



Local Government Act 1985

1985 CHAPTER 51

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) For section 1(1) of the Town and Country Planning Act 1971 (local planning authorities) there shall be substituted—

“(1) Subject to the provisions of this section—

- (a) in a non-metropolitan county, the council of the county is the county planning authority for the county and the council of a district is the district planning authority for the district;
- (b) the council of a metropolitan district is the local planning authority for the district; and
- (c) the council of a London borough is the local planning authority for the borough.”

(2) In section 1 (2A) of that Act (meaning of " local planning authority " except as respects Greater London) after the words "except as respects" there shall be inserted the words " a metropolitan county," .

(3) For section 1(2B) of that Act (mineral planning authorities) there shall be substituted—

“(2B) In this Act 'mineral planning authority' means—

- (a) in respect of a site in a non-metropolitan county, the county planning authority; and
- (b) in respect of a site in a metropolitan district or London borough, the local planning authority.”

(4) In section 92A(1) of that Act (registration of enforcement notices etc.) for the words "every council of a London borough " there shall be substituted the words " the council of every metropolitan district or London borough" .

(5) In section 182(2) of the Local Government Act 1972 (which, with Schedule 16 to that Act, deals with the allocation of local planning authority functions in England exclusive of Greater London) after the words " " exclusive of " there shall be inserted the words " the metropolitan counties, " and in paragraphs 54(1) and 55(1) of that Schedule after the words " Elsewhere than in Greater London " there shall be inserted the words " , a metropolitan county " .

4 Development plans

- (1) Part I of Schedule 1 to this Act shall apply instead of Part II of the Town and Country Planning Act 1971 (development plans) to the area of any local planning authority in Greater London or a metropolitan county and shall come into force in any such area on such day after the abolition date as may be appointed in relation to that area by an order made by the Secretary of State.
- (2) Part II of that Schedule shall have effect with respect to development plans in any such area as is mentioned in subsection (1) above from the abolition date until a unitary development plan for that area becomes operative under Part I of that Schedule and with respect to other transitional matters.
- (3) The said Act of 1971 and the provisions of Schedule 1 to this Act shall have effect as if that Schedule were contained in that Act

5 Joint planning committee for Greater London

- (1) The local planning authorities in Greater London shall not later than the abolition date establish a joint committee to discharge the functions mentioned in subsection (2) below.
- (2) The joint committee shall—
 - (a) consider and advise those authorities on matters of common interest relating to the planning and development of Greater London;
 - (b) inform the Secretary of State of the views of those authorities concerning such matters including any such matters as to which he has requested their advice;
 - (c) inform the local planning authorities for areas in the vicinity of Greater London, or any body on which those authorities and the local planning authorities in Greater London are represented, of the views of the local planning authorities in Greater London concerning any matters of common interest relating to the planning and development of Greater London and those areas;

and the committee may, if it thinks fit, contribute towards the expenses of any such body as is mentioned in paragraph (c) above.

- (3) The expenses of the joint committee which have been incurred with the approval of at least two-thirds of the local planning authorities in Greater London shall be defrayed by those authorities in such proportions as they may decide or, in default of a decision by them, as the Secretary of State may determine.
- (4) In this section references to the local planning authorities in Greater London are to the authorities which are the local planning authorities in Greater London for the purposes of Part II of the Town and Country Planning Act 1971 or section 4 above.

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—

- (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) Grants under section 6 of the Local Government Act 1974 (transport supplementary grant) for financial years beginning on or after the abolition date shall be payable to the councils of metropolitan districts and London boroughs and to the Common Council of the City of London and accordingly—
- (a) in subsections (1)(a) and (4) of that section for the words " and the Greater London Council" and " or the Greater London Council" there shall be substituted respectively the words " , metropolitan district councils, London borough councils and the Common Council of the City of London " and " , a metropolitan district council, a London borough council or the Common Council" ;
 - (b) paragraph (a) of subsection (5) of that section shall be omitted and in paragraph (b) of that subsection for the words " a district council " there shall be substituted the words " a non-metropolitan district council " .

