffic control in question; and any local authority from which a function has been so transferred shall consult the Secretary of State before exercising any function under the 1984 Act in any manner which may affect the exercise by the Secretary of State of any function so transferred.
- (5) Any expenses reasonably incurred by the Secretary of State in exercising the functions transferred by an order under this paragraph may be recovered by him from the local authorities from which the functions were transferred in such proportions as may be agreed between the local authorities or, in default of agreement, as may be determined by him.
- (6) A sum recoverable by the Secretary of State under sub-paragraph (5) above may be recovered by him summarily as a civil debt.
- (7) The Secretary of State shall revoke an order made under this paragraph in relation to a system of traffic control in operation in Greater London or a metropolitan county if at any time he is satisfied that all the local authorities in that area have made joint arrangements for the exercise of such of their functions under Part V of the 1984 Act as are necessary to secure the control, management, development and extension of the system.

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- (8) An order under this paragraph may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions for the transfer of property, staff, rights and liabilities and provision amending any enactment or any instrument made under any enactment.

### *Information*

- 11 The council of a London borough or metropolitan district shall furnish the Secretary of State with such information as he may request for the purpose of exercising his powers under paragraphs 6(4), (5) and (6) and 10 above; and if any such information is not furnished by the council within a time specified by the Secretary of State, he may take such steps as he considers necessary or expedient to obtain the information himself and may recover from the council summarily as a civil debt any expenses reasonably incurred by him in doing so.

### *Transitional provisions concerning certain orders under the 1984 Act*

- 12 (1) After the passing of this Act a metropolitan county council or the Greater London Council shall obtain the consent of the Secretary of State before making any order to which this paragraph applies if an objection to the council's proposal to make the order has been duly made by a successor authority (whether before or after the passing of this Act) and has not been withdrawn; and for the purposes of this provision an objection is not duly made unless it is made in accordance with regulations made or having effect as if made under paragraph 21 or, as the case may be, 23 of Schedule 9 to the 1984 Act.
- (2) The orders to which this paragraph applies are—
- (a) in the case of a metropolitan county council those made under or by virtue of section 1, 9, 19, 32, 35, 37, 38, 45, 46, 49(2) or (4), 53, 83(2) or 84 of the 1984 Act; and
  - (b) in the case of the Greater London Council, those made under or by virtue of section 6, 9, 35, 38, 46, 49(2) or (4), 50, 83(2) or 84 of that Act.
- (3) In this paragraph “successor authority” means—
- (a) in relation to the Greater London Council, the council of a London borough to which the order in question relates; and
  - (b) in relation to a metropolitan county council, the council of a metropolitan district to which the order relates.
- (4) In relation to any order to which Part VI of Schedule 9 to the 1984 Act (validity of orders) applies the requirements of this paragraph shall be included amongst the requirements which are the relevant requirements for the purposes of that Part.

### *Interpretation*

- 13 In this Part of this Schedule—
- (a) “the 1984 Act” means the <sup>M74</sup>Road Traffic Regulation Act 1984;

*Status: Point in time view as at 28/03/1991.*

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- (b) “parking place”, “traffic sign” and “road” have the meanings assigned to them respectively by sections 32(4)(b), 64(1) and 142(1) of the 1984 Act;
- (c) “local authority” means the council of a metropolitan district or London borough; and
- (d) references to a London borough include references to the City and references to the council of a London borough include references to the Common Council.

#### Marginal Citations

M74 1984 c. 27.

#### Commencement

- 14 Any power conferred on the Secretary of State by this Schedule may be exercised at any time after the passing of this Act so as to take effect on or after the abolition date.

### SCHEDULE 6

Section 9.

#### WASTE REGULATION AND DISPOSAL

##### *The London Government Act 1963*

- 1 For paragraph 4 of Part II of Schedule 11 to the London Government Act 1963 there shall be substituted—
- “4 Byelaws with respect to the construction and use of incinerators for the disposal of refuse in inner London boroughs and the City (being incinerators which are, or are in the nature of, buildings or structures or which form part of a building or structure) shall be made by the councils of those boroughs or the Common Council, as the case may be”

##### *The Local Government Act<sup>M75</sup> 1972*

#### Marginal Citations

M75 1972 c. 70.

- 2 In Schedule 14 to the Local Government Act 1972—
- (a) in paragraph 5, in sub-paragraph (1) for the words “in a county” there shall be substituted the words “in a non-metropolitan county” and in sub-paragraph (2) for the words “a county council” there shall be substituted the words “the council of a non-metropolitan county”;
  - (b) in paragraph 6(1) after the words “a local authority” there shall be inserted the words “in a non-metropolitan county”.

*Status: Point in time view as at 28/03/1991.*

*Changes to legislation: Local Government Act 1985 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *The Control of Pollution Act <sup>M76</sup>1974*

#### **Marginal Citations**

**M76** 1974 c. 40.

- 3 (1) The Control of Pollution Act 1974 shall be amended as follows.
- (2) In sections 2(3)(a)(ii) and (4), 12(2), (6) and (8) and 13(4) for the words “English disposal authority” there shall be substituted the words “English county disposal authority”.
- (3) In section 5(4)(a) for the words “and any collection authority” there shall be substituted the words “, and in the case of an English county disposal authority any collection authority,”.
- (4) In section 11(3)(c) for the words “and collection authority” there shall be substituted the words “, and in the case of an English county disposal authority each collection authority,”.
- (5) In section 30(1) in the definition of “English collection authority” for the words “of which the area is in England” there shall be substituted the words “of which the area is in the area of an English county disposal authority” and for the definitions of “disposal authority”, “English disposal authority” and “relevant disposal authority” there shall be substituted—
- ““disposal authority” means the council of a county or metropolitan district in England, the council of a district in Wales, the council of a London borough and the Common Council of the City of London,  
”English county disposal authority’ means the council of a county in England and ”relevant disposal authority’, in relation to an English collection authority, means the English county disposal authority whose area includes that of the collection authority;”

### *The Refuse Disposal (Amenity) Act <sup>M77</sup>1978*

#### **Marginal Citations**

**M77** 1978 c. 3.

- 4 (1) The Refuse Disposal (Amenity) Act 1978 shall be amended as follows.
- (2) In section 1(7) for the definition of “local authority” there shall be substituted—
- ““local authority” means, in relation to England, the council of a county, metropolitan district or London borough and the Common Council, and”
- (3) In section 3(7) for the words “a district in England” there shall be substituted the words “a non-metropolitan district in England”.
- (4) For section 4(8) there shall be substituted—
- “(8) In this section ”local authority’ means, in relation to England, the council of a county, metropolitan district or London borough or the Common Council.”

*Status: Point in time view as at 28/03/1991.*

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(5) In section 5(4) for the definition of “the appropriate authority” there shall be substituted—

““the appropriate authority” means—

in the case of a vehicle removed in pursuance of section 3(1) above by a local authority in England other than the council of a non-metropolitan district, or by a local authority in Wales, the local authority; and

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

(6) In section 5(5)(b) for the words “a district in England” there shall be substituted the words “a non-metropolitan district in England”.

### *The Litter Act*<sup>M78</sup> 1983

#### **Marginal Citations**

**M78** 1983 c. 35.

5 (1) In subsection (1)(a) of section 4 of the Litter Act 1983 for the words “the council of each county” there shall be substituted the words “the council of each non-metropolitan county” and for subsection (2) of that section there shall be substituted—

“(2) Subsection (1) above shall apply to a metropolitan county with the omission, as respects consultation, of references to the council of the county and as if the duty with respect to the statement mentioned in that subsection were a duty imposed jointly on the councils of the metropolitan districts comprised in the county; and that subsection shall apply to Greater London as if it were a county with the like omissions and as if that duty were imposed jointly on the councils of the London boroughs and the Common Council of the City of London.”

(2) In section 6(1) of that Act after the words “A county council” there shall be inserted the words “and a metropolitan district council”.

## SCHEDULE 7

Section 11.

### LAND DRAINAGE

1 The<sup>M79</sup> Land Drainage Act 1976 shall be amended as follows.

#### **Marginal Citations**

**M79** 1976 c. 70.

2 In sections . . .<sup>F55</sup>, 5(8) and 16(5) after the words “the council of any county” there shall be inserted the words “, metropolitan district”.

*Status: Point in time view as at 28/03/1991.*

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**Textual Amendments**

**F55** Number repealed by [Water Act 1989 \(c.15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), [Sch. 27 Pt. I](#)

3, 4. . . . . **F56**

**Textual Amendments**

**F56** [Sch. 7 paras. 3, 4](#) repealed by [Water Act 1989 \(c.15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), [Sch. 27 Pt. I](#)

5 In section 45(3), in the definition of “relevant local authorities”, after the word “county”, there shall be inserted the words “, metropolitan district”.

6 In section 98—  
(a) in subsection (5), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”;  
(b) after that subsection there shall be inserted—

“(5A) Where the powers under section 17(1) above conferred by this section on a metropolitan district council or London borough council or the Common Council are not exercised by that council they may be exercised by the water authority for the area concerned—

- (a) at the request of the council; or
- (b) after not less than 6 weeks’ notice given in writing by the water authority to the council;

but where the council, before the expiry of a notice given under paragraph (b) of this subsection, appeal against the notice to the Secretary of State and inform the water authority of the appeal, the powers shall not be exercised by the water authority in pursuance of the notice unless it is confirmed by the Secretary of State.”; and

(c) at the end of subsection (6) there shall be inserted the words “; and any expenses incurred by a water authority under subsection (5A) above shall be recoverable from the council concerned by the water authority summarily as a civil debt.”

7 In section 99 for the words from “county” to “London Council”, there shall be substituted the words “county, metropolitan district or London borough and the Common Council”.

8 In section 110—  
(a) in subsection (2), before the word “London”, there shall be inserted the words “metropolitan district or” and, before the word “borough” in the

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- second place where it occurs, there shall be inserted the words “district or”;  
and
- (b) in subsection (3), after the word “county” in both places where it occurs, there shall be inserted the words “, metropolitan district”.
- 9 In section 116(1), in the definition of “local authority”, for the words “, the Common Council of the City of London, and the Greater London Council” there shall be substituted the words “and the Common Council of the City of London”.

## SCHEDULE 8

Section 16.

### MISCELLANEOUS FUNCTIONS

#### *Public entertainments*

- 1 (1) In Schedule 12 to the <sup>M80</sup>London Government Act 1963—
- (a) in paragraph 1(1) for the words “premises in Greater London” there shall be substituted the words “premises in a London borough or the City of London” and for the words from “the Greater London Council” onwards there shall be substituted the words “the council of that borough or the Common Council, as the case may be, and that council or the Common Council is in this Schedule referred to as ”the Council””;
- (b) in paragraph 2(1) the word “and”, where it first occurs, shall be omitted and after the words “in whose district the premises are situated” there shall be inserted the words “and to the London Fire and Civil Defence Authority (in this Schedule referred to as ”the fire authority”)”;
- (c) in paragraph 2(2) after the words “the Council” there shall be inserted the words “and the fire authority”;
- (d) in paragraph 5(1) the word “and” shall be omitted and after the words “are situated” there shall be inserted the words “and to the fire authority”;
- (e) in paragraph 5(2) after the words “the Council” there shall be inserted the words “and the fire authority”;
- (f) in paragraph 12(1) after the words “the Council” there shall be inserted the words “or the fire authority”.
- (2) In section 52(5) of the <sup>M81</sup>Offices, Shops and Railway Premises Act 1963 for the words “the Greater London Council” and “within Greater London” there shall be substituted respectively the words “each London borough council and the Common Council of the City of London” and “within the borough or the City, as the case may be.”.
- (3) In section 21 of the <sup>M82</sup>Greater London Council (General Powers) Act 1966—
- (a) in subsection (1) for the words “the Council” there shall be substituted the words “the borough council in whose borough the premises are situate”;
- (b) in subsection (3)(a) the words “the Council” shall be omitted;
- (c) for subsection (3)(b) there shall be substituted—



*Status: Point in time view as at 28/03/1991.*

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“(4) In this section “borough council” includes the Common Council and “borough” shall be construed accordingly.”,

and in section 22(1) and (2) of that Act for the words “the Council” there shall be substituted the words “a borough council or the Common Council”.

- (4) In section 5 of the <sup>M83</sup>Greater London Council (General Powers) Act 1978—
- (a) in subsection (1) for the words “Greater London” and “the Council” there shall be substituted respectively the words “a borough” and “the borough council”;
  - (b) in subsection (4)(b) and (c) for the words “the Council”, wherever they occur, there shall be substituted the words “the borough council”;
  - (c) after subsection (4) there shall be inserted—

“(5) In this section “borough” includes the City of London and “borough council” includes the Common Council.”

**Marginal Citations**

- M80** 1963 c. 33.  
**M81** 1963 c. 41.  
**M82** 1966 c. xxviii.  
**M83** 1978 c. xiii.

*Private places of entertainment*

- 2 (1) For the entries relating to a London borough and the City of London in Part I of the Schedule to the <sup>M84</sup>Private Places of Entertainment (Licensing) Act 1967 there shall be substituted—

“A London borough.	The council of the borough.	The council of the borough
The City of London.		The Common Council.”

- (2) Sub-paragraph (1) above is without prejudice to the continued application of the said Act of 1967 in any London borough or in the City of London by virtue of its adoption before the abolition date in accordance with the Schedule to that Act as then in force.

**Marginal Citations**

- M84** 1967 c. 19.

*Theatres*

- 3 (1) In section 18(1) of the <sup>M85</sup>Theatres Act 1968, for paragraph (a) of the definition of “licensing authority” there shall be substituted—
- “(a) as respects premises in a London borough or the City of London, the council of that borough or the Common Council, as the case may be;”

*Status: Point in time view as at 28/03/1991.*

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- (2) Where an application for the renewal of a licence under Schedule 1 to the said Act of 1968 is made to the Greater London Council before that licence expires but has not been determined by that Council before the abolition date, the licence shall continue in force until the determination or withdrawal of the application.

**Marginal Citations**

**M85** 1968 c. 54.

*Cinemas*

- 4 (1) In sections 17 and 18 of the <sup>M86</sup>Cinemas Act 1985 for the words “the Greater London Council” and “the Council”, wherever they occur, there shall be substituted respectively the words “a local authority in Greater London” and “the authority”.
- (2) In section 21(1) of that Act, in the definition of “local authority”, for the words “the Greater London Council” there shall be substituted the words “a London borough council, the Common Council of the City of London”.

**Marginal Citations**

**M86** 1985 c. 13.

*Children’s entertainments*

- 5 In section 12(5)(a) of the <sup>M87</sup>Children and Young Persons Act 1933 for the words from “licensed by” where they first occur to “the Greater London Council” there shall be substituted the words “licensed by a local authority” and for the words “the council of the county or county borough in which the building is situated” there shall be substituted the words “that local authority”.

**Marginal Citations**

**M87** 1933 c. 12.

*Tracks for betting*

- 6 (1) For the purposes of Schedule 3 to the <sup>M88</sup>Betting, Gaming and Lotteries Act 1963 the licensing authorities in Greater London shall be the London borough councils and the Common Council instead of the Greater London Council and accordingly in that Schedule—
- (a) in paragraph 1 the words “elsewhere than in Greater London” shall be omitted;
  - (b) in paragraphs 5(2)(a)(i) and 6(2)(b) the words “or London borough” shall be omitted;
  - (c) in paragraphs 5(2)(a)(ii) and 6(2)(a) after “1962” there shall be inserted the words “(not being the licensing authority)”; and

*Status: Point in time view as at 28/03/1991.*

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(d) in paragraph 6(2)(c) for the words “any district or London borough in which the track or any part thereof is situated” there shall be substituted the words “the area of the licensing authority”.

