
STATUTORY INSTRUMENTS

1986 No. 452

**LOCAL GOVERNMENT, ENGLAND
AND WALES LONDON GOVERNMENT**

**The Local Government Reorganisation
(Miscellaneous Provision) (No. 4) Order 1986**

<i>Made</i>	- - - -	<i>10th March 1986</i>
<i>Laid before Parliament</i>		<i>11th March 1986</i>
<i>Coming into Operation</i>		<i>1st April 1986</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 98(9) and 101 of the Local Government Act 1985, and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Local Government Reorganisation (Miscellaneous Provision) (No. 4) Order 1986 and shall come into operation on 1st April 1986.

(2) In this Order—

“the Act” means the Local Government Act 1985;

“abolished council” means the Greater London Council or a metropolitan county council.

Enactments relating to fire services

2. The enactments specified in Schedule 1 shall have effect with the amendments there specified.

Enactments relating to building control in London

3.—(1) The enactments specified in Schedule 2 shall have effect with the amendments there specified.

(2) The enactments mentioned in Part I of Schedule 3 are repealed to the extent specified in the third column of that Schedule.

Enactments relating to open spaces

4.—(1) Save where the context otherwise requires, in the enactments to which this article applies, for any reference to the Metropolitan Board of Works, the London County Council or the Greater London Council there shall be substituted a reference to the council in whom the land to which the enactment in question relates, or any part of it, is vested by or under the Act.

(2) This article applies to the following enactments (1)—

- The Finsbury Park Act 1857;
- The Metropolitan Commons Supplemental Act 1871;
- The Metropolitan Commons Supplemental Act 1877;
- Section 22 of the Plumstead Common Act 1878;
- The Wormwood Scrubs Act 1879;
- Sections 35 to 37 of the Metropolitan Board of Works (Various Powers) Act 1886;
- Section 31 of the Metropolitan Board of Works (Various Powers) Act 1888;
- Sections 10 to 14 of the London Open Spaces Act 1893;
- The Hainault (Lambourne Fox Burrows and Grange Hill) Act 1903;
- Section 56 of the London County Council (General Powers) Act 1909;
- The London County Council (Holland House) Act 1952;

(3) The enactments specified in Part II of Schedule 3 are hereby repealed to the extent mentioned in the third column of that Schedule.

(4) In the Local Law (Greater London Council and Inner London Boroughs) Order 1965, Article 8 and Schedule 1 paragraphs 17(c) and 38(d) are hereby revoked.

Miscellaneous enactments

5.—(1) In Schedule 2 to the Charities Act 1960(2) (which lists the institutions which, so far as they are charities, are exempt charities within the meaning of that Act) there shall be inserted after paragraph (i)—

“(j) the Board of Trustees of the National Museums and Galleries on Merseyside(3)

(2) In the Town and Country Planning Act 1971, section 119(4) is hereby repealed.

(3) In paragraph 20 of Schedule 16 to the Local Government Act 1972—

- (a) in both sub-paragraphs (1) and (2)(b) after “district planning authority” there shall be inserted “or, in a metropolitan county, a local planning authority”; and
- (b) in sub-paragraph (2)(b) after “or” in the first place where that word occurs there shall be inserted “, in a non-metropolitan county,”.

(4) In the Tyne and Wear Act 1976, in section 60 (Tyne and Wear Passenger Transport Executive), for “county council” there shall be substituted “Tyne and Wear Passenger Transport Authority”.

(5) In the North West Water Authority Act 1977, in subsection 3(a) of section 3 (sludge mains), for “a county council” there shall be substituted “a local authority (other than a non-metropolitan district council)” and for “the county council” there shall be substituted “that authority”.

(6) In the Severn-Trent Water Authority Act 1983, in subsection (3)(a) of section 35 (sewage disposal mains), for “a county council” there shall be substituted “a local authority (other than a non-metropolitan district council)” and for “the county council” there shall be substituted “that authority”.

(1) All the enactments were amended or modified by S.I. 1965/540.

(2) paragraph (i) was inserted in Schedule 2 by the British Library Act 1972 (c. 54), section 4(2).

