
STATUTORY INSTRUMENTS

1989 No. 304

**The London Government Reorganisation
(Hampstead Heath) Order 1989**

PART I

Citation and commencement

1. This Order may be cited as the London Government Reorganisation (Hampstead Heath) Order 1989 and shall come into force on 30th March 1989.

Interpretation

2. In this Order –

“the 1972 Act” means the Local Government Act 1972(1);

“the 1986 Order” means the Local Government Reorganisation (Property, etc.) Order 1986(2);

“the City” means the Common Council of the City of London and, in relation to the vesting of property, means the Mayor and Commonalty and Citizens of the City of London acting by the Common Council; and for the purposes of this definition references to the Common Council are references to that body in a capacity other than as local authority, police authority or port health authority;

“Council member” means a member of the Common Council of the City of London;

“the Heath lands” means –

- (a) the land which vested in the Residuary Body by virtue of article 13(3) of the 1986 Order; and
- (b) any land acquired by that Body after 1st April 1986 and held by that Body immediately before the transfer date for the purposes of the better management of the land mentioned in sub-paragraph (a) or by way of an addition to that land;

“the Kenwood lands” means such land adjacent to Kenwood House as is specified in article 13(1) of the 1986 Order;

“the Residuary Body” means the London Residuary Body;

“the transfer date” means 31st March 1989.

(1) 1972 c. 70.
(2) S.I.1986/148, to which there is an amendment not relevant to this Order.

PART II

Transfer of the Heath lands

3. On the transfer date there shall vest in the City all interests of the Residuary Body in the Heath lands.

Transfer of rights and liabilities

4. On the transfer date there shall vest in the City all rights and liabilities of the Residuary Body –
- (a) relating to or connected with the Heath lands; or
 - (b) attributable to any notice served by that Body on the council of the London Borough of Camden pursuant to article 21(2) of the 1986 Order in connection with that Body's functions in respect of the Heath lands.

Functions of the City

5.—(1) Subject to paragraph (2), the functions that were exercisable by the Greater London Council immediately before 1st April 1986 in respect of, or in connection with, such part of the Heath lands as was vested by the 1986 Order, shall be exercisable by the City on and after the transfer date in respect of, or in connection with, all the Heath lands.

(2) The City shall not exercise any power to dispose of land as respects any part of the Heath lands.

(3) Without prejudice to the generality of paragraph (1), the functions exercisable by the City by virtue of that paragraph include functions under –

- (a) the Hampstead Heath Act 1871(3);
 - (b) the Hampstead Heath Enlargement Acts 1886 and 1888(4);
 - (c) section 28 of the London County Council (General Powers) Act 1899(5);
 - (d) sections 27 and 28 of the London County Council (General Powers) Act 1905(6);
 - (e) the Open Spaces Act 1906(7);
 - (f) the Greater London Parks and Open Spaces Order 1967(8);
 - (g) section 120 of the 1972 Act (acquisition of land by agreement);
 - (h) section 145 of the 1972 Act (provision of entertainments); and
 - (i) section 19 of the Local Government (Miscellaneous Provisions) Act 1976(9) (recreational facilities).
- (4) the purpose of giving effect to paragraph (1)–
- (a) references in the provisions mentioned in paragraph (3)(a) to (f) to any authority shall, where appropriate, be deemed to include references to the City;

(3) 1871 c. lxxvii (34 and 35 Vict.); repealed in part by the Local Law (Greater London Council and Inner London Boroughs) Order 1965 (S.I. 1965/540), article 5.

(4) 1886 c. xli and 1888, c. cli; both repealed in part by S.I. 1965/540, article 5.

(5) 1899 c. ccxxxvii; section 28(1) was repealed by article 5 of S.I. 1965/540. References to the London County Council were replaced by references to the Greater London Council by virtue of article 4 of S.I. 1965/540.

(6) 1905 c. ccvi; references in section 27 to the London County Council were replaced by references to the Greater London Council by virtue of article 4 of S.I. 1965/540.

(7) 1906 c. 25; applied (with the exception of section 14) to the Greater London Council by section 58(1) of the London Government Act 1963 (c. 33).

(8) See 1967 c. xxix.

(9) 1976 c. 57.

- (b) without prejudice to section 32 of the Local Government (Miscellaneous Provisions) Act 1976 (power of local authorities to execute works outside their areas), the Heath lands shall be deemed to be land within the City of London for the purposes of the provisions mentioned in paragraph (3)(a) to (d); and
 - (c) the City shall be treated as a principal council for the purposes of section 120 of the 1972 Act.
- (5) Any function exercisable by the City otherwise than by virtue of this Order shall not be exercised in respect of, or in connection with, the Heath lands.