(2) In this paragraph the reference to the Greater London Council includes a reference to any committee to which the Council have delegated their functions in pursuance of section 53(1) of the <sup>M89</sup>London Government Act 1963.

#### Marginal Citations

**M88** 1963 c. 2.

**M89** 1963 c. 33.

#### *Sports grounds*

7 (1) In the <sup>M90</sup>Safety of Sports Grounds Act 1975 the words “where the local authority is in Greater London or a metropolitan county, the fire authority or, in any other case,” shall be inserted in sections 3(3) and 4(7) and (8) after the words “police and”, and those words shall also be inserted in sections 5(5), 10(4) and 11 before the words “the building authority”.

(2) In subsection (1) of section 17 of that Act for the definition of “building authority” there shall be substituted—

““building authority” means—

- (a) in England outside Greater London and the metropolitan counties, or in Wales, the district council;
- (b) in Scotland, the local authority within the meaning of the Building (Scotland) Act 1959”

(3) In that subsection for the definition of “local authority” there shall be substituted—

““local authority” means—

- (a) in Greater London, the London borough council or the Common Council of the City of London;
- (b) in England, in the metropolitan counties, the district council;
- (c) in England outside Greater London and the metropolitan counties, or in Wales, the county council;
- (d) in Scotland, the regional or islands council;”

#### Marginal Citations

**M90** 1975 c. 52.

#### *Town development and new towns*

[<sup>F578</sup> (1) In sections 4(1) and 10(3) of the <sup>M91</sup>Town Development Act 1952, for the words “the Greater London Council” there shall be substituted the words “London borough”.

(2) In section 7(b) of that Act for the words “Greater London Council” there shall be substituted the words “council of a London borough”.]

*Status: Point in time view as at 28/03/1991.*

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#### Textual Amendments

**F57** Sch. 8 paras. 8, 9(2) repealed (*prosp.*) by Local Government and Housing Act 1989 (c.42, SIF 81:1), ss. 194(4), 195(2), Sch. 12 Pt. II

#### Marginal Citations

**M91** 1952 c. 54.

- 9 (1) In section 7(3) of the <sup>M92</sup>New Towns Act 1981—
- (a) after the words “district planning authority shall” there shall be inserted the words “, in relation to proposals for development of land in a metropolitan county, be construed as references to the local planning authority; and”;
  - (b) after “1972” there shall be inserted the words “and which is of land in a non-metropolitan county”.
- [<sup>F58</sup>(2) In section 45(a) of that Act, before the word “county” there shall be inserted the word “non-metropolitan”.]

#### Textual Amendments

**F58** Sch. 8 paras. 8, 9(2) repealed (*prosp.*) by Local Government and Housing Act 1989 (c.42, SIF 81:1), ss. 194(4), 195(2), Sch. 12 Pt. II

#### Marginal Citations

**M92** 1981 c. 64.

### Commons

- 10 (1) In the first Schedule to the <sup>M93</sup>Metropolitan Commons Act 1866 for the first entry in the second column there shall be substituted “The council of the London borough within which the whole or part is situate or, where there are two or more boroughs within which parts are situate and the councils of those boroughs agree that one of them shall be the local authority in relation to the whole, that council.”.
- (2) In section 2 of the <sup>M94</sup>Metropolitan Commons Act 1878 for the words from the beginning to “1855” there shall be substituted the words “A London borough shall, in respect of any common the whole or part of which is situate within the borough,”.
- (3) In the Schedule to the <sup>M95</sup>Commonable Rights Compensation Act 1882 for the first entry in the second column there shall be substituted “The council of the London borough within which the land is situate”.
- (4) In section 1(3) of the <sup>M96</sup>Commons Act 1908, after the word “county”, there shall be inserted the words “or metropolitan district”.
- (5) In sections 193(1)(d)(ii) and 194(3)(b) of the <sup>M97</sup>Law of Property Act 1925, after the word “county”, there shall be inserted the words “or metropolitan district”.
- (6) In section 2(1) of the <sup>M98</sup>Commons Registration Act 1965—
- (a) in paragraph (a), after the words “that county”, there shall be inserted the words “or, if the county is a metropolitan county, the council of the metropolitan district in which the land is situated”; and

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- (b) in paragraph (b) for the words “Greater London Council” there shall be substituted the words “council of the London borough in which the land is situated”.

#### Marginal Citations

- M93** 1866 c. 122.  
**M94** 1878 c. 71.  
**M95** 1882 c. 15.  
**M96** 1908 c. 44.  
**M97** 1925 c. 20.  
**M98** 1965 c. 64.

#### *Gipsy encampments*

- 11 (1) In section 6 of the <sup>M99</sup>Caravan Sites Act 1968—
- (a) in subsection (1) for the words “the council of a county or London borough” there shall be substituted the words “the council of a county, metropolitan district or London borough”;
- (b) in subsection (2) for the words “metropolitan county” and “in each district in the county” there shall be substituted respectively the words “metropolitan district” and “the district”.
- (2) In section 12 of that Act—
- (a) in subsection (1) for the words “a county council or London borough council” there shall be substituted the words “the council of a county, metropolitan district or London borough”;
- (b) after subsection (2) there shall be inserted—
- “(2A) Subject to subsection (3) below, the Minister may by order made on the joint application of two or more metropolitan district councils designate the area of those councils as an area to which section 10 of this Act applies.”
- (c) in subsection (3) for the words “subsection (1) or (2)” there shall be substituted the words “subsection (1), (2) or (2A)”; and
- (d) in subsection (6) for the words “the London borough council” there shall be substituted the words “the metropolitan district council or councils or the London borough council”.
- (3) In relation to an order made under the said section 12 before the abolition date on the application of a metropolitan county council the references in subsections (4) and (6) of that section to the authority or authorities which made the original application and the council for the area in respect of which an order is made shall be construed as references to the metropolitan district council or councils whose area or areas constitute or include the area designated by the order.
- (4) Where by virtue of the <sup>M100</sup>Local Government Act 1972 a designation order made before 1st April 1974 under the said section 12 (and not revoked) relates to part only of the area of a metropolitan district, any order which is made on the application of the council of that district under subsection (1) or (2A) of that section shall be made to extend only to an area which does not include the area designated before that date.

*Status: Point in time view as at 28/03/1991.*

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#### Marginal Citations

**M99** 1968 c. 52.

**M100** 1972 c. 70.

#### *Housing*

- 12 (1) ..... **F59**
- (2) For section 23(4) of the <sup>M101</sup>London Government Act 1963 there shall be substituted—
- “(4) The Minister may at any time after 1st April 1965 require any London borough to submit to him a programme for any transfers of housing accommodation vested in that borough such as are mentioned in subsection (3)(b) of this section which they propose to make and have not yet made.”
- (3) ..... **F59**

#### Textual Amendments

**F59** Sch. 8 paras. 12(1)(3)–(5), 14(3) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c.71, SIF 61\)](#), ss. 3, 6, [Sch. 1 Pt. I](#)

#### Marginal Citations

**M101** 1963 c. 33.

#### *Rent officers*

- 13 (1) In subsection (1) of section 62 of the <sup>M102</sup>Rent Act 1977 for the words after “Act” there shall be substituted the words “are—
- (a) counties;
- (b) London boroughs; and
- (c) the City of London.”
- (2) In subsection (2)(a) of that section the words “the area of the Common Council of” shall be omitted.
- (3) At the end of section 63 of that Act there shall be inserted—
- “(9) In the case of a registration area which is a metropolitan county this section shall apply as if—
- (a) the first reference to the local authority in subsection (1) were a reference to the council of each district in the county; and
- (b) the second reference to the local authority in that subsection, the references to the local authority in subsection (2) and the reference to the local authority for whose area the scheme is made in subsection (3) were references to such one of the councils of the districts in that county as has been designated by the scheme.”

*Status: Point in time view as at 28/03/1991.*

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- (4) A scheme under the said section 63 as amended by sub-paragraph (3) above may be made at any time before the abolition date so as to come into operation on that date.

**Marginal Citations**

M102 1977 c. 42.

*Building control*

- 14 (1) Subject to any building regulations made under section 1 of the <sup>M103</sup>Building Act 1984 (whether before or after the passing of this Act) with respect to any of them, the functions—
- (a) of the Greater London Council under the London Building Acts 1930 to 1982 (including functions conferred on the Council by section 43 of the <sup>M104</sup>London Government Act 1963); and
  - (b) of district surveyors under those Acts,
- shall, so far as they relate to Greater London other than the outer London boroughs, become functions of the councils of the inner London boroughs and the Common Council in respect of their respective areas.
- (2) The functions conferred on the Greater London Council by section 43 of the said Act of 1963 shall, so far as they relate to the outer London boroughs, become functions of the councils of those boroughs in respect of their respective areas.
- (3) ..... <sup>F60</sup>
- (4) In the <sup>M105</sup>Building Act 1984—
- (a) in section 126 for the definition of “local authority” there shall be substituted—

““local authority” means the council of a district or London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple, the Under Treasurer of the Middle Temple or, for the purposes of Parts I and II above and of this Part so far as it relates to them, the Council of the Isles of Scilly;”;
  - (b) in Schedule 3—
    - (i) in paragraph 4 for the words “the Greater London Council and any other local authority” there shall be substituted the words “any local authority”;
    - (ii) in paragraph 10(1) for the words from the beginning to “inner London boroughs” there shall be substituted the words “The council of an inner London borough may make byelaws in relation to the demolition of buildings in the borough”; and
    - (iii) for paragraph 11 there shall be substituted—

“11 The council of an inner London borough shall make byelaws with respect to sanitary conveniences, ashpits, cesspools and receptacles for dung and their accessories in connection with buildings (whenever erected) in the borough.”

*Status: Point in time view as at 28/03/1991.*

*Changes to legislation: Local Government Act 1985 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F60** Sch. 8 paras. 12(1)(3)–(5), 14(3) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c.71, SIF 61\)](#), ss. 3, 6, [Sch. 1 Pt. I](#)

#### Marginal Citations

**M103** 1984 c. 55.

**M104** 1963 c. 33.

**M105** 1984 c. 55.

### *Trading standards and related functions*

- 15 (1) ..... **F61**
- (2) ..... **F62**
- (3) In section 67(1) of the <sup>M106</sup>Agriculture Act 1970 after the words “the council of a county” there shall be inserted the words “, metropolitan district”.
- (4) The councils of the districts in a metropolitan county shall, not later than 1st September 1985, establish a joint committee of members of those councils whose duty it shall be from the abolition date to co-ordinate—
- (a) the exercise by those councils of the enforcement functions conferred on them by virtue of this paragraph [<sup>F63</sup>and section 69(1)(a) of the Weights and Measures Act 1985] with a view to securing uniformity in the exercise of those functions throughout the county; and
  - (b) the employment, provision or use by those councils for the purposes of those functions of staff, property and facilities.
- (5) Each joint committee established by virtue of sub-paragraph (4) above shall before the abolition date co-ordinate the making by the councils represented on the committee of preparations for the transfer of the functions which by virtue of sub-paragraphs [<sup>F64</sup>(2) and (3) above and the said section 69(1)(a)] will be exercisable by those councils from that date.
- (6) If after the abolition date it appears to the Secretary of State to be necessary or expedient to do so he may, after consultation with the councils of the districts in a metropolitan county, by order establish a single authority for the county to discharge from a date specified in the order the functions conferred on the councils by virtue of this paragraph [<sup>F65</sup>and the said section 69(1)(a)] [<sup>F66</sup>or section 5(1) of the Food Safety Act 1990].
- (7) An order under this paragraph may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions for the transfer of property, staff, rights and liabilities and provisions amending any enactment or any instrument made under any enactment.

#### Textual Amendments

**F61** Sch. 8 para. 15(1) repealed by [Weights and Measures Act 1985 \(c.72, SIF 131\)](#), s. 98, [Sch. 13 Pt. I](#)

**F62** Sch. 8 para. 15(2) repealed by [Food Safety Act 1990 \(c.16, SIF 53:1, 2\)](#), ss. 54, 59(1)(4), [Sch. 3 para. 31\(a\)](#), [Sch. 5](#)



*Status: Point in time view as at 28/03/1991.*

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- F63** Words inserted by [Weights and Measures Act 1985 \(c.72, SIF 131\)](#), s. 97, **Sch. 12 para. 11(a)**  
**F64** Words substituted by [Weights and Measures Act 1985 \(c.72, SIF 131\)](#), s. 97, **Sch. 12 para. 11(b)**  
**F65** Words inserted by [Weights and Measures Act 1985 \(c.72, SIF 131\)](#), s. 97, **Sch. 12 para. 11(c)**  
**F66** Words added by [Food Safety Act 1990 \(c.16, SIF 53:1, 2\)](#), ss. 54, 59(1)(4), **Sch. 3 para. 31(b)**

**Marginal Citations**

**M106** [1970 c. 40.](#)

*Poisons*

- 16 In section 11(2) of the <sup>M107</sup>Poisons Act 1972, in the definition of “local authority”, after the word “county” there shall be inserted the words “metropolitan district”.

**Marginal Citations**

**M107** [1972 c. 66.](#)

*Animals*

- 17 In section 5 of the <sup>M108</sup>Performing Animals (Regulation) Act 1925—
- (a) in subsection (1), in the definition of “local authority”—
    - (i) for the words “county borough” there shall be substituted the words “London borough”; and
    - (ii) for the words “other area, the council of the county” there shall be substituted the words “county or metropolitan district, the council of the county or district”; and
  - (b) in subsection (3) for the words after “defrayed” there shall be substituted the words “, in the case of the council of a county, out of the county fund, and in the case of the council of a metropolitan district or London borough, out of the general rate fund.”

**Marginal Citations**

**M108** [1925 c. 38.](#)

- 18 In section 50(2) of the <sup>M109</sup>Animal Health Act 1981 for paragraph (b) there shall be substituted—
- “(b) as respects a non-metropolitan county, the county council,
  - (c) as respects a metropolitan district, the district council,”

**Marginal Citations**

**M109** [1981 c. 22.](#)

*Fisheries*

- 19 (1) The <sup>M110</sup>Sea Fisheries Regulation Act 1966 shall be amended as follows.

*Status: Point in time view as at 28/03/1991.*

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- (2) In section 1(1) for the words “county council”, in both places where they occur, there shall be substituted the words “county or metropolitan district council”.
- (3) In section 2(1) for the words “county council” and “county councils” there shall be substituted respectively the words “county or metropolitan district council” and “county or metropolitan district councils”.
- (4) In section 3 for the words “county council” there shall be substituted the words “county or metropolitan district council” and for the words “inhabitants of the county” there shall be substituted the words “inhabitants of the county or district”.
- (5) For section 17(1) there shall be substituted—
- “(1) The expenses of a local fisheries committee, so far as payable by a county or metropolitan district council, shall according as the order constituting the committee provides, be general or special expenses of the council and if special expenses shall be chargeable on such part only of the council’s area as may be directed by the order.”
- (6) In section 19 for the words “county council” there shall be substituted the words “county or metropolitan district council”.

**Marginal Citations**

M110 1966 c. 38.

- 20 In paragraph 5(b) of Schedule 3 to the <sup>M111</sup>Salmon and Freshwater Fisheries Act 1975 for the words “county council” there shall be substituted the words “county or metropolitan district council”.

**Marginal Citations**

M111 1975 c. 51.

*Weeds*

- 21 In section 5 of the <sup>M112</sup>Weeds Act 1959 after the word “county”, in both places where it occurs, there shall be inserted the words “or metropolitan district”.

**Marginal Citations**

M112 1959 c. 54.

*Archives and records*

- 22 (1) For section 2(6) of the <sup>M113</sup>Local Government (Records) Act 1962 there shall be substituted—
- “(6) Subsections (1) and (2) above apply to the council of every country, metropolitan district or London borough, to the Inner London Education Authority, to a joint authority established by Part IV of the Local

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Government Act 1985 and to the council of any non-metropolitan district specified in an order made in that behalf by the Secretary of State.”