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—

- (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 Public Health Act 1936, Part I of the Control of Pollution Act 1974, the Refuse Disposal (Amenity) Act 1978 or section 5 or 6 of the 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.

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 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 Water Act 1973 as appear to him to be required.
- (3) In section 2(1) of the 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" .

Administration of justice

12 Petty sessions areas, magistrates' courts committees etc.

- (1) The 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 ;
 - (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
- (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 Domestic Proceedings and Magistrates' Courts Act 1978 and section 150(1) of the Magistrates' Courts Act 1980 there shall be substituted " ' petty sessions area' has the same meaning as in the Justices of the Peace Act 1979 ;" .

13 Coroners

- (1) In section 220 of the Local Government Act 1972 (appointment of coroners)—
- (a) in subsection (1) for the words "for each county, for Greater London (other than the City and the Temples) " there shall be substituted the words " for each non-metropolitan county " and paragraph (b) shall be omitted; and
- (b) in subsection (3) for the words " a county " there shall be substituted the words " a non-metropolitan county" .
- (2) Subject to the provisions of this section, the enactments relating to coroners shall apply in relation to a metropolitan county and to Greater London as if—
- (a) each coroner's district were a non-metropolitan county; and
- (b) the relevant council for each coroner's district were the council of such a county.
- (3) For the purposes of this section the relevant council is—
- (a) for a coroner's district consisting of or included in a metropolitan district or London borough, the council of that district or borough; and
- (b) for a coroner's district consisting of two or more metropolitan districts or London boroughs, such one of the councils of those districts or boroughs as may be designated by an order made by the Secretary of State.
- (4) A relevant council shall not appoint a coroner except with the approval of the Secretary of State; and a relevant council falling within subsection (3)(b) above shall not appoint a coroner except after consultation with the other council or councils in question.
- (5) Section 1(2) of the Coroners (Amendment) Act 1926 (disqualification) shall not apply to a metropolitan county or to Greater London but a person shall, so long as he is a councillor of a metropolitan district or London borough, and for six months after he ceases to be one, be disqualified for being a coroner or deputy coroner for a

coroner's district which consists of, includes or is included in that metropolitan district or London borough.

- (6) In the case of a coroner's district falling within subsection (3)(b) above the expenses of the councils in question in respect of the coroners service shall be apportioned between those councils in such manner as they may agree or, in default of agreement, as may be determined by the Secretary of State.
- (7) The council of a metropolitan district or London borough (whether or not a relevant council) may provide and maintain proper accommodation for the holding of inquests in its area.
- (8) Section 5 of the Coroners Act 1844 (assignment of coroners to districts) shall not apply in a metropolitan county or in Greater London but sections 19 and 20 of that Act (exercise of functions throughout the county) shall apply to a coroner appointed for a coroner's district in such a county or in Greater London as if he had been assigned to that district under section 5 but were a coroner for the whole of the county or for the whole of Greater London and as if Greater London were a county.
- (9) No order in respect of a metropolitan county or Greater London shall be made after the abolition date under section 12 of the said Act of 1926 (coroners' districts) but the Secretary of State may by order divide, amalgamate or otherwise alter the coroners' districts for the time being existing in those areas; and before making any such order he shall consult the local authorities and coroners appearing to him to be affected by the order and such other persons as he thinks appropriate.
- (10) Any coroner holding office immediately before the abolition date and assigned to a coroner's district in a metropolitan county or in Greater London shall be deemed to have been duly appointed by the relevant council for that district under this section; and any orders made under the said section 12 and in force immediately before that date shall, so far as they affect a metropolitan county or Greater London, have effect as if made under subsection (9) above and may be amended or revoked under that subsection accordingly.
- (11) In subsections (2) to (10) above " Greater London " does not include the City or the Temples.

14 Local valuation panels

- (1) In subsection (1)(b) of section 91 of the 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—

“(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.”.

15 The probation service

- (1) Paragraphs 15(3) and 17(3) of Schedule 3 to the 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—
- the sums to be defrayed under paragraph 15(1); and
 - 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 under that subsection, together with any members co-opted or appointed to the committee under paragraphs 6 and 7 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 or 7 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 provisions 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.

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.