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STATUTORY INSTRUMENTS

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**1986 No. 96**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Government Reorganisation  
(Designated Councils) (Pensions) Order 1986**

*Made* - - - - - *23rd January 1986*  
*Laid before Parliament* *27th January 1986*  
*Coming into Operation* *1st April 1986*

The Secretary of State for the Environment, in exercise of the powers conferred upon him by section 66 of the Local Government Act 1985, and of all other powers enabling him in that behalf, on the application of the councils of the districts in the metropolitan counties of Tyne and Wear, West Midlands and West Yorkshire, hereby makes the following order:—

**Citation, commencement and interpretation**

1.—(1) This order may be cited as the Local Government Reorganisation (Designated Councils) (Pensions) Order 1986 and shall come into operation on 1st April 1986.

(2) In this order, unless the context otherwise requires, “the Act” means the Local Government Act 1985 and “designated council” means the council of a district specified in column (2) of the Table in article 2(1).

**Discharge of certain residuary functions by district councils**

2.—(1) Subject to paragraph (2), the rights, liabilities, property and functions which by virtue of sections 60 and 61 of the Act (payment of pensions and pensions increases) would otherwise be vested in or fall to be discharged by a residuary body specified in column (1) of the Table below shall vest in, or as the case may be fall to be discharged by, the council of the district specified opposite that body in column (2).

**TABLE**

<i>(1)</i>	<i>(2)</i>
The Tyne and Wear Residuary Body	South Tyneside
The West Midlands Residuary Body	Wolverhampton
The West Yorkshire Residuary Body	Bradford

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(2) Paragraph (1) does not apply to any liability mentioned in section 60(2) of the Act (pensions, including compensation, payable otherwise than under regulations made under section 7 of the Superannuation Act 1972) so far as it relates to compensation which is attributable to provision made by or under the Act unless the amount of the compensation falls to be ascertained by reference to a period of additional service with which a person is to be treated as having been credited.

### **Reimbursement**

**3.—**(1) The total for any financial year of the amounts specified in paragraph (2), so far as not recoverable by the designated council otherwise than under this article, shall be apportioned among the councils of all the districts in the metropolitan county concerned in accordance with paragraph (3); and the appropriate portion shall be reimbursed to the designated council by each of the other councils.

(2) The amounts mentioned in paragraph (1) are those required for the making by the designated council of—

- (a) payments in discharge of the liabilities mentioned in section 60(2) of the Act, and
- (b) payments of the kinds mentioned in section 61(4) of the Act (certain pensions increase and analogous payments),

and those of any costs incidental to the making of such payments and payments of the pensions mentioned in section 60(4) of the Act (certain coroners' pensions).

(3) The total of the amounts is to be apportioned—

- (a) in the case of the metropolitan counties of Tyne and Wear and West Yorkshire, in proportion to the numbers of employees of the district councils who on the last day of the preceeding financial year were pensionable employees under the Local Government Superannuation Regulations 1986, and
- (b) in the case of the metropolitan county of West Midlands, in proportion to the populations of the districts, as for the time being certified for the purposes of section 74 of the Act (levies by residuary bodies).

(4) In the event of any dispute as to the amount to be reimbursed by a district council under this article, the amount is to be determined by an arbitrator appointed by the Secretary of State.

(5) Section 31 of the Arbitration Act 1950<sup>(1)</sup> shall have effect in relation to any arbitration under paragraph (4) as if it were an arbitration to which that section applies.

23rd January 1986

*Kenneth Baker*  
Secretary of State for the Environment

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(1) section 31 was repealed in part by the Arbitration Act 1975 (c.3), section 8(2), and amended by the Arbitration Act 1979 (c.42), section 7(1).

### EXPLANATORY NOTE

This order transfers to the designated district councils (instead of leaving with the appropriate residuary bodies) the responsibilities for certain pension and compensation matters of Tyne and Wear, West Midlands and West Yorkshire county councils which are abolished on 1st April 1986 by the Local Government Act 1985 (article 2). The order is made on the application of all the district councils for those counties. The designated district councils are those of South Tyneside, Wolverhampton and Bradford.

The costs which consequently fall on the designated councils are to be shared with the councils of the other districts in the county (article 3).