- (2) In section 226 of the <sup>M114</sup>Local Government Act 1972—
- (a) in subsection (4), before the word “London”, there shall be inserted the words “metropolitan district,”; and
  - (b) in subsection (5) for the words “Every county council” there shall be substituted the words “The council of every county or metropolitan district”, and after the word “meeting” in the first place where it occurs there shall be inserted the words “in their area”.

**Marginal Citations**

**M113** 1962 c. 56.  
**M114** 1972 c. 70.

*Expenses of Commission for Local Administration in England*

- 23 In paragraph 6 of Schedule 4 to the <sup>M115</sup>Local Government Act 1974 for the words “the Greater London Council” there shall be substituted the words “the councils of metropolitan districts and London boroughs, the Common Council of the City of London”.

**Marginal Citations**

**M115** 1974 c. 6.

- 24 ..... **F67**

**Textual Amendments**

**F67** Sch. 8 para. 24 repealed by Water Act 1989 (c.15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

*Administrative functions transferred by Courts Act 1971*

- 25 Any functions which by virtue of paragraph 1 of Schedule 8 to the <sup>M116</sup>Courts Act 1971 are exercisable by, or by the clerk to, a metropolitan county council shall be exercisable respectively by the council, or the proper officer of the council, of each metropolitan district comprised in the county.

**Marginal Citations**

**M116** 1971 c. 23.

*Status: Point in time view as at 28/03/1991.*

*Changes to legislation: Local Government Act 1985 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *Loan societies*

- 26 The functions under section 4 of the <sup>M117</sup>Loan Societies Act 1840 which by virtue of section 62(5) of the <sup>M118</sup>London Government Act 1963 became exercisable by the Greater London Council and the clerk to that council shall—
- (a) as respects a society formed in a London borough, be functions of the council of that borough and the proper officer of that council; and
  - (b) as respects a society formed in the City, be functions of the Common Council and the town clerk to the City.

#### **Marginal Citations**

**M117** 1840 c. 110.

**M118** 1963 c. 33.

### *Mines and quarries*

- 27 In section 11(3) of the <sup>M119</sup>Mines and Quarries (Tips) Act 1969 after the word “county” there shall be inserted the words “metropolitan district”.

#### **Marginal Citations**

**M119** 1969 c. 10.

## SCHEDULE 9

F68

#### **Textual Amendments**

**F68** Schedule 9 repealed by Education Reform Act 1988 (c.40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

*Status: Point in time view as at 28/03/1991.*

*Changes to legislation: Local Government Act 1985 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULE 10

### NUMBER OF MEMBERS OF JOINT AUTHORITIES

#### PART I

##### GREATER LONDON

<b>Constituent council</b>	<b>Number of members of London Fire and Civil Defence Authority</b>
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

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Ealing	1
Brent	1
Harrow	1
Barnet	1
Haringey	1
Enfield	1

## PART II

### GREATER MANCHESTER

Appointing body	Number of members of police authority	Number of members of fire and civil defence authority	Number of members of passenger transport authority
Constituent councils:			
Bolton	3	3	3
Bury	2	2	2
Manchester	5	5	5
Oldham	3	3	3
Rochdale	2	2	2
Salford	3	3	3
Stockport	3	3	3
Tameside	3	3	3
Trafford	3	3	3
Wigan	3	3	3
Joint magistrates' committee	15		

## PART III

### MERSEYSIDE

Appointing body	Number of members of police authority	Number of members of fire and civil defence authority	Number of members of passenger transport authority
Constituent councils:			
Knowsley	2	2	2

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Liverpool	6	6	6
St. Helens	2	2	2
Sefton	4	4	4
Wirral	4	4	4
Joint magistrates' committee	9		

#### PART IV

##### SOUTH YORKSHIRE

<b>Appointing body</b>	<b>Number of members of police authority</b>	<b>Number of members of fire and civil defence authority</b>	<b>Number of members of passenger transport authority</b>
Constituent councils:			
Barnsley	2	2	2
Doncaster	3	3	3
Rotherham	2	2	2
Sheffield	5	5	5
Joint magistrates' committee	6		

#### PART V

##### TYNE AND WEAR AND NORTHUMBERLAND

<b>Appointing body</b>	<b>Number of members of police authority</b>	<b>Number of members of fire and civil defence authority</b>	<b>Number of members of passenger transport authority</b>
Constituent councils:			
Gateshead	3	3	3
Newcastle upon Tyne	4	4	4
North Tyneside	2	2	2
South Tyneside	2	2	2
Sunderland	4	4	4
Northumberland	4		
Magistrates:			

*Status: Point in time view as at 28/03/1991.*

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Joint magistrates' committee for Tyne and Wear	7
Magistrates' courts committee for Northumberland	2

## PART VI

### WEST MIDLANDS

Appointing body	Number of members of police authority	Number of members of fire and civil defence authority	Number of members of passenger transport authority
Constituent councils:			
Birmingham	10	10	10
Coventry	3	3	3
Dudley	3	3	3
Sandwell	3	3	3
Solihull	2	2	2
Walsall	3	3	3
Wolverhampton	3	3	3
Joint magistrates' committee	13		

## PART III

### WEST YORKSHIRE

Appointing body	Number of members of police authority	Number of members of fire and civil defence authority	Number of members of passenger transport authority
Constituent councils:			
Bradford	5	5	5
Calderdale	2	2	2
Kirklees	4	4	4
Leeds	8	8	8
Wakefield	3	3	3



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Joint magistrates' committee 11

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## SCHEDULE 11

Section 37.

### POLICE AND FIRE SERVICES

#### *Police*

- 1 (1) For section 1(1) of the <sup>M120</sup>Police Act 1964 there shall be substituted—
- “(1) Subject to the provisions of this Act, a police force shall be maintained—
- (a) for every county in England and Wales which is not comprised in a combined area constituted by an amalgamation scheme or in the Northumbria police area;
  - (b) for every combined area constituted by an amalgamation scheme; and
  - (c) for the Northumbria police area.
- (1A) For the purposes of this Act the Northumbria police area shall consist of the county of Tyne and Wear and the county of Northumberland.”
- (2) In subsection (1) of section 2 of that Act for the words “a police area consisting of a county” there shall be substituted the words “a police area consisting of a non-metropolitan county”.
- (3) In subsection (2) of that section—
- (a) for the words “a police area consisting of a county” there shall be substituted the words “a police area consisting of a non-metropolitan county”;
  - (b) in paragraph (b) the words “in the case of a non-metropolitan county” shall be omitted; and
  - (c) paragraph (c) shall be omitted.
- (4) After section 2 of that Act there shall be inserted—
- “2A Police authorities for metropolitan counties and Northumbria police area.**
- The police authority for a police area consisting of a metropolitan county shall be the metropolitan county police authority constituted in accordance with the provisions of Part IV of the Local Government Act 1985; and the police authority for the Northumbria police area shall be the Northumbria Police Authority constituted in accordance with those provisions.”
- (5) In section 8(3) and (4) of that Act for the words “police area consisting of a county” there shall be substituted the words “police area consisting of a non-metropolitan county” and in section 8(3) for the words “the said Part VIII” there shall be substituted the words “the said Part III”.

*Status: Point in time view as at 28/03/1991.*

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- (6) In section 11 of that Act for the words “any county” there shall be substituted the words “any non-metropolitan county”.
- (7) After section 31(1)(b) of that Act there shall be inserted—  
“*(c)* by the Northumbria police authority.”
- (8) In Schedule 8 to that Act for the entries relating to a county there shall be substituted—

“A non-metropolitan county	The police committee	The chief constable	The county fund
A metropolitan county	The metropolitan county police authority	The chief constable	The general fund
The Northumbria police area	The Northumbria Police Authority	The chief constable	The general fund”.

#### Marginal Citations

M120 1964 c. 48.

#### *Fire services*

- 2 (1) The London Fire and Civil Defence Authority shall be the fire authority for Greater London; and the fire and civil defence authority established under Part IV of this Act for each metropolitan county shall be the fire authority for that county.
- (2) References in the <sup>M121</sup>Fire Services Acts 1947 to 1959 and in any other enactment to a fire authority, or to a fire authority constituted by or for the purposes of the Fire Services Act 1947, shall be construed in accordance with sub-paragraph (1) above.
- (3) In section 4 of the said Act of 1947 for the words “the council of every county” there shall be substituted the words “the council of every non-metropolitan county”.
- (4) In the <sup>M122</sup>Metropolitan Fire Brigade Act 1865 the references to the Metropolitan Board of Works (which, by virtue of section 48(3) of the <sup>M123</sup>London Government Act 1963, are to be construed as references to the Greater London Council) shall be construed as references to the London Fire and Civil Defence Authority.

#### Marginal Citations

M121 1947 c. 41.

M122 1865 c. 90.

M123 1963 c. 33.

*Status: Point in time view as at 28/03/1991.*

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*Explosives, petroleum etc.*

- 3 In paragraph (3) of section 67 of the <sup>M124</sup>Explosives Act 1875 (local authorities for the purposes of that Act) after the words “Outside Greater London” there shall be inserted the words “and a metropolitan county” and after that paragraph there shall be inserted—

“(3A) In a metropolitan county, the fire authority; and”

**Marginal Citations**

[M124 1875 c. 17.](#)

- 4 In section 2(1) of the <sup>M125</sup>Petroleum (Consolidation) Act 1928 (local authorities granting petroleum licences) for paragraph (a) there shall be substituted—

“(a) in Greater London or a metropolitan county, the fire authority;”

**Marginal Citations**

[M125 1928 c. 32.](#)

- 5 The functions of a local authority under section 73 of the <sup>M126</sup>Public Health Act 1961 (derelict petroleum tanks) shall be functions—

- (a) in Greater London or a metropolitan county, of the fire authority;
- (b) elsewhere, of the county council,

and references in that section, and in the provisions of that Act applied by it, to a local authority shall be construed accordingly.

**Marginal Citations**

[M126 1961 c. 64.](#)

- 6 In section 9 of the <sup>M127</sup>Celluloid and Cinematograph Film Act 1922 at the end of the definition of “local authority” there shall be inserted the words “and in a metropolitan county means the fire authority”.

**Marginal Citations**

[M127 1922 c. 35.](#)

*Status: Point in time view as at 28/03/1991.*

*Changes to legislation: Local Government Act 1985 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F69** Sch. 12 paras. 1, 2 repealed by Transport Act 1985 (c.67, SIF 126), s. 58(4)(a), Sch. 8

- 3 (1) After section 56(6)(b) of the said Act of 1968 (assistance for capital expenditure on public transport facilities) there shall be inserted—  
     “(bb) a metropolitan county passenger transport authority;”
- (2) ..... **F70**

**Textual Amendments**

**F70** Sch. 12 para. 3(2) repealed by Transport Act 1985 (c.67, SIF 126), s. 139(3), Sch. 8

- 4 ..... **F71**

**Textual Amendments**

**F71** Sch. 12 para. 4 repealed by Transport Act 1985 (c.67, SIF 126), s. 58(4)(a), Sch. 8

- 5 (1) The <sup>M128</sup>Transport Act 1983 shall be amended as follows.
- (2) In section 1 for the definition of “Authority” there shall be substituted “‘Authority’ means, in relation to any such Passenger Transport Executive, the metropolitan county passenger transport authority.”.
- (3) Sections 3(5), 4(3)(b), (4), (5) and (6) and 5(2) shall be omitted.
- (4) In subsection (1) of section 6 for the words from “shall supply” onwards there shall be substituted the words “shall before preparing any plan under section 3 above consult the Authority”, subsections (3) and (4) of that section shall be omitted and in subsection (5) of that section after the words “shall inform the Executive” there shall be inserted the words “and the Secretary of State”.
- (5) This paragraph has effect from the abolition date except that it also applies (and shall be deemed always to have applied) in relation to any plan prepared before that date under section 3 of the said Act of 1983 for a period beginning on that date and to any determination to be made under section 4(1) of that Act in the light of any such plan.

**Marginal Citations**

**M128** 1983 c. 10.

*Status: Point in time view as at 28/03/1991.*

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## SCHEDULE 13

Section 57(7).

### RESIDUARY BODIES

#### *Status*

- 1 A residuary body shall not be regarded as acting on behalf of the Crown and neither that body nor its members, officers or servants shall be regarded as Crown servants.

**Modifications etc. (not altering text)**

**C71** Sch. 13 para. 1 amended by S.I. 1989/1815, art. 2, Sch. 1 para. 2(a)

#### *Tenure of office of members*

- 2 (1) Subject to the provisions of this paragraph, every member of a residuary body shall hold and vacate his office in accordance with the terms of his appointment.
- (2) Any member may resign by notice in writing to the Secretary of State, and the chairman or deputy chairman may by a like notice resign his office as such.
- (3) The Secretary of State may remove a member from office if that member—
- (a) has become bankrupt or made an arrangement with his creditors;
  - (b) is incapacitated by physical or mental illness;
  - (c) has been absent from meetings of the body for a period of three months otherwise than for a reason approved by the body; or
  - (d) is in the opinion of the Secretary of State otherwise unable or unfit to discharge the functions of a member.
- (4) If the chairman or deputy chairman ceases to be a member he shall also cease to be chairman or deputy chairman.

**Modifications etc. (not altering text)**

**C72** Sch. 13 para. 2 amended by S.I. 1989/1815, art. 2, Sch. 1 para. 2(b)

#### *Remuneration etc. of members*

- 3 (1) A residuary body shall pay to each member such remuneration and allowances (if any) as the Secretary of State may determine.
- (2) As regards any member of a residuary body in whose case the Secretary of State may so determine, the body shall pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (3) Where a person ceases to be a member of a residuary body otherwise than on the expiration of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the body shall pay as compensation to that person such amount as the Secretary of State may determine.

*Status: Point in time view as at 28/03/1991.*

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- (4) Where an employee of a residuary body becomes a member of that body and immediately before becoming a member was by reference to his employment by that body participating in a superannuation scheme, the body may make provision for him to continue to participate in that scheme, on terms and conditions determined by the body with the consent of the Secretary of State, as if his service as a member were service as an employee; and any such scheme shall have effect subject to any provision made under this sub-paragraph.
- (5) Any determination by the Secretary of State under this paragraph shall require the consent of the Treasury.

**Modifications etc. (not altering text)**

- C73** Sch. 13 para. 3 amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 2(c)**
- C74** Sch. 13 para. 3(2): all functions transferred (28.3.1991) by S.I. 1991/710, **art. 4(3)**
- C75** Sch. 13 para. 3(2): certain functions transferred (31.3.1991) by S.I. 1991/517, **art. 2 (b)**
- C76** Sch. 13 para. 3(2)(4): certain functions transferred (1.4.1992) by S.I. 1992/331, **art. 2(2)(4)**

*House of Commons disqualification*

- 4 In Part III of Schedule 1 to the <sup>M129</sup>House of Commons Disqualification Act 1975 (disqualifying offices) there shall be inserted at the appropriate place in alphabetical order—

“Any member of a residuary body established by Part VII of the Local Government Act 1985 who is in receipt of remuneration”

**Modifications etc. (not altering text)**

- C77** Sch. 13 para. 4 amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 2(d)**

**Marginal Citations**

- M129** 1975 c. 24.

*Proceedings*

- 5 (1) A residuary body shall regulate its own proceedings.
- (2) The validity of any proceedings of a residuary body shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

**Modifications etc. (not altering text)**

- C78** Sch. 13 para. 5 amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 2(e)**

- 6 (1) The application of the seal of a residuary body shall be authenticated by the signature of the chairman or of some other member authorised either generally or specially by the body for that purpose.

