
STATUTORY INSTRUMENTS

1985 No. 1884

The Waste Regulation and Disposal (Authorities) Order 1985

Citation and commencement

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

Authorities

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

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

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

First appointments

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

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

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

Replacement of members etc

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

- (a) section 31 (replacement of members);

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

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

Functions

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

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

Staff and other matters

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

Levies

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

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

(3) The population of an area shall be taken to be the number estimated by the Registrar General and certified by him to the Secretary of State by reference to 30th June in the financial year two years before the financial year in question.

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

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

(6) The following enactments—

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

shall apply to a levy issued by an authority established by this order and to such an authority as they apply to a precept issued by a precepting authority and to the precepting authority taking the reference in section 11 to rates as a reference to levies and with the omission in section 15(1) of the

words “the rating authority have refused or through wilful neglect or wilful default failed to raise that amount by a rate, or that, having raised the amount by a rate”.

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

Borrowing, lending and funds

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

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

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

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

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

Other financial provisions

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

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

Application of local authority provisions

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

First meetings of authorities

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

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

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

(1) relevant amendments were made by section 70 of the Local Government Act 1985.

(2) relevant amendments were made by section 72(3) of the Local Government Act 1985.

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

Special provisions relating to the Greater Manchester Waste Disposal Authority

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

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

(3) In this article—

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

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

Schemes for winding up an authority

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

5th December 1985

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