(3) Constituted by the Merseyside Museums and Galleries Order 1986 (S.I. 1986/226)

(7) In the Further Education Act 1985, in subsection (10) of section 3 (financial and accounting provisions), for paragraph (a) of the definition of “rate fund” there shall be substituted—

- “(a) in relation to the Inner London Education Authority, means as respects the year ending on 31st March 1986, any fund for which a precept was issued by the Greater London Council and, as respects any period thereafter, the general fund; and”.

Footpaths and bridleways affected by development: transitional provision

6. Where, before 1st April 1986, an abolished council granted, or would have had power to grant, a planning permission such as is mentioned in section 210(4) of the Town and Country Planning Act 1971, the competent authority for the purposes of that section after that date shall be the local planning authority.

Amendment of instruments

7.—(1) Any order (“a compulsory purchase order”) authorising the compulsory acquisition of land by an abolished council may be amended by the Minister by whom it was confirmed, or by whom it falls to be confirmed, by the substitution as the authority to be authorised to acquire the land comprised in the order of one or more successor authorities and thereafter the order shall have effect, or be considered and if confirmed have effect accordingly.

(2) Any instrument other than a compulsory purchase order made by an abolished council before the abolition date and submitted (whether before or after that date) to a Minister for confirmation may be amended by that Minister by the substitution of references to one or more successor authorities or to the areas of those authorities and thereafter the order, if confirmed, shall have effect accordingly.

(3) In this article “successor authority” has the same meaning as in section 97(5) of the Act.

Investigation of complaints of maladministration

8.—(1) This article applies to a complaint (“a transitional complaint”) such as is mentioned in section 26(1) of the Local Government Act 1974, which relates to action (“specified action”) taken by or on behalf of an abolished council in the exercise of their administrative functions before the abolition date.

(2) Subject to paragraph (6), a Local Commissioner may investigate or, as the case may be, continue to investigate a transitional complaint notwithstanding the abolition of the council concerned.

(3) Subject to paragraphs (4) and (5), section 26 to 34 of the 1974 Act shall apply to all investigations conducted by virtue of paragraph (2) as if the specified action had been taken by or on behalf of the relevant authority (“the successor authority”) by whom the administrative functions in question are exercisable on and after the abolition date.

(4) Where the specified action relates exclusively to the exercise of administrative functions in connection with property which on the abolition date vests in a relevant authority other than the successor authority, paragraph (3) shall have effect as if that other relevant authority were the successor authority.

(5) In relation to a transitional complaint made after the abolition date, references in section 26 of the 1974 Act to a member of an authority concerned shall be construed as references to any of the following members—

- (a) a member of a local authority for the area in which the person aggrieved resides;
- (b) in the case of a complaint for which the Inner London Education Authority is the successor authority, a member of that Authority;

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- (c) in the case of a complaint for which a joint authority or an authority established under section 10 (waste disposal functions) of the Act is the successor authority, a member of a constituent council of that authority.
- (6) Paragraph (2) shall not apply to any transitional complaint for which a relevant authority is the successor authority by virtue of paragraph (4) at any time after the property mentioned in that paragraph ceases to be vested in that authority unless the property in question then vests in another relevant authority.
- (7) In this article—
 - (a) “relevant authority” means a local authority, a new authority, an authority established under section 10 of the Act, a residuary body and any other person by whom functions of an abolished council are exercisable on and after the abolition date or in whom property of a such a council is vested on that date;
 - (b) “action”, “local authority”, “Local Commissioner” and “person aggrieved” have the same meaning as in Part III of the 1974 Act; and
 - (c) the reference to an abolished council in paragraph (1) includes a reference to—
 - (i) the members and officers of that council,
 - (ii) any person or body of persons acting for the council under section 101 or section 110 of the Local Government Act 1972,
 - (iii) any committee mentioned in section 101(9) of the 1972 Act, or
 - (iv) any appeal committee constituted in accordance with paragraph 1 of Schedule 2 to the Education Act 1980.

SCHEDULE 1

Article 2

ENACTMENTS RELATING TO FIRE SERVICES

1. In the London County Council (General Powers) Act 1984(4), in section 4 (agreements as to use of fire hydrants), for “Council” there shall be substituted “fire authority”.