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- (2) Any document purporting to be a document duly executed under the seal of a residuary body shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

*Acquisition and disposal of land*

- 7 (1) A residuary body may with the consent of the Secretary of State acquire by agreement any land required by it for carrying out its functions.
- (2) A residuary body may dispose of any land held by it in such manner as it wishes and shall dispose of any land held by it which is not required by it for carrying out its functions but subject, in either case, to section 65 of this Act, to the same restrictions as those imposed by subsections (2), (2A) and (6) of section 123 of the principal Act in the case of disposals by a principal council under subsection (1) of that section and to any other restrictions to which it is subject by virtue of the subsequent provisions of this Schedule.

*Provision of services*

- 8 (1) A residuary body may by agreement with any relevant successor authority, and on such terms as to payment or otherwise as the parties consider appropriate, provide that authority with professional or technical services.
- (2) Each residuary body shall as soon as practicable after it is established—
- (a) review the professional and technical services provided by the Greater London Council or the relevant metropolitan county council, as the case may be, and the staff employed and property used by them in the provision of those services; and
  - (b) in the light of that review ascertain from each relevant successor authority whether it is likely to wish to enter into an agreement with the residuary body under this paragraph, being an agreement the performance of which by that body would make it desirable for any such staff or property to be transferred to that body.
- (3) If any relevant successor authority indicates to a residuary body that it is likely to wish to enter into such an agreement as is mentioned in sub-paragraph (2)(b) above that body shall forthwith make a report to that effect to the Secretary of State who shall take it into consideration and make such orders under sections 52 and 100 of this Act as appear to him to be appropriate unless he considers it inexpedient to do so.
- (4) In this paragraph “relevant successor authority”, in relation to a residuary body, means a successor authority exercising functions in the area for which that body is established and “successor authority” means a London borough council, the Common Council, a metropolitan district council, a new authority and any other body to which functions or property of the Greater London Council or a metropolitan county council are transferred by or under this Act or any other enactment.

*Access to documents of councils*

- 9 (1) Any person authorised in that behalf by the London Residuary Body or the residuary body established for a county shall be entitled on producing, if so required, evidence of his authority—

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- (a) at all reasonable times to inspect and make copies of any document belonging to or under the control of the Greater London Council or the council of that county, as the case may be; and
  - (b) to require copies of any such document to be delivered to him.
- (2) Any person having custody of any such document who without reasonable excuse—
- (a) obstructs a person in the exercise of his rights under sub-paragraph (1) above; or
  - (b) refuses or fails to comply with any requirement imposed under that sub-paragraph,
- shall be liable on summary conviction to a fine not exceeding the third level on the standard scale and to an additional fine not exceeding £40 for each day on which the offence continues after conviction thereof.
- (3) References in this paragraph to copies of a document include references to copies of any part of it.
- (4) In this paragraph “document” includes any record of information and, where the record is not in legible form, the rights conferred by sub-paragraph (1) above include the right to require the information to be made available in legible form for inspection or copying and to require copies of it in that form to be delivered.

#### *Reports and information*

- 10 (1) Each residuary body shall publish an annual report on the discharge of its functions.
- (2) Each residuary body shall send to the Secretary of State a copy of any report made by it under sub-paragraph (1) above and the Secretary of State shall lay copies of it before each House of Parliament.
- (3) Each residuary body shall furnish the Secretary of State with such information relating to the discharge of its functions as he may require, and for that purpose shall permit any person authorised by him to inspect and make copies of any accounts or other documents of the body and shall afford such explanation of them as that person or the Secretary of State may require.

#### **Modifications etc. (not altering text)**

- C79** Sch. 13 para. 10 amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 2(f)**
- C80** Sch. 13 para. 10(1) modified by S.I. 1989/1359, **reg. 10(1)**

11 ..... F72

#### **Textual Amendments**

- F72** Sch. 13 para. 11 repealed by [Parliamentary and Health Service Commissioners Act 1987 \(c.39, SIF 89\)](#), s. 10(2), **Sch. 2**

#### *Application of local government provisions*

- 12 A residuary body shall be treated as a local authority or, as the case may be, as a principal council for the purposes of the following provisions of the principal Act—



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- (a) section 111 (subsidiary powers);
- (b) sections 112 to 115 and 117 to 119 (staff);
- (c) section 128(2) (protection of purchasers);
- (d) sections 140, 140A and 140C (insurance of members etc.);
- (e) section 146 (transfer of securities);
- (f) section 223 (appearance in legal proceedings);
- (g) sections 224, 225 and 229 to 233 (documents); and
- (h) section 239 so far as it relates to opposing a local or personal Bill in Parliament and without the procedural requirements in subsection (2).

**Modifications etc. (not altering text)**

**C81** Sch. 13 para. 12 amended by S.I. 1989/1815, art. 2, Sch. 1 para. 2(g)

- 13 A residuary body shall be treated as a local authority for the purposes of—
- (a) the <sup>M130</sup>Landlord and Tenant Act 1954;
  - (b) the <sup>M131</sup>Local Government (Records) Act 1962;
  - (c) Part III of the <sup>M132</sup>Post Office Act 1969;
  - (d) [<sup>F73</sup>section 252 of the Town and Country Planning Act 1990];
  - (e) section 13(7)(f) of the <sup>M133</sup>Employment Agencies Act 1973;
  - (f) section 28 of the <sup>M134</sup>Health and Safety at Work etc. Act 1974;
  - (g) sections 30, 38 and 41 of the <sup>M135</sup>Local Government (Miscellaneous Provisions) Act 1976;
  - (h) section 71 of the <sup>M136</sup>Race Relations Act 1976;
  - (i) section 64 of the Justices of the <sup>M137</sup>Peace Act 1979;
  - (j) section 41 of the <sup>M138</sup>Local Government (Miscellaneous Provisions) Act 1982;
  - (k) paragraph 7 of Schedule 1 to the <sup>M139</sup>Stock Transfer Act 1982; and
  - (l) section 60 of the <sup>M140</sup>County Courts Act 1984.

**Textual Amendments**

**F73** Words substituted by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 4, Sch. 2 para. 69(2)(a)

**Modifications etc. (not altering text)**

**C82** Sch. 13 para. 13(g)(h)(i) amended by S.I. 1989/1815, art. 2, Sch. 1 para. 2(g)

**Marginal Citations**

**M130** 1954 c. 56.  
**M131** 1962 c. 56.  
**M132** 1969 c. 48.  
**M133** 1973 c. 35.  
**M134** 1974 c. 37.  
**M135** 1976 c. 57.

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**M136** 1976 c. 74.  
**M137** 1979 c. 55.  
**M138** 1982 c. 30.  
**M139** 1982 c. 41.  
**M140** 1984 c. 28.

- 14 A residuary body shall be included among the authorities or bodies to which the following enactments apply—
- (a) section 11 of the <sup>M141</sup>Trustee Investments Act 1961;
  - [<sup>F74</sup>(aa) paragraph 2 of Schedule 4A to the Leasehold Reform Act 1967;]
  - (b) section 3(1) of the <sup>M142</sup>Employer’s Liability (Compulsory Insurance) Act 1969; [<sup>F75</sup>and]
  - (c) section 5(2) of the <sup>M143</sup>Rent (Agriculture) Act 1976; . . . <sup>F76</sup>
  - (d) . . . . . <sup>F76</sup>

#### Textual Amendments

**F74** Sch. 13 para. 14(aa) inserted by Housing and Planning Act 1986 (c.63, SIF 81:1), s. 18, **Sch. 4 para. 9(2)**  
**F75** Word inserted by Housing and Planning Act 1986 (c.63, SIF 81:1), s. 18, **Sch. 4 para. 9(2)**  
**F76** Sch. 13 para. 14(d) repealed by Housing and Planning Act 1986 (c.63, SIF 81:1), ss. 18, 24(3), 39(4), 49(2), 53(2), Sch. 4 para. 9(2), **Sch. 12 Pt. I**

#### Modifications etc. (not altering text)

**C83** Sch. 13 para. 14(a) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 2(g)**  
**C84** Sch. 13 para. 14(b) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 2(g)**

#### Marginal Citations

**M141** 1961 c. 62.  
**M142** 1969 c. 57.  
**M143** 1976 c. 80.

- 15 A residuary body shall be included among the bodies specified in section 99(4) of and Schedule 16 to the <sup>M144</sup>Local Government Planning and Land Act 1980.

#### Marginal Citations

**M144** 1980 c. 65.

- 16 The London Residuary Body shall be included among the authorities to which section 5(3) of the <sup>M145</sup>London Government Act 1963 applies.

#### Modifications etc. (not altering text)

**C85** Sch. 13 para. 16 amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 2(g)**

#### Marginal Citations

**M145** 1963 c. 33.

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- 17 A residuary body shall be included in the local authorities mentioned in section 28(5)(a) of the <sup>M146</sup>Leasehold Reform Act 1967 and sections 29(5) and 38(1) of that Act shall be construed accordingly.

**Marginal Citations**

**M146** 1967 c. 88.

- 18 Without prejudice to paragraph 8 above, a residuary body shall be treated as a local authority for the purposes of the <sup>M147</sup>Local Authorities (Goods and Services) Act 1970 and, for the purposes of that Act as it applies in relation to a residuary body, the Secretary of State shall be treated as a public body.

**Marginal Citations**

**M147** 1970 c. 39.

- 19 A residuary body shall be included among the councils mentioned in [<sup>F77</sup>paragraph 1(3) of Schedule 14 to the Town and Country Planning Act 1990].

**Textual Amendments**

**F77** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\), s. 4, Sch. 2 para. 69\(2\)\(b\)](#)

- 20 A residuary body shall be included among the bodies specified in [<sup>F78</sup>section 144(2)(a) of the Road Traffic Act 1988].

**Textual Amendments**

**F78** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c.54, SIF 107:1\), s. 4, Sch. 3 para. 30](#)

- 21 A residuary body shall be included among the bodies to which section 14 of the <sup>M148</sup>Rent Act 1977 applies . . . <sup>F79</sup>

**Textual Amendments**

**F79** Words repealed by [Housing Act 1988 \(c.50, SIF 61\), s. 140\(2\), Sch. 18](#) (the repeal being subject to a saving in [S.I. 1988/2152, Sch. 2 para. 6](#))

**Marginal Citations**

**M148** 1977 c. 42.

- [<sup>F80</sup>22 A residuary body shall be treated as a local authority for the purposes of the following provisions of the Housing Act 1985—  
sections 43 and 44 (consent required for certain disposals of houses),  
sections 45 to 51 (restrictions on recovery of service charges after disposal of house),

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Parts IV and V (secure tenancies and the right to buy),

sections 442 (so far as relates to agreements within subsection (1)(b)), 443, 444, [F81 450A to 450C,] 452 and 453 (provision in connection with local authority mortgages), and

Part XVI (assistance for owners of defective premises disposed of by local authorities and others).

#### Textual Amendments

**F80** Sch. 13 paras. 22—24 substituted for paras. 22 and 23 by [Housing \(Consequential Provisions\) Act 1985](#) (c.71, SIF 61), s. 4, [Sch. 2 para. 61](#)

**F81** Words in Sch. 13 para. 22 inserted (17.8.1992) by [Housing and Planning Act 1986](#) (c. 63, SIF 81:1), s. 24(1)(2), [Sch. 5 para. 19](#); S.I. 1992/1753, [art. 2\(2\)](#)

23 A residuary body shall be treated as a local authority for the purposes of sections 84(5)(b) and 85(4) of the Housing Associations Act 1985 (consultation on forms of agreement and meaning of “relevant advance”).

#### Textual Amendments

**F80** Sch. 13 paras. 22—24 substituted for paras. 22 and 23 by [Housing \(Consequential Provisions\) Act 1985](#) (c.71, SIF 61), s. 4, [Sch. 2 para. 61](#)

24 A residuary body shall be treated as a local authority for the purposes of the following provisions of the Landlord and Tenant Act 1985—

section 14(4) (exclusion of implied repairing obligations) . . . F82

sections 18 to 30 (service charges) [F83, and paragraph 9(1) of the Schedule.]

#### Textual Amendments

**F80** Sch. 13 paras. 22—24 substituted for paras. 22 and 23 by [Housing \(Consequential Provisions\) Act 1985](#) (c.71, SIF 61), s. 4, [Sch. 2 para. 61](#)

**F82** Word repealed by [Landlord and Tenant Act 1987](#) (c.31, SIF 75:1), s. 61(1), [Sch. 4 para. 3\(a\)\(i\)](#)

**F83** Words added by [Landlord and Tenant Act 1987](#) (c.31, SIF 75:1), s. 61(1), [Sch. 4 para. 3\(a\)\(ii\)](#)

[F84 25 A residuary body shall be treated as a local authority for the purposes of Part III of the Local Government Act 1986 (transfer of local authority mortgages).

#### Textual Amendments

**F80** Sch. 13 paras. 22—24 substituted for paras. 22 and 23 by [Housing \(Consequential Provisions\) Act 1985](#) (c.71, SIF 61), s. 4, [Sch. 2 para. 61](#)

**F84** Sch. 13 paras. 25, 26 added by [Local Government Act 1986](#) (c.10, SIF 81:1, 2), s. 9(3), and by [Landlord and Tenant Act 1987](#) (c.31, SIF 75:1), s. 61(1), [Sch. 4 para. 3\(b\)](#)

26 A residuary body shall be included among the bodies specified in section 58(1) of the Landlord and Tenant Act 1987.]]

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### Textual Amendments

- F80** Sch. 13 paras. 22—24 substituted for paras. 22 and 23 by [Housing \(Consequential Provisions\) Act 1985](#) (c.71, SIF 61), s. 4, **Sch. 2 para. 61**
- F84** Sch. 13 paras. 25, 26 added by [Local Government Act 1986](#) (c.10, SIF 81:1, 2), **s. 9(3)**, and by [Landlord and Tenant Act 1987](#) (c.31, SIF 75:1), s. 61(1), **Sch. 4 para. 3(b)**

## SCHEDULE 14

Section 84.

### NEW AUTHORITIES: APPLICATION OF LOCAL AUTHORITY PROVISIONS

#### PART I

##### <sup>M149</sup> AMENDMENTS OF LOCAL GOVERNMENT ACT 1972

### Marginal Citations

**M149** 1972 c. 70.

#### *Restrictions on promotion of Bills for changing local government areas etc.*

- 1 In section 70 for the words “No local authority” there shall be substituted the words “Neither a local authority or joint authority nor the Inner London Education Authority” and after the words “local government area” in both places where they occur there shall be inserted the words “or the Inner London Education Area”.

#### *Qualifications for election and holding office*

- 2 At the end of section 79 there shall be inserted—
- “(3) In this section “local authority” includes the Inner London Education Authority and references to its area shall be construed as references to the Inner London Education Area.”

#### *Disqualifications for election and holding office*

- 3 (1) In subsections (1)(a) and (2)(b) of section 80 after the words “joint board” there shall be inserted the words “, joint authority”.
- (2) After subsection (5) of that section there shall be inserted—
- “(6) In this section “local authority” includes the Inner London Education Authority.”

#### *Validity of acts done by unqualified persons*

- 4 In section 82 after the words “elected to an office under this Act” there shall be inserted the words “or elected or appointed to an office under Part III or IV of the Local Government Act 1985.”

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*Declaration of acceptance of office*

- 5 After section 83(3) there shall be inserted—
- “(3A) Subsections (1) to (3) above shall apply also to a person elected to the office of member, or appointed to the office of chairman or vice-chairman, of the Inner London Education Authority and in relation to any such office the references in those provisions to the proper office of the council and to members of the council shall be construed respectively as references to the proper officer of that Authority and to members of that Authority.”

