

1990 No. 1765

LOCAL GOVERNMENT, ENGLAND AND WALES

LONDON GOVERNMENT

The Local Government Reorganisation (Miscellaneous Provisions) Order 1990

<i>Made - - - -</i>	<i>23rd August 1990</i>
<i>Laid before Parliament</i>	<i>31st August 1990</i>
<i>Coming into force</i>	<i>21st September 1990</i>

The Secretary of State, in exercise of the powers conferred on him by section 101 of the Local Government Act 1985(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Local Government Reorganisation (Miscellaneous Provisions) Order 1990 and shall come into force on 21st September 1990.

Enactments relating to Thames embankments

2.—(1) In the enactments to which this article applies, any reference to the Greater London Council(b) shall be construed as a reference to the local council.

(2) For the purposes of paragraph (1), the local council is the council of the London borough in whose area the land to which the enactment relates is situated or, if such land is situated in their area, the Common Council of the City of London, but where the enactment relates to land situated in the area of more than one council, each such council shall be the local council in respect only of such part of the land as is situated in its area.

(3) This article applies to the following enactments—

- The Thames Embankment Act 1862(c);
- The Thames Embankment Act 1863(d);
- The Thames Embankment (North and South) Act 1868(e);
- The Thames Embankment (Chelsea) Act 1868(f);
- The Thames Embankment (South) Act 1873(g);
- The Metropolitan Board of Works (Various Powers) Act 1875(h);
- The London County Council (General Powers) Act 1893(i);
- The London County Council (Improvements) Act 1900(j);
- The London County Council (General Powers) Act 1911(k);

and, in so far as it relates to land in the City of Westminster, section 38 of the London County Council (General Powers) Act 1939(l);

(a) 1985 c.51.

(b) References to the Greater London Council were substituted for references to the Metropolitan Board of Works and to the London County Council by S.I. 1965/540, article 4 and Schedule 2.

(c) 1862 c.93. (d) 1863 c.75. (e) 1868 c.cxi. (f) 1868 c.cxxxv. (g) 1873 c.vii.

(h) 1875 c.clxxix. (i) 1893 c.cccxi. (j) 1900 c.cclxix. (k) 1911 c.lxiii. (l) 1939 c.c.

National Museums and Galleries on Merseyside

3.—(1) In Schedule 2 to the Charities Act 1960(a) (which lists the institutions which, so far as they are charities, are exempt charities within the meaning of that Act)—

(a) paragraph (j)(b) shall be deleted, and

(b) there shall be inserted after paragraph (cd)(c)—

“(ce) the Board of Trustees of the National Museums and Galleries on Merseyside.”.

(2) In Part II of the Table in paragraph 3 of Schedule I to the Public Records Act 1958(d) (definition of public records) the following entry shall be inserted in the appropriate place—

“The Board of Trustees of the National Museums and Galleries on Merseyside.”.

Miscellaneous enactments

4.—(1) In the Local Government (Records) Act 1962(e)—

(a) in section 2(6), after the words “Local Government Act 1985”, there shall be inserted the words “, to an authority established under section 10 of that Act (waste regulation and disposal authorities)”;

(b) in section 8(1), after the words “Local Government Act 1985”, there shall be inserted the words “ or an authority established under section 10 of that Act (waste regulation and disposal authorities),”.

(2) Section 142 of the Local Government Act 1972(f) (provision of information) shall have effect—

(a) as if references to a local authority included references to an authority established under section 10 of the Local Government Act 1985 and to the London Fire and Civil Defence Authority, and

(b) in its application to such an authority, as if in subsection (1A)(g) the words “ or by other authorities mentioned in subsection (1B) below ” were omitted.

(3) Section 222 of the Local Government Act 1972 (legal proceedings) shall have effect as if references to a local authority included references to an authority established under section 10 of the Local Government Act 1985 and to the London Fire and Civil Defence Authority.

(4) In section 16(7) of the Greater London Council (General Powers) Act 1974(h) (undertakings and agreements binding successive owners), after the words “ borough council ”, there shall be inserted the words “ or the London Residuary Body ”.

(5) In section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976, in the definition of “ local authority ”(i), there shall be inserted after paragraph (b)—

“(c)in section 40 of this Act, a joint authority established by Part IV of the Local Government Act 1985, an authority established under section 10 of that Act (waste regulation and disposal authorities), and the South Yorkshire Pensions Authority.”.

(a) 1960 c.58.

(b) Paragraph (j) was inserted by S.I. 1986/452, article 5(1).

(c) Paragraphs (ca) to (cd) were inserted by the National Heritage Act 1983 (c.47), Schedule 5.

(d) 1958 c.51.

(e) 1962 c.56; the words referred to in sections 2(6) and 8(1) were inserted by the Local Government Act 1985, section 84 and Schedule 14, paragraph 39.

(f) 1972 c.70.

(g) Subsections (1A) and (1B) were inserted by the Local Government Act 1986 (c.10), section 3.

(h) 1974 c.xxiv.

(i) 1976 c.57; the definition of “ local authority ” was substituted by the Local Government Act 1985, section 84 and Schedule 14, paragraph 53.

(6) In section 33(9) of the Local Government (Miscellaneous Provisions) Act 1982(a) (enforceability of certain covenants relating to land)—

(a) in paragraph (a), after the words “City of London” there shall be inserted the words “, the London Residuary Body”; and

(b) in paragraph (b), after the word “reconstituted” there shall be inserted the words “in relation to the London Residuary Body means Greater London”.

Signed by authority of the
Secretary of State

David Heathcoat-Amory
Parliamentary Under Secretary of State,
Department of the Environment

23rd August 1990

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequential on the Local Government Act 1985 (“the 1985 Act”), which abolished the Greater London Council and the metropolitan county councils on 1st April 1986.

Article 2 transfers functions of the Greater London Council under enactments relating to Thames embankments to the councils in whose area the embankments are situated.

Article 3 relates to the Board of Trustees of the National Museums and Galleries on Merseyside, which was constituted under section 46 of the 1985 Act. It amends Schedule 2 to the Charities Act 1960 so as to provide that not only the Board, but also its subsidiary charities, are exempt charities within the meaning of that Act. It also adds the Board to the list of bodies to which the Public Records Act 1958 applies.

Article 4 amends other enactments to apply them to certain bodies established by or under the 1985 Act.

(a) 1982 c.30; section 33(9) was amended by the Local Government Act 1985, section 84 and Schedule 14, paragraph 61, and section 102 and Schedule 17; the Norfolk and Suffolk Broads Act 1988 (c.4), Schedule 6, paragraph 23; and the Education Reform Act 1988 (c.40), Schedule 13.