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STATUTORY INSTRUMENTS

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**1989 No. 304**

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

**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(1);
- (b) the Hampstead Heath Enlargement Acts 1886 and 1888(2);
- (c) section 28 of the London County Council (General Powers) Act 1899(3);
- (d) sections 27 and 28 of the London County Council (General Powers) Act 1905(4);
- (e) the Open Spaces Act 1906(5);

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- (1) 1871 c. lxxvii (34 and 35 Vict.); repealed in part by the Local Law (Greater London Council and Inner London Boroughs) Order 1965 (S.I.1965/540), article 5.
- (2) 1886 c. xli and 1888, c. cli; both repealed in part by S.I. 1965/540, article 5.
- (3) 1899 c. ccxxxvii; section 28(1) was repealed by article 5 of S.I. 1965/540.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.
- (4) 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.
- (5) 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).

- (f) the Greater London Parks and Open Spaces Order 1967<sup>(6)</sup>;
  - (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<sup>(7)</sup> (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;
  - (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.

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<sup>(6)</sup> See 1967 c. xxix.  
<sup>(7)</sup> 1976 c. 57.