*Resignation*

- 6 The provisions of section 84 shall become subsection (1) of that section and after those provisions there shall be inserted—
- “(2) A person elected or appointed to an office under Part III or IV of the Local Government Act 1985 may at any time resign his office by written notice delivered to the proper officer of the authority of which he is a member and his resignation shall take effect upon the receipt of the notice by that officer.”

*Failure to attend meetings*

- 7 At the end of section 85 there shall be inserted—
- “(4) In this section “local authority” includes a joint authority and the Inner London Education Authority.”

*Declaration of vacancy*

- 8 The provisions of section 86 shall become subsection (1) of that section and after those provisions there shall be inserted—
- “(2) In this section “local authority” includes a joint authority and the Inner London Education Authority.”

*Date of casual vacancies*

- 9 At the end of section 87 there shall be inserted—
- “(3) This section shall apply also in relation to a casual vacancy in any office for which an election is held, or to which an appointment is made, under Part III of the Local Government Act 1985, taking references to a local authority as reference to the Inner London Education Authority.”

*Filling of casual vacancies*

- 10 (1) After section 88(2) there shall be inserted—
- “(2A) In subsections (1) and (2) above “council” includes the Inner London Education Authority.”
- (2) After section 89(3) there shall be inserted—
- “(3A) Subsections (1) to (3) above shall apply also in relation to a casual vacancy occurring in the office of member of the Inner London Education Authority,

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taking references to the council and the returning officer as references to the Authority and the proper officer of the Authority.”

*Term of office of person filling casual vacancy*

- 11 In section 90 after the word “Wales” there shall be inserted the words “or under Part III or IV of the Local Government Act 1985”, and after the words “he is elected” there shall be inserted the words “or appointed”.

*Proceedings for disqualification*

- 12 At the end of section 92 there shall be inserted—
- “(7) In this section “local authority” includes a joint authority and the Inner London Education Authority; and in relation to a joint authority the reference in subsection (1) above to a local government elector for the area concerned shall be construed as a reference to a local government elector for any local government area in the area for which the authority is established.”

*Pecuniary interests*

- 13 After section 98(1) there shall be inserted—
- “(1A) In sections 94 and 97 above “local authority” includes a joint authority and the Inner London Education Authority and in section 94(5)(a) above “principal council” includes any such authority.”

*Meetings and proceedings*

- 14 In section 99 after the words “local authorities” there shall be inserted the words “, joint authorities, the Inner London Education Authority”.

*Discharge of functions*

- 15 In section 101(13) after the words “the Middle Temple,” there shall be inserted the words “any joint authority except a police authority, the Inner London Education Authority,”.

*Miscellaneous powers of local authorities*

- 16 After section 146 there shall be inserted—

**“146A Joint Authorities and Inner London Education Authority.**

- (1) A joint authority and the Inner London Education Authority shall be treated—
- (a) as local authorities for the purposes of sections 111 to 119, 128 to 131, 135, 136, 139 (except subsections (1)(b) and (2)), 140, 140A, 140C, 143 and 146 above; and
  - (b) as a principal council for the purposes of section 120 (except subsection (1)(b)) and sections 121 to 123 above.

*Status: Point in time view as at 28/03/1991.*

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(2) The Inner London Education Authority may exercise any of the powers of a local authority under section 145 above so far as it considers it expedient to do so for the benefit of persons under the age of twenty-six.”

17 ..... F85

**Textual Amendments**

**F85** Sch. 14 para. 17 repealed by Local Government and Housing Act 1989 (c.42, SIF 81:1), s. 194(2), Sch. 12 Pt. I

*Allowances to members*

18 After section 176(2) there shall be inserted—

“(3) In this section “local authority” includes a joint authority and the Inner London Education Authority.”

[<sup>F86</sup>19 In section 177(1) after paragraph (a) there shall be inserted—

“(ab) the Inner London Education Authority;  
 (ac) a joint authority;”

and in paragraph (e) the words “joint authority” shall be omitted.]

**Textual Amendments**

**F86** Sch. 14 paras. 19, 20 repealed (prosp.) by Local Government and Housing Act 1989 (c.42, SIF 81:1), s. 194(4), 195(2), Sch. 12 Pt. II

[<sup>F87</sup>20 After section 177A(4) there shall be inserted—

“(5) In this section references to a principal council and a councillor include references to a joint authority and the Inner London Education Authority and to any member of any such authority.”]

**Textual Amendments**

**F87** Sch. 14 paras. 19, 20 repealed (prosp.) by Local Government and Housing Act 1989 (c.42, SIF 81:1), s. 194(4), 195(2), Sch. 12 Pt. II

*Legal proceedings*

21 In section 223(2) after the words “the Common Council” there shall be inserted the words “, a joint authority and the Inner London Education Authority.”

*Documents and notices*

22 The provisions of section 224 shall become subsection (1) of that section and after those provisions there shall be inserted—



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- “(2) This section applies to a joint authority and the Inner London Education Authority as it applies to a principal council.”
- 23 After section 225(2) there shall be inserted—
- “ (3) In this section “local authority” includes a joint authority and the Inner London Education Authority.”
- 24 After section 228(7) there shall be inserted—
- “(7A) This section shall apply to the minutes of proceedings and the accounts of a joint authority or the Inner London Education Authority as if that authority were a local authority and as if, in relation to a joint authority, references to a local government elector for the area of the authority were a reference to a local government elector for any local government area in the area for which the authority is established.”
- 25 At the end of section 229(8) there shall be inserted the words “and “local authority” includes a joint authority and the Inner London Education Authority.”
- 26 The provisions of section 230 shall become subsection (1) of that section and after those provisions there shall be inserted—
- “(2) In this section “local authority” includes a joint authority and the Inner London Education Authority.”
- 27 After section 231(3) there shall be inserted—
- “(4) In this section “local authority” includes a joint authority and the Inner London Education Authority.”
- 28 After section 232(1) there shall be inserted—
- “(1A) In subsection (1) above “local authority” includes a joint authority and the Inner London Education Authority.”
- 29 After section 233(10) there shall be inserted—
- “(11) In this section “local authority” includes a joint authority and the Inner London Education Authority.”
- 30 After section 234(3) there shall be inserted—
- “(4) In this section “local authority” includes a joint authority and the Inner London Education Authority.”

#### *Byelaws*

- 31 (1) In section 236(1) for the words “or any other enactment, whenever passed and conferring on a local authority” there shall be substituted the words “and to byelaws made by a local authority, a metropolitan, county passenger transport authority or the Inner London Education Authority under any other enactment and conferring on the authority.”
- (2) In section 238 after the words “a local authority” there shall be inserted the words “, a metropolitan county passenger transport authority or the Inner London Education Authority”.

*Status: Point in time view as at 28/03/1991.*

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*Promoting and opposing local and personal Bills*

- 32 (1) After subsection (4) of section 239 there shall be inserted—
- “(4A) The powers conferred on a local authority by subsection (1) above shall also be exercisable by a joint authority, and the Inner London Education Authority.”
- (2) In subsection (5) of that section for the words “a local authority” there shall be substituted the words “an authority”.

*Computation of time*

- 33 At the end of section 243(2) there shall be inserted the words “and applies also to sections 19, 31 and 32 of the Local Government Act 1985”.

*Interpretation*

- 34 In section 270(1) after the definition of “grouped” there shall be inserted—
- “‘joint authority’ means an authority established by Part IV of the Local Government Act 1985;”.

*Meetings and proceedings*

- 35 (1) Schedule 12 shall be amended as follows.
- (2) After Part I there shall be inserted—

**“PART IA**

JOINT AUTHORITIES AND INNER LONDON EDUCATION AUTHORITY

- 6A Paragraph 1 above shall apply to a joint authority as it applies to a principal council in a year in which there are no ordinary elections of councillors and that paragraph shall apply to the Inner London Education Authority as it applies to the council of a London borough.
- 6B The other provisions of Part I of this Schedule shall apply to an authority mentioned in paragraph 6A above as they apply to a principal council except that the number of members mentioned in paragraph 3(2) shall be three members in the case of a joint authority and ten members in the case of the Inner London Education Authority.”
- (3) After paragraph 45 there shall be inserted—
- “46 In this Part of this Schedule “local authority” includes a joint authority and the Inner London Education Authority and in relation to any such authority the reference in paragraph 43 above to election shall include a reference to appointment.”

*Status: Point in time view as at 28/03/1991.*

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## PART II

### AMENDMENTS OF OTHER ENACTMENTS

- 36 In section 69(1) of the <sup>M150</sup>Landlord and Tenant Act 1954 at the end of the definition of “local authority” there shall be inserted the words “except that it includes the Inner London Education Authority and a joint authority established by Part IV of the Local Government Act 1985”.

#### Marginal Citations

[M150 1954 c. 56.](#)

- 37 In the Schedule to the <sup>M151</sup>Public Bodies (Admission to Meetings) Act 1960 after paragraph 1(a) there shall be inserted—
- “(aa) joint authorities established by Part IV of the Local Government Act 1985;
  - (ab) the Inner London Education Authority;”

#### Marginal Citations

[M151 1960 c. 67.](#)

- 38 In section 11(4)(a) of the <sup>M152</sup>Trustee Investments Act 1961 after the words “City of London” there shall be inserted the words “, the Inner London Education Authority, a joint authority established by Part IV of the Local Government Act 1985”.

#### Marginal Citations

[M152 1961 c. 62.](#)

- 39 In the <sup>M153</sup>Local Government (Records) Act 1962—
- (a) in section 2(6) after the words “London borough” there shall be inserted the words “to the Inner London Education Authority, to a joint authority established by Part IV of the Local Government Act 1985”; and
  - (b) in section 8(1), in the definition of “local authority”, after the words “county district” there shall be inserted the words “the Inner London Education Authority, or a joint authority established by Part IV of the Local Government Act 1985;”.

#### Marginal Citations

[M153 1962 c. 56.](#)

- 40 In the <sup>M154</sup>London Government Act 1963—
- (a) in section 5(3) for the words “the following councils” and “those councils” there shall be substituted respectively the words “the following authorities” and “those authorities” and for the words “and the Common Council” there shall be substituted the words “, the Common Council, the Inner London Education Authority and the London Fire and Civil Defence Authority”;

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(b) after section 75(3) there shall be inserted—

“(4) This section shall apply to the Inner London Education Authority and the London Fire and Civil Defence Authority as it applies to the councils mentioned in subsection (1) of this section.”

**Marginal Citations**

**M154** 1963 c. 33.

41 After section 11(2) of the <sup>M155</sup>Local Government Act 1966 there shall be inserted—

“(3) This section shall apply to the Inner London Education Authority and a joint authority established by Part IV of the Local Government Act 1985 as it applies to a local authority.”

**Marginal Citations**

**M155** 1966 c. 42.

42 In the <sup>M156</sup>General Rate Act 1967—

- (a) in section 85(2), for the words “or the Common Council of the City of London” there shall be substituted the words “, the Common Council of the City of London, the Inner London Education Authority or a joint authority established by Part IV of the Local Government Act 1985”;
- (b) in paragraph 15 of Schedule 1, in the definition of “local authority”, after the words “City of London” there shall be inserted the words “, the Inner London Education Authority, a joint authority established by Part IV of the Local Government Act 1985”.

**Marginal Citations**

**M156** 1967 c. 9.

43 In section 28(5)(a) of the <sup>M157</sup>Leasehold Reform Act 1967 after the words “district council,” there shall be inserted the words “the Inner London Education Authority, any joint authority established by Part IV of the Local Government Act 1985,”.

**Marginal Citations**

**M157** 1967 c. 88.

44 At the end of section 1(3) of the <sup>M158</sup>Local Government Grants (Social Need) Act 1969 there shall be inserted the words “except that in the application of this section to England and Wales “local authority” shall also include the Inner London Education Authority and a joint authority established by Part IV of the Local Government Act 1985”.

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**Marginal Citations**

[M158](#) 1969 c. 2.

- 45 In section 86(1) of the <sup>M159</sup>Post Office Act 1969, in the definition of “local authority”, after the words “London borough” there shall be inserted the words “the Inner London Education Authority, a joint authority established by Part IV of the Local Government Act 1985”.

**Marginal Citations**

[M159](#) 1969 c. 48.

- 46 In section 3(2) of the <sup>M160</sup>Employers’ Liability (Compulsory Insurance) Act 1969 after the words “any such council” there shall be inserted the words “the Inner London Education Authority, any joint authority established by Part IV of the Local Government Act 1985”.

**Marginal Citations**

[M160](#) 1969 c. 57.

- 47 In section 1(4) of the <sup>M161</sup>Local Authorities (Goods and Services) Act 1970, in the definition of “local authority”, after the words “combined authority” there shall be inserted the words “the Inner London Education Authority and any joint authority established by Part IV of the Local Government Act 1985”.

**Marginal Citations**

[M161](#) 1970 c. 39.

- 48 ..... [F88](#)

**Textual Amendments**

[F88](#) Sch. 14 para. 48 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

- 49 ..... [F89](#)

**Textual Amendments**

[F89](#) Sch. 14 para. 49 repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c.54, SIF 107:1\)](#), s.3(1), Sch. 1 Pt. I

- 50 In section 13(7)(f) of the <sup>M162</sup>Employment Agencies Act 1973, after the words “local authority”, there shall be inserted the words “, the Inner London Education

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Authority or a joint authority established by Part IV of the Local Government Act 1985”.

**Marginal Citations**

M162 1973 c. 35.

- 51 In the <sup>M163</sup>Local Government Act 1974—
- (a) for section 25(1)(c) there shall be substituted—
- “(c) any joint authority established by Part IV of the Local Government Act 1985;
- (ca) any other police authority, except the Secretary of State;
- (cb) the Inner London Education Authority; and”;
- (b) for section 26(11) there shall be substituted—
- “(11) In this section—
- (a) references to a person aggrieved include references to his personal representatives; and
- (b) references to a member of an authority concerned include, in the case of a complaint relating to a joint authority established by Part IV of the Local Government Act 1985, references to a member of a constituent council of that authority.”

**Marginal Citations**

M163 1974 c. 7.

- 52 For subsection (6) of section 28 of the <sup>M164</sup>Health and Safety at Work etc. Act 1974 there shall be substituted—
- “(6) References in subsections (3) and (5) above to a local authority include the Inner London Education Authority and a joint authority established by Part IV of the Local Government Act 1985.”

**Marginal Citations**

M164 1974 c. 37.

- 53 In the <sup>M165</sup>Local Government (Miscellaneous Provisions) Act 1976—
- (a) <sup>F90</sup>  
 .....  
 (b) in section 44(1) for the definition of “local authority” there shall be substituted—
- ““local authority” means a county council, the Greater London Council, a district council, a London borough council, the Common Council, the Council of the Isles of Scilly and—
- (a) in sections 13 to 16, 29, 30, 38, 39 and 41 of this Act, the Inner London Education Authority and a joint authority established by Part IV of the Local Government Act 1985;

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- (b) in sections 1, 16, 19, 30, 36, 39 and 41 of this Act, a parish council and a community council.”

**Textual Amendments**

**F90** Sch. 14 para. 53(a) repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)

**Marginal Citations**

**M165** 1976 c. 57.

- 54 At the end of section 71 of the <sup>M166</sup>Race Relations Act 1976 there shall be inserted the words “ ; and in this section “local authority” includes the Inner London Education Authority and a joint authority established by Part IV of the Local Government Act 1985. ”.