2. In the Middlesex County Council Act 1956(5) in section 43 (byelaws for prevention of fire risks) for “The Council” there shall be substituted “A borough council, after Consultation with the fire authority,” and the provisions of that section shall become subsection (1) of that section and after those provisions there shall be inserted—

“(2) In subsection (1) “borough council” means the council of the London borough of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon, Hounslow or Richmond upon Thames and the power conferred by that subsection shall be exercisable as respects such part of a borough as immediately before 1st April 1965 was comprised in the county of Middlesex.”

3. In the East Ham Corporation Act 1957(6) in sections 61(1), 62(1), 63(3), 64(1)(a) and 90, and, in section 161, in its application to section 90, for references to the Greater London Council, wherever they occur, there shall be substituted references to the fire authority.

4. In the Kent County Council Act 1958(7), in sections 61, 62, 63 and 64(1), in their application to the London boroughs of Bexley and Bromley, and, in section 65, in its application to Greater London, for references to the Greater London Council, wherever they occur, there shall be substituted references to the fire authority.

5. In the Greater London Council (General Powers) Act 1968(8), in Part III (storage of flammable material), in sections 16, 17, 19, 20, 21 and 24 and, in Part VIII (night cafes), in sections 49(4) and 51(1)(b), for “Council”, wherever that word occurs, there shall be substituted “fire authority”.

6. In the Greater London Council (General Powers) Act 1975, in section 3 (protection for fire brigade in respect of certain substances) for “Council”, wherever that word occurs, there shall be substituted “fire authority”.

7. In the Tyne and Wear Act 1976, in section 57 (firemen's switches for luminous tube signs), for “county council”, wherever those words occur, there shall be substituted “fire authority”.

8. In the County of Merseyside Act 1980—

(a) in section 57 (oil-burning equipment)—

(i) in subsection (2), in paragraph (a), for “The county council” there shall be substituted “A district council, after consultation with the fire authority”, and in paragraph (d), for “county”, in both places where that word occurs, there shall be substituted “district”;

(ii) in subsection (6), for the words “county council”, wherever those words occur, there shall be substituted “fire authority”;

(b) in Part IX (storage of flammable material) in sections 60, 61, 62 and 64 for “county council”, wherever those words occur, there shall be substituted “fire authority”,

(c) in section 132 (appeals to Secretary of State), in subsections (1) and (4) for “local authority”, wherever those words occur there shall be substituted “district council or, in

(4) amended by S.I. 1965/540.

(5) amended by S.I. 1965/540.

(6) amended by S.I. 1965/509.

(7) amended by S.I. 1965/531, 540.

(8) Part III was amended by the Greater London Council (General Powers) (No. 2) Act 1978 (c.xxvi), section 3; and section 49(4) was repealed in part by section 102 of, and Schedule 17 to, the Local Government Act 1985.

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the case of an appeal under section 61, the fire authority” and in subsection (3) for “county council” there shall be substituted “fire authority”.

9. In the West Midlands County Council Act 1980

(a) in section 47 (oil-burning equipment)—

(i) in subsection (2), in paragraph (a), for “The county council” there shall be substituted “A district council, after consultation with the fire authority,”, and in that paragraph and in paragraph (d) for “county”, wherever that word occurs, there shall be substituted “district”;

(ii) in subsection (6), in paragraph (b), for “county council” there shall be substituted “fire authority”;

(b) In Part VII (storage of flammable material), in sections 54, 55, 56 and 58 for “county council”, wherever those words occur, there shall be substituted “fire authority”;

(c) in section 112 (appeals to Secretary of State), in subsections (1) and (4), for “local authority”, wherever those words occur, there shall be substituted “district council or, in the case of an appeal under section 55, the fire authority” and in subsection (3) for “county council” there shall be substituted “fire authority”.