PART III

Financial arrangements

6.—(1) Immediately before the transfer date the Residuary Body shall set aside from the reserved amount of their direct capital receipts the sum of £19.067 millions.

(2) On the transfer date, the Residuary Body shall pay that sum to the City; and the City shall credit –

- (a) the sum of £15 millions to the Hampstead Heath Trust Fund (“the Trust Fund”) which, subject to article 7, shall be applied for defraying expenditure on the management and maintenance of the Heath lands; and
 - (b) the sum of £4.067 millions to the Hampstead Heath Works Fund which shall be applied for defraying expenditure on work of any of the descriptions specified in Schedule 1 on, or in connection with, the Heath lands.
- (3) For the purposes of this article –
- (a) “direct capital receipts” has the same meaning as in article 2(1) of the Local Government Reorganisation (Capital Money) (Greater London) Order 1988⁽¹⁰⁾; and
 - (b) “the reserved amount” means the sum of £70 millions referred to at the end of the definition of “R” in paragraph 2 of Schedule 3 to that Order.

Further restrictions on use of the Trust Fund

7.—(1) In each of the financial years ending 31st March 1990, 31st March 1991 and 31st March 1992 the City may apply the money in the Trust Fund for defraying no more than 4/9ths of its expenditure in that year on the management and maintenance of the Heath lands.

(2) In each financial year commencing with the financial year beginning 1st April 1992, the City may defray part of its expenditure on the management and maintenance of the Heath lands by applying such amount of the money in the Trust Fund as does not exceed the maximum contribution for that year.

(3) For the purposes of paragraph (2), the maximum contribution is the amount determined in accordance with Schedule 2.

⁽¹⁰⁾ S.I. 1988/359, amended by S.I. 1988/2202.

PART IV

The Hampstead Heath Management Committee

8.—(1) The City shall no later than one month after this Order comes into force appoint a committee to be known as the Hampstead Heath Management Committee (“the Management Committee”) for the purposes of giving advice on, and implementing, the City’s policies and programmes of work in relation to the Heath lands; and in fulfilling those purposes, the Management Committee shall have regard to any representations made to it by the Consultative Committee appointed in accordance with article 9.

(2) The Management Committee shall consist of not less than 18 members appointed by the City.

(3) At least six of the members of the Management Committee shall be appointed from among persons who are neither Council members nor employees of the City; and of these –

- (a) one shall be appointed after consultation with the Council of the London Borough of Barnet;
- (b) one shall be appointed after consultation with the Council of the London Borough of Camden;
- (c) one shall be appointed after consultation with the owners for the time being of the Kenwood lands; and
- (d) three shall be appointed after consultation with such bodies appearing to the City to represent local, ecological, environmental or sporting interests as it considers appropriate.

(4) Schedule 3 to this Order shall have effect for the purposes of supplementing this article.

The Hampstead Heath Consultative Committee

9.—(1) The City shall within three months of the coming into force of this Order appoint a committee to be known as the Hampstead Heath Consultative Committee (“the Consultative Committee”) for the purposes of making representations to the Management Committee about any matter which, in the opinion of the Consultative Committee, affects or is likely to affect the Heath lands.

(2) Schedule 4 to this Order shall have effect for the purposes of supplementing this article.

PART V

Consequential provision

10. Articles 5(2) and (5) shall apply in relation to land acquired by the City pursuant to article 5(1) as if that land were part of the Heath lands; and references in articles 6 to 9 to the Heath lands shall be taken to include references to land so acquired.

Continuity of the exercise of functions

11.—(1) Anything done by or in relation to (or having effect as if done by or in relation to) the Residuary Body in the exercise of or in connection with a function which by virtue of this Order becomes the function of the City shall, so far as is required for continuing its effect after the transfer date, have effect as if done by or in relation to the City.

(2) Without prejudice to the generality of paragraph (1), that paragraph applies to the making of any application, byelaw, decision, or determination; to the giving of any notice; to the entering into

of any agreement or other instrument; and to the bringing of any action or proceeding; but nothing in this Order shall be construed as transferring any contract of employment.

(3) Any pending action or proceeding may be amended in such manner as may be appropriate in consequence of this Order.

2nd March 1989

Nicholas Ridley
Secretary of State for the Environment