**Marginal Citations**

**M166** 1976 c. 74.

- 55 After section 5(3)(b) of the <sup>M167</sup>Rent (Agriculture) Act 1976 there shall be inserted—  
“(ba) the Inner London Education Authority;  
(bb) a joint authority established by Part IV of the Local Government Act 1985;”

**Marginal Citations**

**M167** 1976 c. 80.

- 56 After section 14(c) of the <sup>M168</sup>Rent Act 1977 there shall be inserted—  
“(ca) the Inner London Education Authority;  
(cb) a joint authority established by Part IV of the Local Government Act 1985;”

**Marginal Citations**

**M168** 1977 c. 42.

- 57 In section 64 of the Justices of the <sup>M169</sup>Peace Act 1979—  
(a) in subsection (1) the words “within the meaning of the Local Government Act 1972 or the Local Government (Scotland) Act 1973” shall be omitted; and  
(b) after subsection (5) there shall be inserted—  
“(6) In this section “local authority” means a local authority within the meaning of the Local Government Act 1972 or the Local

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Government (Scotland) Act 1973, the Inner London Education Authority and a joint authority established by Part IV of the Local Government Act 1985.”

**Marginal Citations**

**M169** 1979 c. 55.

- 58      In the <sup>M170</sup>Housing Act 1980—
- (a) ..... **F91**
  - (e) ..... **F92**
  - (f) ..... **F93**

**Textual Amendments**

- F91** Sch. 14 para. 58(a)–(d) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c.71, SIF 61\)](#), ss. 3, 6, **Sch. 1 Pt. I**
- F92** Sch. 14 para. 58(e) repealed by [Housing and Planning Act 1986 \(c.63, SIF 81:1\)](#), ss. 18, 24(3), 39(4), 49(2), 53(2), Sch. 4 para. 9(3), **Sch. 12 Pt. I**
- F93** Sch. 14 para. 58(f)–(h) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c.71, SIF 61\)](#), ss. 3, 6, **Sch. 1 Pt. I**

**Marginal Citations**

**M170** 1980 c. 51.

- 59      (1) In the <sup>M171</sup>Local Government, Planning and Land Act 1980—
- (a) in section 2(1), at the end of paragraph (k) the word “and” shall be omitted and there shall be inserted—
    - “(ka) a joint authority established by Part IV of the Local Government Act 1985;”
  - (b) in section 20(1), in the definition of “local authority”, after the words “City of London” there shall be inserted the words “the Inner London Education Authority, a joint authority established by Part IV of the Local Government Act 1985”;
  - (c) ..... **F94**
  - (e) ..... **F95**
  - (f) after section 99(4)(d) there shall be inserted—
    - “(da) the Inner London Education Authority;
    - (db) a joint authority established by Part IV of the Local Government Act 1985;”
  - (g) in Schedule 16 after paragraph 5 there shall be inserted—
    - “5A The Inner London Education Authority.
    - 5B A joint authority established by Part IV of the Local Government Act 1985.”



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#### Textual Amendments

- F94** Sch. 14 para. 59(1)(c)(d) repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(2), [Sch. 12 Pt. I](#)
- F95** Sch. 14 para. 59(1)(e) repealed by [Transport Act 1985 \(c.67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

#### Marginal Citations

[M171 1980 c. 65.](#)

- 60 In section 17(4) of the <sup>M172</sup>Acquisition of Land Act 1981, in the definition of “local authority” after the words “City of London” there shall be inserted the words “; the Inner London Education Authority and a joint authority established by Part IV of the Local Government Act 1985”.

#### Marginal Citations

[M172 1981 c. 67.](#)

- 61 In the <sup>M173</sup>Local Government (Miscellaneous Provisions) Act 1982—
- (a) in section 33(9)—
- (i) in paragraph (a), after the words “City of London” there shall be inserted the words “the Inner London Education Authority or a joint authority established by Part IV of the Local Government Act 1985”; and
- (ii) at the end of paragraph (b) there shall be inserted the words “; in relation to the Inner London Education Authority means the Inner London Education Area, and in relation to such a joint authority means the area for which the authority was established”; and
- (b) at the end of the definition of “local authority” in section 41(13) there shall be inserted—
- “and  
the Inner London Education Authority; and  
a joint authority established by Part IV of the Local Government Act 1985;”

#### Marginal Citations

[M173 1982 c. 30.](#)

- 62 In paragraph 7(2)(a) of Schedule 1 to the <sup>M174</sup>Stock Transfer Act 1982 after the words “City of London” there shall be inserted the words “the Inner London Education Authority, a joint authority established by Part IV of the Local Government Act 1985”.

#### Marginal Citations

[M174 1982 c. 41.](#)

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- 63 In section 60(3) of the <sup>M175</sup>County Courts Act 1984 after the words “London borough council” there shall be inserted the words “the Inner London Education Authority, a joint authority established by Part IV of the Local Government Act 1985.”

#### Marginal Citations

**M175** 1984 c. 28.

- 64, 65. . . . . <sup>F96</sup>

#### Textual Amendments

**F96** Sch. 14 paras. 64, 65 repealed by Housing (Consequential Provisions) Act 1985 (c.71, SIF 61), ss. 3, 6, Sch. 1 Pt. I

## SCHEDULE 15

Section 91.

### SECTION 91: SUPPLEMENTARY PROVISIONS

#### PART I

##### RELEVANT ASSISTANCE

- 1 (1) In section 91 of this Act (“the principal section”) “relevant assistance” means assistance under any such enactment as is mentioned in sub-paragraph (2) below and consisting of a payment to or for the benefit of a local authority or—
- (a) the carrying out for a local authority of any works;
  - (b) the supply to a local authority of any goods;
  - (c) the provision for a local authority of administrative, professional or technical services; or
  - (d) the hiring to a local authority, or gratuitously making available to a local authority the use of, any vehicle, plant or apparatus of the Greater London Council or the metropolitan county council, as the case may be.
- (2) The enactments referred to in sub-paragraph (1) above are—
- (a) sections 101, 113(1) and 136 of the principal Act;
  - (b) section 5(1) and (3) of the <sup>M176</sup>London Government Act 1963;
  - (c) sections 7(1) and (6), 8, 273, 274 and 275 of the <sup>M177</sup>Highways Act 1980; and
  - (d) any other enactment (including a provision in a local Act or any instrument made under an Act) by virtue of which the Greater London Council or a metropolitan county council may agree or be required to discharge any functions of another local authority.

#### Marginal Citations

**M176** 1963 c. 33.

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M177 1980 c. 66.

## PART II

### CONSEQUENCES OF CONTRAVENTION

- 2 (1) If in contravention of the principal section the Greater London Council or a metropolitan county council makes a grant to a local authority, enters into any agreement or arrangements for giving relevant assistance to a local authority or gives relevant assistance to a local authority—
- (a) the appropriate residuary body shall be entitled to recover from that local authority on demand—
    - (i) an amount equal to the grant or to the value of the relevant assistance given or to be given under the agreements or arrangements at any time after 24th July 1984 and before the abolition date; and
    - (ii) interest on that amount; and
  - (b) any sums payable by that local authority (whether before, on or after the abolition date) in consequence of a demand under paragraph (a) above shall be treated for the purposes of [F97Part VI] of the M178Local Government Planning and Land Act 1980 as relevant expenditure of the authority for the financial year ending on 31st March 1986.
- (2) A residuary body shall not make any demand for or take any steps to recover any amount payable under this paragraph unless directed to do so by the Secretary of State or otherwise than in accordance with his directions.
- (3) A contravention of the principal section shall have no consequences other than those specified in this paragraph and accordingly shall not affect the validity of any grant, agreement or arrangements or of anything done under any agreement or arrangements.

#### Textual Amendments

F97 Words substituted by [Local Government Finance Act 1987 \(c.6, SIF 81:1\)](#), s. 11(1), Sch. 4 paras. 10, 12(3)

#### Marginal Citations

M178 1980 c. 65.

- 3 For the purpose of determining the amount recoverable under paragraph 2 above in respect of any relevant assistance, the value of that assistance shall be taken to be—
- (a) in the case of a payment, an amount equal to the payment;
  - (b) in a case within paragraph 1(1)(a), (b), (c) or (d) above, such amount as the local authority would have had to pay on the open market in order, at the material time, to secure the carrying out of the works, or to obtain the goods or services or the use of the vehicle, plant or apparatus in question.
- 4 The Secretary of State may direct a local authority from which an amount in respect of relevant assistance is recoverable under paragraph 2 above to determine the value of that assistance in accordance with paragraph 3 above; and if the authority reports the result of its determination within such time as is specified in the direction and the

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Secretary of State is satisfied with that determination it shall be conclusive evidence of that value.

- 5 (1) Where the value of any relevant assistance is not conclusively determined under paragraph 4 above it shall be determined in accordance with paragraph 3 above by a person appointed for that purpose by the Secretary of State, being a person who is not in the service of the Crown and has such qualifications as appear to the Secretary of State to be appropriate; and the determination of that person shall be conclusive evidence of that value.
- (2) The local authority by which the relevant assistance was received shall repay to the Secretary of State the amount of any fee payable by him to the person appointed under this paragraph to determine the value of that assistance; and if any such amount is not paid the Secretary of State may direct the appropriate residuary body to recover it from the local authority and it shall be recoverable from that authority accordingly.
- 6 The interest recoverable under paragraph 2 above in respect of any grant made or relevant assistance given to a local authority shall accrue from the date on which the grant is made or, as the case may be, the assistance or any part of it is first received by the authority and shall be at such rate as the Secretary of State may determine; and different rates may be determined in respect of interest accruing at different periods.

### PART III

#### FAILURE TO FURNISH INFORMATION

- 7 Where under section 230 of the principal Act a local authority to which the Greater London Council or a metropolitan county council has power to make a grant or to give relevant assistance is required by the Secretary of State to furnish him with any information for the purposes of the principal section and that information is not furnished within a reasonable time, the Secretary of State may exercise his power under paragraph 2(2) above to direct the appropriate residuary body to demand and recover from the authority an amount determined by him on such assumptions as to the making of grants or the giving of relevant assistance to the authority as he thinks appropriate and that amount, together with interest thereon from such date as he may determine, shall be recoverable under paragraph 2 above accordingly.

## SCHEDULE 16

Section 102.

### CONSEQUENTIAL AMENDMENTS

#### *The London Government Act 1963 (c.33)*

- 1 In section 73(1) of the London Government Act 1963 for the words before paragraph (a) there shall be substituted the words “Any of the London borough councils and the Common Council may, for the purpose of giving publicity to the amenities and advantages of their respective areas—”, and in paragraph (d) for the words “Greater London” there shall be substituted the words “their respective areas”.

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*The Local Government Act 1972 (c.70)*

- 2 In sections 2(1) and 6(2)(a) of the Local Government Act 1972 before the word “county” there shall be inserted the word “non-metropolitan”.
- 3 In section 7(2) of that Act for the words “a year of election of county councillors” there shall be substituted the words “1977 and every fourth year thereafter”.
- 4 For section 47(4) of that Act there shall be substituted—  
“(4) For the purposes of subsection 1(b) and (c) above metropolitan and non-metropolitan districts are areas of a like description.”
- 5 In section 48(1) of that Act, in paragraph (a) before the word “counties” there shall be inserted the word “non-metropolitan” and in paragraph (b) after the word “it”, in the second place where it occurs, there shall be inserted the words “and between each of the metropolitan counties and the non-metropolitan counties adjoining it”.
- 6 At the end of section 62 of that Act there shall be inserted—  
“(9) In the case of the boundary between a metropolitan county and a county in Wales the references in subsection (1) above to the councils of both counties and in subsection (7) above to the county councils concerned shall be treated as references to the council of the metropolitan district and the council of the county in Wales between which the boundary lies.”
- 7 In section 141(1) of that Act for the words “The council of a county” there shall be substituted the words “The council of a non-metropolitan county”.
- 8 In section 270(1) of that Act—  
(a) at the end of the definition of “county” there shall be inserted the words “, but in the expressions ”county council”, ”council of a county”, ”county councillor’ and ”councillor of a county’ means, in relation to England, a non-metropolitan county only;”;  
(b) in the definition of “principal area” for the words “county, Greater London” there shall be substituted the words “non-metropolitan county”.

*The Local Government, Planning and Land Act 1980 (c.65)*

- 9 In section 56(3) of the Local Government, Planning and Land Act 1980 for the words “the appropriate authorities” there shall be substituted the words “the councils of districts in the county”.

*The Representation of the People Act 1983 (c.2)*

- 10 In section 22(3) of the Representation of the People Act 1983—  
(a) in paragraph (a) for the words “electoral division of Greater London” there shall be substituted the words “constituency in Greater London or in a metropolitan county”;

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- (b) in paragraph (b) for the word “county” there shall be substituted the words “non-metropolitan county”.
- 11 In section 35(1) of that Act for the words “every county council” there shall be substituted the words “every non-metropolitan county council”.

## SCHEDULE 17

Section 102.

## REPEALS

Chapter	Short title	Extent of repeal
29 & 30 Vict. c. 122.	The Metropolitan Commons Act 1866.	In section 25, the words from “, and the” to “authority,”.  In the first Schedule, the third column.
61 & 62 Vict. c. 43.	The Metropolitan Commons Act 1898.	The whole Act.
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act 1908.	In section 61(1), the definition of “county”.
15 & 16 Geo. 5. c. 21.	The Land Registration Act 1925.	Section 100(5).
20 & 21 Geo. 5. c. 43.	The Road Traffic Act 1930.	In section 121, the definition of “Highway authority”.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	Section 32(4).  In section 87(1), the words “the Greater London Council”.
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	In section 93(3), the words “the Greater London Council and of”.  In section 166(2), paragraph (b) of the proviso.
6 & 7 Eliz. 2. c. 33.	The Disabled Persons (Employment) Act 1958.	In section 3(5) the words “other than a metropolitan county”.
6 & 7 Eliz. 2. c. 49.	The Trading Representations (Disabled Persons) Act 1958.	In section 1(5) the words “the Greater London Council”.
7 & 8 Eliz. 2. c. lii.	The London County Council (General Powers) Act 1959.	Section 31.
8 & 9 Eliz. 2. c. 64.	The Radioactive Substances Act 1960.	In section 19(1), in the definition of “local authority”, the words “or the Greater London Council”.

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9 & 10 Eliz. 2, c. 33.	The Land Compensation Act 1961.	In Schedule 2, paragraph 2(1) (f).
9 & 10 Eliz. 2. c. 50.	The Rivers (Prevention of Pollution) Act 1961.	Section 14(3).
9 & 10 Eliz. 2. c. 62.	The Trustee Investments Act 1961.	In section 11, in subsection (1) the words “or by the Greater London Council” and in subsection (4)(a) the words “the Greater London Council”.
9 & 10 Eliz. 2. c. 64.	The Public Health Act 1961.	In section 81, the words “or by the Greater London Council”.
10 & 11 Eliz. 2. c. 56	The Local Government (Records) Act 1962.	In section 8(1), in the definition of “local authority”, the words “or the Greater London Council”.
10 & 11 Eliz. 2. c. 58. Chapter	The Pipe-lines Act 1962. Short title	Section 18. Extent of repeal
1963 c. 2.	The Betting, Gaming and Lotteries Act 1963.	In Schedule 3, in paragraph 1 the words “elsewhere than in Greater London” and in paragraphs 5(2)(a)(i) and 6(2) (b) the words “or London borough”.
1963 c. 33.	The London Government Act 1963.	Section 2(4).  In section 4(1) the words “(and in particular any provision conferring functions on the Greater London Council)”.  In section 5, subsection (1) and in subsection (3) the words “the Greater London Council”.  Section 7.  Section 9(1), (2), (4) and (5).  Section 19(2).  In section 21, subsections (4) to (7), (9) and (11).  Section 22.  In section 23, subsection (1), and in subsection (3),

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		paragraph (a), and in paragraph (b) the words “the Greater London Council or”, “(not being the Greater London Council)” and “, in the case of the council of a London borough.”.
		Section 30(1) to (5) except so much of subsection (1) as precedes paragraph (b).
		In section 31(6) the words “by virtue of section 30(1) of this Act” and “or are to become”.
		In section 40(2) the words from “and in particular” to “other matters”.
		Section 43(3) and (4).
		Section 47(4).
		In section 48, subsections (1) and (2) and in subsection (3) the words “references to the Metropolitan Board of Works were references to the Greater London Council and”.
		Section 49.
		In section 50, subsection (2) and in subsection (3) the words “and (2)”.
		In section 51(1) the words “and the Greater London Council shall have the functions of the London County Council under that Act”
Chapter	Short title	Extent of repeal
1963 c. 33— <i>cont.</i>	The London Government Act 1963— <i>cont.</i>	and paragraph (b) together with the word “and” immediately preceding it.
		Section 53(1).
		Section 55(2).
		Section 57(2).
		In section 58(1), the words “and the Greater London Council”.