10. In the West Yorkshire Act 1980, in section 2, the definition of “fire authority” shall be omitted.

11. In the South Yorkshire Act 1980—

(a) in section 59 (oil-burning equipment)—

(i) in subsection (2), in paragraph (a), for “The county council” there shall be substituted “A district council” and in that sub-paragraph and in sub-paragraphs (d) and (e) for “county”, wherever that word occurs, there shall be substituted “district” and in sub-paragraph (d) after “consult” there shall be inserted “the fire authority and”;

(ii) in subsection (6), in paragraph (b), for “county council” there shall be substituted “fire authority”;

(b) in Part VII (storage of flammable material), in sections 62, 63, 64 and 66 for “county council”, wherever those words occur, there shall be substituted “fire authority”;

(c) in section 100 (appeals to Secretary of State), in subsections (1) and (4) for “local authority”, wherever those words occur, there shall be substituted “district council or, in the case of an appeal under section 63, the fire authority”, and in subsection (3) for “county council” there shall be substituted “fire authority”.

12. In the Greater Manchester Act 1981—

(a) in Part VIII (storage of flammable material), in sections 69, 70, 71 and 73 for “county council”, wherever those words occur, there shall be substituted “fire authority”;

(b) in section 172 (appeals to Secretary of State), in subsections (1) and (4) for “local authority”, wherever those words occur, there shall be substituted “district council or, in the case of an appeal under section 70, fire authority”, and in subsection (3) for “county council” there shall be substituted the words “fire authority”.

SCHEDULE 2

Article 3

ENACTMENTS RELATING TO BUILDING CONTROL IN LONDON

1. In the London Building Act 1930—

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- (a) in section 5 (definitions), for the definition of “local authority” there shall be substituted “‘local authority’ in relation to a London borough means the council of that borough and as respects the city means the common council;” and for the definition of “the Council” there shall be substituted “‘the Council’ means the local authority;”,
 - (b) in section 143(3) (regulations for building near dangerous business), after “the Council” there shall be inserted “after consulting the fire authority”, and
 - (c) in section 147(2) (regulations as to building on low-lying land), for “County Hall” there shall be substituted “principal office of the Council”.
2. In section 8 (procedure as to making of byelaws) of the London Building Act (Amendment) Act 1935 in paragraphs (a)(iii) and (h) for “County Hall” there shall be substituted “principal office of the Council”.
3. In the London Building Acts (Amendment) Act 1939—
- (a) in section 4(1) (interpretation), in the definition of “tribunal of appeal” after “constituted” there shall be inserted “for an inner London borough or the City”,
 - (b) in section 20 (precautions against fire), in subsections (2A) and (2C)(9) after “the Council” there shall be inserted “after consulting the fire authority” and in subsection (2F)(10) for “County Hall” there shall be substituted “principal office of the Council”,
 - (c) in section 21(4A)(b)(11) (Uniting of buildings), after “the Council” there shall be inserted “after consulting the fire authority”.
 - (d) in section 30 (consent to special and temporary buildings etc.), subsections (2) to (6) shall be omitted and in subsection (7) for “The provisions of subsections (1) and (2)” there shall be substituted “subsection (1)”.
 - (e) in section 34 (protection against fire), in subsection (1) after “the Council” there shall be inserted “after consulting the fire authority”, and in subsection (2)(12) for “County Hall” there shall be substituted “principal office of the Council”,
 - (f) in section 35 (protection against fire), in subsection (1) after “the Council if in their opinion” there shall be inserted “after consulting the fire authority”, and in subsection (4) for “County Hall” there shall be substituted “principal office of the Council”,
 - (g) in sections 36, 37(1), 38(1) and 39, after “the Council” (in each case where those words occur) or “The Council” there shall be inserted “after consulting the fire authority”,
 - (h) in section 109(1) (constitution of tribunal of appeal) after “constituted” there shall be inserted “for each inner London borough and for the City”,
 - (i) in sections 111(1) and 113(1) for “County Hall” there shall be substituted “principal office of the Council”,
 - (j) for section 120 there shall be substituted—

“Abolition of existing tribunal

120.—(1) The tribunal of appeal constituted in accordance with this Act prior to the 1st April 1986 shall cease to exist on that date.

(2) The provisions of section 98 of the Local Government Act 1985 shall apply in relation to the authority abolished by subsection (1) above as they apply in relation to the councils mentioned in subsection (1) of that section.”

(9) Inserted by the Building (Inner London) Regulations 1985 (S.I. 1985/1936).

(10) (d) Inserted by the Building (Inner London) Regulations 1985 (S.I. 1985/1936).

(11) Inserted by S.I. 1985/1936.

