



Local Government Act 1985

1985 CHAPTER 51

PART IV

POLICE, FIRE SERVICES, CIVIL DEFENCE AND TRANSPORT

Functions

37 Police and fire services.

Schedule 11 to this Act shall have effect, as from the abolition date, for vesting functions relating to ^{F1} . . . fire services and certain related matters in the police authorities and fire and civil defence authorities established by this Part of this Act.

Textual Amendments

F1 Words in s. 37 repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), **Sch. 9 Pt. II**; S.I. 1994/3262, art. 4, **Sch.**

^{F2}38 Civil defence.

.....

Textual Amendments

F2 **S. 38** repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 10** Group 3

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.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, Cross Heading: Functions. (See end of Document for details)

- (2) In that Schedule [F³paragraph 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

F3 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 [F⁴, 31, 35] and 88(10) of the ^{M1}Civil Aviation Act 1982 (airport functions of local authorities) references to a local authority shall include references to [F⁵an Integrated Transport Authority for an integrated transport area in England] ; 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

F4 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

F5 Words in s. 40(3) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 4 para. 53(5)**; S.I. 2009/107, **art. 2(1)**, Sch. 1 Pt. 1

Marginal Citations

M1 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.

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Modifications etc. (not altering text)

- C1** S. 41 amended by [S.I. 1985/1884](#), [art. 5\(2\)](#)
- C2** 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 ^{F6}...
 - ^{F7}(a)
 - ^{F8}(b)
 - ^{F9}(c)
 - (d) ^{F10}..., 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.
- ^{F11}(2)
- (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, ^{F12}..... 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

- F6** Words in s. 42(1) repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. 98(2)(a), 134(4), [Sch. 7 Pt. 4](#); [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)
- F7** S. 42(1)(a)(2)(a) repealed (1.4.1995) by [1994 c. 29](#), ss. 93, 94(2), [Sch. 9 Pt. I](#); [S.I. 1994/3262](#), [art. 4](#), [Sch.](#)
- F8** S. 42(1)(b) repealed (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 59\(2\)](#), [Sch. 2](#); [S.I. 2004/2304](#), [art. 2](#); [S.I. 2004/2917](#), [art. 2](#)
- F9** S. 42(1)(c) repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. 98(2)(b), 134(4), [Sch. 7 Pt. 4](#); [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)
- F10** Words in s. 42(1)(d) repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. 98(2)(c), 134(4), [Sch. 7 Pt. 4](#); [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)
- F11** S. 42(2) repealed (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 59\(2\)](#), [Sch. 2](#); [S.I. 2004/2304](#), [art. 2](#); [S.I. 2004/2917](#), [art. 2](#)
- F12** Words in s. 42(3) repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. 98(3), 134(4), [Sch. 7 Pt. 4](#); [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)

Changes to legislation:

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