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In section 59, subsection (1) and in subsection (2) paragraphs (b) and (d) and in paragraph (c) the words from “if that” to “case”.

In section 60, in subsection (5) the words after the semi-colon and subsection (6).

Section 62(5).

In section 66, subsection (3) and in subsection (5) the words “and the Greater London Council”.

Sections 71 and 72.

In section 75(1) the words “the Greater London Council,”.

Section 78.

In section 81(9)(a) the words “the Greater London Council and to”, “Greater London or, as the case may be,” and “Council or, as the case may be” and the words from “and, for the purposes” onwards.

Section 82.

In section 83(2)(a) the words “or the Greater London Council” and “, or to the council of,”.

Section 85(5).

Section 87(2) to (7).

In section 89(1) the definitions of “Inner London Education Area” and “Inner London Education Authority”.

Schedule 2.

In Schedule 3, paragraphs 22 to 24.

In Schedule 8, paragraphs 5, 6 and 8 to 11, 14(c), 15, 16(b) and 17.

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Chapter	Short title	Extent of repeal
1963 c. 33— <i>cont.</i>	The London Government Act 1963— <i>cont.</i>	In Schedule 9, in Part II, paragraph 5. In Schedule 11, in Part I, paragraphs 14(3), 19, 28, 38 and 40 and in Part II, in paragraph 6 the words in brackets.
1964 c. 42.	The Administration of Justice Act 1964.	In Schedule 14, in paragraph 10(b) the words “the Greater London Council”. In Schedule 17, paragraph 27(a), and in paragraph 28 sub-paragraph (b) and in sub-paragraph (c) the words “5 and”.
1964 c. 48.	The Police Act 1964.	Section 37(3).
1964 c. 56.	The Housing Act 1964.	In section 2(2), in paragraph (b) the words “in the case of a non-metropolitan county” and paragraph (c). Section 106(5).
... F98	... F98	... F98 In section 9(4), the words “and the Greater London Council”. In the Schedule— in paragraph 2, in sub-paragraph (1) the words from “, not” to “Council”, and sub-paragraph (2); in paragraph 3, in sub-paragraph (1) the words “, except in the case of the first chairman”, and sub-paragraph (2).
1965 c. 36.	The Gas Act 1965.	In section 28(1), in the definition of “local planning authority” the words “but does not include the Greater London Council”.

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1965 c. 64.	The Commons Registration Act 1965.	In section 22(1), in the definition of “local authority” the words “the Greater London Council”.
1966 c. 42.	The Local Government Act 1966.	In section 41(1), in the definition of “local authority” the words “the Greater London Council,”, and in the definition of “rating authority” the words “and the Greater London Council”.
1967 c. 9.	The General Rate Act 1967.	In section 12(1), the words “the Greater London Council”.  In section 38(4), the words “the Greater London Council,”.
Chapter	Short title	Extent of repeal
1967 c. 9— <i>cont.</i>	The General Rate Act 1967— <i>cont.</i>	In section 44(2)(b), the words “the Greater London Council,”.  In section 85(2), the words “the Greater London Council,”.  In section 94(1), the words “, the Greater London Council”.  In Schedule 1, in the definition of “local authority” in paragraph 15, the words “the Greater London Council,”.
1967 c. 19.	The Private Places of Entertainment (Licensing) Act 1967.	In Part II of the Schedule, paragraph 2 and in paragraph 4 the words from “and of the fact” onwards except as respects any consent given before the abolition date.
1967 c. 88.	The Leasehold Reform Act 1967.	In section 28(5)(a), the words “the Greater London Council,”.
1968 c. 41.	The Countryside Act 1968.	In section 6(2)(b) the words “the Greater London Council”.
1968 c. 46.	The Health Services and Public Health Act 1968.	In section 63(2)(a) the words “or the Greater London Council”.

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		In section 65(1), the words after “provided”.
1968 c. 65.	The Gaming Act 1968.	In section 44(3), the words “the Greater London Council”.
1968 c. 73.	The Transport Act 1968.	In section 63(6), in paragraph (a) of the definition of “local authority” the words “the Greater London Council”.
		In section 115(3)(a) the words “the Greater London Council”.
		In section 123(2), the words “, the Greater London Council”.
		In section 124(4), the words “, the Greater London Council”.
1968 c. xxxix.	The Greater London Council (General Powers) Act 1968.	In section 47(1), in paragraph (i)(B) of the definition of “night cafe” the words “by the Council”.
		In section 49(4)(i) the words after “this section”.
1969 c. 33.	The Housing Act 1969.	In section 39, the words “Subject to section 40 of this Act,”.
		Section 40.
Chapter	Short title	Extent of repeal
1969 c. 35.	The Transport (London) Act 1969.	Section 300
1969 c. 48.	The Post Office Act 1969.	In section 86(1), in the definition of “local authority” the words “the Greater London Council”.
1969 c. 57.	The Employers’ Liability (Compulsory Insurance) Act 1969.	In section 3(2) the words “the Greater London Council”.
1970 c. 39.	The Local Authorities (Goods and Services) Act 1970.	In section 1(4), in the definition of “local authority” the words “the Greater London Council”.
1970 c. 40.	The Agriculture Act 1970.	Section 38(a).

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1971 c. 56.	The Pensions (Increase) Act 1971.	In Schedule 2, paragraph 67.
1971 c. 78.	The Town and Country Planning Act 1971.	Section 5.  In section 92A(3), paragraph (c) together with the word “and” immediately preceding it.  In section 100(1), the words in brackets.  In section 209(2)(b), the words “the Greater London Council or”.  In section 215(8), the words “the Greater London Council”.  In section 290(1), in the definition of “local authority” the words “the Greater London Council” and in the definition of “local planning authority” the words “and Schedule 3 to”.  Schedule 3.  In Schedule 4, paragraph 1, in paragraph 2 the words from “such other matters” onwards and paragraphs 4, 5(2) and 8(2).  In Schedule 6, paragraph 10.  In Schedule 7, in paragraph 7 the words from “or, where the area is a London borough” onwards.  In Schedule 11, in paragraph 5(1), the words “(other than a London borough council)”.  In Schedule 20, in paragraph 1(3), the words “, the Greater London Council”.  In Schedule 22, paragraph 4(b), together with the word “or” immediately preceding it.
Chapter	Short title	Extent of repeal

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1972 c. 20.	The Road Traffic Act 1972.	<p>In section 36A(3B), the words “, the Greater London Council”.</p> <p>In section 43(3), the words “the Greater London Council,”.</p> <p>In section 144(2)(a), the words “the Greater London Council,”.</p>
1972 c. 45.	The Trading Representations (Disabled Persons) Amendment Act 1972.	<p>Section 1(3)(a).</p> <p>In the Schedule, in section 1(5) as there set out the words “the Greater London Council”.</p>
1972 c. 47.	The Housing Finance Act 1972.	<p>In section 104(1), in the definition of “general rate fund” the words “in relation to the Greater London Council, means the general fund of the Greater London Council, and”;</p> <p>and in the definition of “local authority” the words “the Greater London Council”.</p>
1972 c. 60.	The Gas Act 1972.	<p>In section 39(3), in paragraph (a) of the definition of “local authority” the words “the Greater London Council”.</p>
1972 c. 70.	The Local Government Act 1972.	<p>In section 8(1) the words “the Greater London Council or”.</p> <p>Section 47(1)(d) and (3).</p> <p>In section 68(6)(a)(i) and (iii) the words “, the general fund of the Greater London Council”.</p> <p>Section 77.</p> <p>Section 81(3) and (4)(b).</p> <p>In section 83(1) the words “or the Greater London Council or deputy chairman of the Greater London Council”.</p> <p>In section 89(2) the words after “returning officer”.</p>

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Chapter	Short title	Extent of repeal
1972 c. 70— <i>cont.</i>	The Local Government Act 1972— <i>cont.</i>	Section 93. Section 101(9)(b) and (11). Section 112(4)(a) and (e). In section 116, the words after “vice-chairman”. In section 140B(1), the words “and the Greater London Council”. Section 144(4). In section 148, in subsection (2) the words after “county fund”, and in subsection (4) the words “, the general fund in the case of the Greater London Council”. be,” in sub-paragraph (2) the words “or the Greater London Council” (where they first occur), “and the Greater London Council” and “or the Greater London Council, as the case may be,” and in sub-paragraph (3) the words “or the Greater London Council”; in paragraph 6, in sub-paragraph (1) the words “or the Greater London Council, as the case may be” and “or the Greater London Council” and in sub-paragraph (2) the words “or the Greater London Council, as the case may be,” and “or the Greater London Council” and in sub-paragraph (3) the words “or the Greater London Council”; in paragraph 20 the words “and the Greater London Council”; paragraph 43. In Schedule 16, paragraphs 14(2) and (4) and 50 and in paragraph 52 the figure “50”. In Schedule 27, paragraph 18.

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		In Schedule 29, in paragraph 13(2) the words from “and in paragraph 6(2)(c)” onwards and paragraph 26(1).
1973 c. 15.	The Administration of Justice Act 1973.	In Schedule 1, in paragraph 7 the words “chairman of the Greater London Council”.
1973 c. 18.	The Matrimonial Causes Act 1973.	In section 43, in subsection (1) the words “other than a metropolitan county” and subsection (9).  In section 44, in subsection (2) the words “other than a metropolitan county” and subsection (6).
1973 c. 26.	The Land Compensation Act 1973.	In section 39(7)(a), the words after “borough” in the second place where it occurs.
1973 c. 35.	The Employment Agencies Act 1973.	In section 13(1), in the definition of “local authority” the words “the Greater London Council”.
1973 c. 37.	The Water Act 1973.	In section 11(10) the words “or the Greater London Council”.  In section 14(8) the words from “and, except” onwards.
Chapter	Short title	Extent of repeal
1973 c. 37— <i>cont.</i>	The Water Act 1973— <i>cont.</i>	In section 16(11), in the definition of “local authority” the words “or the Greater London Council”.  Section 25.  In section 34(3) the words “and an order under section 25 above”.  In section 38(1), in the definition of “local authority” the words “the Greater London Council”.  In Schedule 8, paragraph 36(3).
1973 c. 62.	The Powers of Criminal Courts Act 1973.	Section 51(3A).



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		In Schedule 3, paragraphs 15(4) and 19(2).
1973 c. xxx.	The Greater London Council (General Powers) Act 1973.	Section 22.
1974 c. 7.	The Local Government Act 1974.	Section 6(5)(a).
		In section 34(1), in the definition of “local authority” the words “the Greater London Council”.
1974 c. 37.	The Health and Safety at Work etc. Act 1974.	In section 53(1), in the definition of “local authority” the words “the Greater London Council”.
		In Schedule 10, the entry relating to the Local Government Act 1972.
1974 c. 39.	The Consumer Credit Act 1974.	In section 189(1), in the definition of “local authority” the words “the Greater London Council”.
1974 c. 40.	The Control of Pollution Act 1974.	In section 36(1), the words “the Greater London Council”.
		In section 98, in paragraph (a) of the definition of “relevant authority” the words “the Greater London Council”.
1974 c. 44.	The Housing Act 1974.	In sections 5(3)(b) and 30(8), the words “, the Greater London Council”.
		In section 43(7), the words “the Greater London Council and”.
		In section 49, in subsection (1), the words “Subject to subsection (2) below,” and subsections (2) and (3).
		In section 84, in the definition of “housing authority”, the words “, the Greater London Council”.
		Section 99(6)(b).

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Chapter	Short title	Extent of repeal
1974 c. 44— <i>cont.</i>	The Housing Act 1974— <i>cont.</i>	Section 121(8)(b). In Schedule 5, in Part II, paragraph 5.
1975 c. 6.	The Housing Rents and Subsidies Act 1975.	In section 16(1), in the definition of “general rate fund” the words “in relation to the Greater London Council, means the general fund of the Greater London Council, and”, and in the definition of “local authority” the words “, the Greater London Council”.
1975 c. 72.	The Children Act 1975.	In section 107(1), in the definition of “local authority” the words “(other than a metropolitan county)”.
1975 c. 78.	The Airports Authority Act 1975.	In section 23(1), in the definition of “local authority” the words “the Greater London Council”.
1976 c. 32.	The Lotteries and Amusements Act 1976.	In section 23(1), in paragraph (a) of the definition of “local authority” the words “the Greater London Council”.
1976 c. 57.	The Local Government (Miscellaneous Provisions) Act 1976.	In section 35(1), the words “and the Greater London Council”. In section 44(1), in the definition of “local authority” the words “the Greater London Council”.
1976 c. 70.	The Land Drainage Act 1976.	Section 2(7)(c). Section 3(7). In section 5(8), the words from “, and” in the first place where it occurs to “committee” in the second place where it occurs. In section 32(3), the words “or the London excluded area” and the words after “other authority”.

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		In section 92, in subsection (1) the words “or the Greater London Council” and “or the Council, as the case may be,” and in subsection (3) the words “or the Greater London Council” and “or, as the case may be, the Council”.
		Section 97(2).
		Section 98(4) and (9).
		Section 101.
		Section 110(4) to (6).
1976 c. 71.	The Supplementary Benefits Act 1976.	In Schedule 5, in paragraph 2(2), the words “, other than metropolitan counties,”.
Chapter	Short title	Extent of repeal
1976 c. 80.	The Rent (Agriculture) Act 1976.	In section 5(3)(b), the words “the Greater London Council,”.
		In section 27(3)(a) the words after “borough” in the second place where it occurs.
1977 c. 42.	The Rent Act 1977.	In section 14(c), the words “the Greater London Council,”.
		In section 145, in subsection (4), the words “Subject to subsection (5) below,” and subsection (5).
		In Schedule 16, in paragraph 7(a), the words after “borough” in the second place where it occurs.
1977 c. 48.	The Housing (Homeless Persons) Act 1977.	In section 9, subsection (1) (a)(ii), and in subsection (2) the words “and the Greater London Council”.
		In section 13, in subsections (2), (3) and (6), the words “or the Greater London Council”; in subsection (4), the words “nor the Greater London Council” and “or the Greater London Council”; in subsection (5), the words

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		<p>“or the Greater London Council, as the case may be” and the words “or the Greater London Council” in the second place where they occur; and in subsection (7), the words “or the Greater London Council, as the case may be,”.</p> <p>In section 19(1), in the definition of “relevant authority”; paragraph (d) and the word “and” immediately preceding it.</p>
1977 c. 49.	The National Health Service Act 1977.	In section 128(1), in the definition of “local authority”, and in Schedule 5, in paragraph 1(2)(a), the words “the Greater London Council,”.
1978 c. 3.	The Refuse Disposal (Amenity) Act 1978.	<p>In section 3, subsection (6) and in subsection (8) the words “or the Greater London Council”.</p> <p>Section 5(5)(a).</p> <p>Section 6(5).</p> <p>In section 7 the words “and the Greater London Council”.</p>
Chapter	Short title	Extent of repeal
1978 c. 27.	The Home Purchase Assistance and Housing Corporation Guarantee Act 1978.	In the Schedule, in paragraph 2(a), the words “the Greater London Council,”.
1978 c. 55.	The Transport Act 1978.	Section 2(3)(c)(ii).
1979 c. 46.	The Ancient Monuments and Archaeological Areas Act 1979.	In section 61(1), in the definition of “local authority”, the words “the Greater London Council,”.
1979 c. 55.	The Justices of the Peace Act 1979.	<p>Section 2(2) and (3).</p> <p>Section 24(4).</p> <p>Section 57(2).</p> <p>Section 60.</p> <p>In section 64(1) the words “within the meaning of the</p>

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Chapter	Short title	Extent of repeal
1980 c. 51.	The Housing Act 1980.	Local Government Act 1972 or the Local Government (Scotland) Act 1973”. In Schedule 2, paragraph 26. In sections 50(1), 105 and 108(4), in the definition of “local authority”, the words “the Greater London Council”. In sections 110(7)(b) and (15) and 111(6) the words “the Greater London Council,”. In section 135(10), in the definition of “local authority”, the words “the Greater London Council,”.
1980 c. 65.	The Local Government Planning and Land Act 1980.	Section 2(1)(c). In section 5(1), in paragraph (a)(i) the words “Greater London Council and other” and paragraph (b). Section 16(6)(a). In section 20(1), in the definition of “local authority” the words “the Greater London Council”. Section 53(5)(b). Section 55(3)(b). In section 56, in subsection (2)(a), the words “, the Greater London Council or the Inner London Education Authority”; subsection (4); and in subsection (5), the words “or the Greater London Council or the Inner London Education Authority” and “, Greater London or the Inner London Education Area, as the case may be.”. Section 59(11)(a).