(12) Substituted by S.I. 1985/1936.

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(k) in section 142 (power of entry), for subsection (2)(b) there shall be substituted—
 “(b) as respects any matter in respect of which the Council are required by the London Building Acts to consult the fire authority, the reference in paragraph (a) of this subsection to an authorised officer of the Council shall include an authorised officer of the fire authority”

,and

(l) in section 145(3) (submission of plans), for “County Hall” there shall be substituted “principal office of the Council”.

4. In section 4(7) of the Greater London Council (General Powers) Act 1971 for “to the Council” there shall be substituted “to the Secretary of State”.

5. In paragraph 11(1)(a) of Schedule 1 (building regulations) to the Building Act 1984 for “paragraph (a)” there shall be substituted “(as it applies for the purposes of Parts I and II of this Act)”.

6. In regulation 2(3) of the Building (Inner London) Regulations 1985 for “the Greater London Council” there shall be substituted “a local authority in inner London”.

SCHEDULE 3

Articles 3(2) and 4(3)

REPEAL OF ENACTMENTS

PART I

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1935 c.xcii.	The London Building Act (Amendment) Act 1935.	In section 8(a)(ii), the words “the common council the council of every inner London borough”.
1939 c.xcvii.	The London Building Acts (Amendment) Act 1939.	In section 6(2), the words from “give notice” to “and shall also”.
		Section 7.
		Section 11(5).
		Section 14(3).
		In section 19(1) the words “after consultation with the local authority”.
		In section 30, subsections (2) to (6).
		In section 31, the words “or an inner London borough council”.
		Sections 75 to 81.
		Section 86.

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		Section 102.
		Section 145(2).
		Section 147.
1954 c.xxiv.	The London County Council (General Powers) Act 1954.	Section 6.
1971 c.xxviii.	The Greater London Council (General Powers) Act 1971	In section 4, in subsection (2) the words “the Council”; subsection (3); in subsection (5), in paragraph (a) (i) the words “in a form prescribed by the council”, paragraph (a) (ii), together with the word “and” immediately preceding it, and paragraph (b), and in subsection (7), paragraphs (iii) and (iv).

PART II

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1903 c.cclvii.	The Hainault (Lambourne Fox Burrows and Grange Hill) Act 1903.	Section 18.
1967 c.xxix.	The Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967.	In Part I of the Schedule— in article 2, the words “the Greater London Council and”; in article 5(2), the words “the Greater London Council or”. In Part II of the Schedule, in article 6, in the definition of “local authority” and in article 16(1) the words “the Greater London Council or”.

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10th March 1986

Kenneth Baker
Secretary of State for the Environment

EXPLANATORY NOTE

This order contains provisions consequential on the Local Government Act 1985 which abolishes the Greater London Council and the metropolitan county councils ('the abolished councils') on 1st April 1986.

In particular it—

- (a) transfers to the fire and civil defence authorities established under Part IV of the 1985 Act fire service functions under local Acts (article 2 and Schedule 1);
- (b) supplements the provisions of paragraph 14 of Schedule 8 to the 1985 Act by amending enactments dealing with building control in London so as to substitute references to the London borough councils and the Common Council for references to the Greater London Council, require those councils to consult the London Fire and Civil Defence Authority in appropriate cases and provide for separate tribunals of appeal for each inner London borough and the City (article 3 and Schedule 2);
- (c) transfers functions of the Greater London Council under local Acts relating to specific open spaces to the council in whom the open space in question vests (article 4);
- (d) amends other enactments in consequence of abolition (article 5);
- (e) makes transitional provision to enable a London borough council, the Common Council or a metropolitan district council, as local planning authority for its area, to order the stopping up or diversion of footpaths or bridleways in cases where the competent authority would have been an abolished council (article 6);
- (f) enables Ministers to amend compulsory purchase orders and other instruments made before the abolition date so as to refer to successor authorities and their areas (article 7);
- (g) makes transitional provision to enable the Commission for Local Administration to investigate, or continue to investigate, complaints of maladministration arising from action taken by or on behalf of an abolished council (article 8);
- (h) repeals provisions in enactments relating to building control and open spaces consequential on the order or the abolition of the Greater London Council (Schedule 3).