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1980 c. 65— <i>cont.</i>	The Local Government Planning and Land Act 1980— <i>cont.</i>	<p>Section 81.</p> <p>In section 86, subsections (7) and (9)(b) and in subsection (11) the definition of “the Greater London provisions”.</p> <p>Section 99(4)(c).</p> <p>In section 116(4)(a), the words “and the Greater London Council”.</p> <p>In section 165(9)(a), the words “the Greater London Council”.</p> <p>In Schedule 13, paragraphs 1 to 8.</p> <p>In Schedule 14, in paragraph 13, sub-paragraph (1)(b) and (c) and in sub-paragraph (2) the words “(b), (c) and”.</p> <p>In Schedule 15, paragraph 24.</p> <p>In Schedule 16, paragraph 3.</p> <p>In Schedule 32, paragraph 23(3).</p>
1980 c. 66.	The Highways Act 1980.	<p>In section 1(3), the words “for the time being metropolitan roads or”.</p> <p>In section 6, in subsection (1) the words after “below” and in subsection (6) the words after “arrangements” in the third place where it occurs.</p> <p>Section 7.</p> <p>In section 11(2)(b) and (c), the words in brackets.</p> <p>Section 15.</p> <p>In section 18(8), the words “the Greater London Council,”.</p> <p>In section 24, in subsection (2) paragraph (b), together with the word “or” immediately preceding it, and the words after “Minister”</p>

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Chapter	Short title	Extent of repeal
1980 c. 66— <i>cont.</i>	The Highways Act 1980— <i>cont.</i>	<p>in the second place where it occurs, and subsection (3).</p> <p>In section 25(2)(b), the words “the Greater London Council,”.</p> <p>Section 38(5).</p> <p>Section 62(5).</p> <p>In section 64, subsection (4) and in subsection (5) the words after “Act” in the second place where it occurs.</p> <p>In section 67(5), the words “the Greater London Council,”.</p> <p>Section 69(2)(b).</p> <p>In section 79(3), the words “the Greater London Council or”.</p> <p>Section 80(4), the words “the Greater London Council and”</p> <p>Section 90A(2).</p> <p>In section 90B(2), the words after “section”.</p> <p>Section 95(1)(b).</p> <p>Section 115H(2).</p> <p>Section 116(2).</p> <p>In section 117, the words from “or” in the second place where it occurs to “highway” in the third place where it occurs.</p> <p>In section 144(6), in the definition of “local authority”, the words “the Greater London Council,”.</p> <p>In section 151(1)(b), the words after “Common Council”.</p> <p>Section 156(6).</p> <p>Sections 157 to 159.</p>

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		In section 160, in subsection (1), the words “other than a metropolitan road”; in subsection (4), the words “or, as the case may be, the Greater London Council” and “or, as the case may be, the Council”; in subsection (5), the words “or, as the case may be, the Greater London Council”; and in subsection (7), the words after “requirements” in the first place where it occurs.
		In section 170(3), in the definition of “local authority”, the words “the Greater London Council”.
		In section 219(4)(i)(ii), the words “, the Greater London Council”.
		In section 254(2)(a), the words “both” and “and by the Greater London Council”.
		Section 264(3)(b).
		Section 269.
		In section 271(1)(iii), the words “, and also the Greater London Council”.
		In section 285—
		in subsection (1), in paragraph (a) the words “or, as the case may be, the Council”, and in paragraph (b) those words in both places where
Chapter	Short title	Extent of repeal
1980 c. 66— <i>cont.</i>	The Highways Act 1980— <i>cont.</i>	they occur and the words “or them”;
		in subsection (2), the words after “authority”;
		in subsection (4), in paragraph (a) the words “or they”, in paragraph (b) the words “or they” in both places where they occur and the words “or their”, and in



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paragraph (c) the words “or they”;

in subsection (5), the words “or their”, “or them”, “, where the expenses are the Minister’s,” and “or, as the case may be, them” and the words “or the Council” in the second place where they occur;

in subsection (6), the words “or the Council” in the first, third and fourth places where they occur, and the words “or, as the case may be, the Council” and “or them”;

in subsection (7), the words “or the Council” in both places where they occur; and

in subsection (8), the words “or, as the case may be, the Council”, “or the Council’s”, “or them” and “or they”.

In section 287(6), the words “the Greater London Council,”.

Section 298(2).

Section 326(3) and (4).

In section 329(1), in the definition of “council” the words “, the Greater London Council” and the definition of “metropolitan road”.

In Schedule 1, in paragraph (ii) of the Table set out at the end of paragraph 3, the words after “that watercourse”.

In Schedule 9, paragraph 3.

In Schedule 23, in paragraph 1, the words “and section 7(1)”, “or, as the case may be, acquired by the Greater London Council in connection with a metropolitan road,” and “, in the case of a Minister,”.

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Chapter	Short title	Extent of repeal
1981 c. 14.	The Public Passenger Vehicles Act 1981.	In section 31(5)(a), the words “the Greater London Council”.  In section 35A(7) the words “the Greater London Council and”.
1981 c. 36.	The Town and Country Planning (Minerals) Act 1981.	Section 2(2) and (3).
1981 c. 37.	The Zoo Licensing Act 1981.	In section 3(2)(e) the words “or the Greater London Council”.
1981 c. 67.	The Acquisition of Land Act 1981.	In section 17(4), in the definition of “local authority” the words “and the Greater London Council”.
1981 c. 68.	The Broadcasting Act 1981.	In section 18(6)(a) the words “the Greater London Council”.
1981 c. 69.	The Wildlife and Countryside Act 1981.	In section 27(1) in the definition of “local authority” the words “and the Greater London Council”.  In section 36(7) in the definition of “local authority” the words “the Greater London Council”.  Section 39(5)(b).
1982 c. 16.	The Civil Aviation Act 1982.	In section 105(1), in the definition of “local authority” the words “the Greater London Council”.
1982 c. 24.	The Social Security and Housing Benefits Act 1982.	In section 32(4)(a), the words “or the Greater London Council”.  In section 34, in subsection (1), the words “and the Greater London Council” and “or Council”; and in subsections (3)(b) and (c) and (4), the words “or the Greater London Council”.  In section 35, in subsection (1), in the definition of “housing

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		authority” the words “the Greater London Council,” and in the definition of “Housing Revenue Account rebate” the words “or the Greater London Council” and “or Council”; and in subsection (2)(a) the words “the Greater London Council or”.
1982 c. 30.	The Local Government (Miscellaneous Provisions) Act 1982.	In section 29, in subsection (4) the words “Subject to subsection (5) below,” and subsection (5).
Chapter	Short title	Extent of repeal
1982 c. 30— <i>cont.</i>	The Local Government (Miscellaneous Provisions) Act 1982— <i>cont.</i>	In section 33(9)(a) the words “or the Greater London Council”.
1982 c. 32.	The Local Government Finance Act 1982.	Section 5(2) and (3).
1982 c. 41.	The Stock Transfer Act 1982.	In Schedule 1, in paragraph 7(2)(a) the words “the Greater London Council”.
1982 c. 42.	The Derelict Land Act 1982.	In section 1(11), in paragraph (a) of the definition of “local authority” the words “the Greater London Council”.
1983 c. 2.	The Representation of the People Act 1983.	In section 31, in subsection (1) the words in brackets and subsections (4) and (5). Section 35(2). In section 36(4) the words “Greater London”. In section 39(1) the words “(or, in the case of an election of a councillor of the Greater London Council, the proper officer of the Council)”. Section 76(2)(b)(i). In section 82(4)(a) the words “the Greater London Council or”. In section 203, in subsection (1) in the

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		definition of “local authority” the words “the Greater London Council,” and in subsection (2) the words “or of elections of councillors of the Greater London Council”.
		In Schedule 1, in rule 31(3) (a) the words “the Greater London Council,”.
1983 c. 10.	The Transport Act 1983.	Section 3(5). Section 4(3)(b), (4), (5) and (6). Section 5(2). Section 6(3) and (4).
1983 c. 16.	The Level Crossings Act 1983.	In section 1(11), in the definition of “local authority”, the words, “the Greater London Council”.
1983 c. 25.	The Energy Act 1983.	In section 26, in the definition of “local authority” the words “the Greater London Council”.
1983 c. 35.	The Litter Act 1983.	Section 1(6).
1983 c. 55.	The Value Added Tax Act 1983.	In section 20(6), the words “the Greater London Council”.
1984 c. 12.	The Telecommunications Act 1984.	In section 97(3)(a) the words “the Greater London Council”.
Chapter	Short title	Extent of repeal
1984 c. 22.	The Public Health (Control of Disease) Act 1984.	Section 8(2).
1984 c. 27.	The Road Traffic Regulation Act 1984.	Section 23(4).  In section 30, subsections (3) and (4), and in subsection (6) the words “and the confirmation of such orders” and “and confirmed”.  In section 32(4)(a), the words “, the Greater London Council”.  In section 39, subsection (2), and in subsection (4) the words “or Wales”.

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In section 43, in subsection (5)(a) the words “or by the Council”; in subsection (6) the words “comprised within the area of a particular local authority” in paragraph (a) and the words after paragraph (c); in subsection (9) the words from “and the local authority” to “the said Parts III and IV”; and in subsection (14) the definitions of “the Common Council” and “the Council”.

In section 45(6), the words in brackets.

In section 47(7), the words “or the Greater London Council”.

Section 50.

In Section 51(1), the words “of the Greater London Council,” and “or 50”.

In section 55, in subsection (6) the words “subsection (3) of section 50 or”, paragraph (a), and in paragraph (b) the words “in the case of a transfer under section 54(8),”; and subsection (7).

Section 73(3) to (5).

In section 74, in subsection (1) the words “the Greater London Council or” and “, as the case may be,”; subsection (2); in subsection (4) the words “the Greater London Council or” and “, as the case may be,”; and in subsection (8) the words “the Greater London Council or”.

Section 79(4).

Section 100(1).

Extent of repeal

Chapter

Short title

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1984 c. 27—*cont.*The Road Traffic Regulation Act 1984—*cont.*

In section 112(3), paragraph (a), and the words “the Greater London Council,” in the second place where they occur.

In section 122(2)(d), the words “the Greater London Council or” and “, as the case may be,”.

Section 123.

In section 129(4), the words “council or”.

In section 142(1), in paragraph (a) of the definition of “highway authority”, the words “(subject to section 73(4) of this Act)”.

In Schedule 4—

in paragraph 1, the words from “and to each” to “controlled area”;

paragraph 17(2); and paragraph 22(6).

In Schedule 9—

in paragraph 2, in sub-paragraph (a) the words “Greater London Council or” and “, as the case may be,”, and in sub-paragraph (b) the words “Council or”;

in paragraph 3, in sub-paragraph (1) the words from “the Greater London Council” to “or conferred on” and the words “sub-paragraph (b), of” and “Council or”, and in sub-paragraph (2) the words “the Greater London Council or” and “Council or”;

in paragraph 4, in sub-paragraph (a) the words “the Council or, as the case may be,”, and in sub-paragraph (b) the words “Council or”;

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Chapter	Short title	Extent of repeal
1984 c. 27— <i>cont.</i>	The Road Traffic Regulation Act 1984— <i>cont.</i>	<p>in paragraph 6(1), the words “or 50”, “(or, in the case of an order under section 50 of this Act, with the local authority or the Greater London Council)” and “or Council”, and in paragraph 6(1)(c), the</p> <p>words “, or on the application of,” and the words after “authority”;</p> <p>in paragraph 7(1), the words “the Greater London Council or, as the case may be, to” and the words “sub-paragraph (a) or (b) of”;</p> <p>in paragraph 8, the words “the Greater London Council or, as the case may be, of” and “Council or”;</p> <p>in paragraphs 14 and 20(1), the number “50”;</p> <p>in paragraph 28(c), the number “, 50” and the words “or by the Greater London Council”; and</p> <p>in paragraph 34(2)(a) and (b), the number “, 50”.</p>
1984 c. 28.	The County Courts Act 1984.	In section 60(3), in the definition of “local authority”, the words “the Greater London Council”.
1984 c. 29.	The Housing and Building Control Act 1984.	In section 20(5), in the definition of “local authority”, the words “the Greater London Council”.
1984 c. 32.	The London Regional Transport Act 1984.	Section 7(9)(a).
		In section 10(3) the words “Greater London Council”.
		Section 30(2)(a).
		In section 43, in subsection (4) the words “the Greater London Council and” and in subsection (5)

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		the words “with the Greater London Council”.
		In section 50(8)(c) the words “the Greater London Council”.
1984 c. 33.	The Rates Act 1984.	In section 1, in subsection (3) (b) the words “the Greater London Council” and subsection (5). In section 2(6), paragraph (a) and in paragraph (e) the word “and”. In section 5(5), the words “and (5)”. In section 6, in subsection (2) the words “or, in a case within section 1(5) above, for part of a precept”, “or
Chapter	Short title	Extent of repeal
1984 c. 33— <i>cont.</i>	The Rates Act 1984— <i>cont.</i>	part” and “or, as the case may be, of the relevant part of it” and in subsection (3) the words “or precept” in the second place where they occur. Section 7(5).
1984 c. 46.	The Cable and Broadcasting Act 1984.	In section 36(1), in the definition of “local authority”, the words “the Greater London Council,”.
1984 c. 53.	The Local Government (Interim Provisions) Act 1984.	The whole Act, except sections 4, 6(3), 10, 11 and 13.
1984 c. 55.	The Building Act 1984.	In section 11(7)(b) the words “on the district surveyor”. In section 12(10)(b), the words “on the district surveyor”. In section 18(2), the words “on the district surveyor” and “or the Greater London Council, as the case may be,”. In section 68(8)(a), the words “or the Greater London Council”.



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In section 88(3), the words  
“by the Greater London  
Council”.

In section 91(2), the words  
after “above”.

In section 126, in  
paragraph (b) of the  
definition of “authorised  
officer”, the words “or  
a district surveyor”; and  
the definition of “district  
surveyor”.

In Schedule 3, paragraphs 12  
and 14.

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**Textual Amendments**

**F98** Entry repealed and superseded by [Museum of London Act 1986 \(c.8, SIF 87\)](#), s. 7(3), [Sch.](#)

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