
STATUTORY INSTRUMENTS

1991 No. 517

LOCAL GOVERNMENT, ENGLAND AND WALES

The West Yorkshire Residuary Body (Winding Up) Order 1991

<i>Made</i>	- - - -	<i>7th March 1991</i>
<i>Laid before Parliament</i>		<i>8th March 1991</i>
<i>Coming into force</i>	- -	<i>31st March 1991</i>

Whereas the West Yorkshire Residuary Body, acting pursuant to section 67(1)(b) of the Local Government Act 1985(1) has submitted a scheme to the Secretary of State for its winding up, and the disposal of its remaining functions, property, rights and liabilities –

And whereas the Secretary of State has decided to give effect to that scheme:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 67(3) and 77 of that Act, 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 West Yorkshire Residuary Body (Winding Up) Order 1991 and shall come into force on 31st March 1991.

(2) In this Order–

“the 1985 Act” means the Local Government Act 1985;

“the Residuary Body” means the West Yorkshire Residuary Body;

“Bradford” means the City of Bradford metropolitan district council;

“Leeds” means the City of Leeds metropolitan district council;

“Wakefield” means the City of Wakefield metropolitan district council;

“the county” means the county of West Yorkshire; and

“local council” means the council of a district in the county.

(3) For the purpose of any provision of this Order which requires the payment or recovery of sums in the appropriate proportions,–

(a) the appropriate proportion in relation to any council is the proportion equal to the proportion which the population of the area of that council bears to the population of the county; and

- (b) the population of an area means its relevant population as calculated in accordance with section 69 of the Local Government Finance Act 1988⁽²⁾.

Winding Up

2. On 31st March 1991 the Residuary Body shall be wound up and on that date—
- (a) any remaining functions, rights and liabilities of the Residuary Body relating to any contract of employment with that Body shall transfer to and vest in Bradford;
 - (b) any functions, rights and liabilities of the Residuary Body arising under paragraph 3(2) of Schedule 13 to the 1985 Act shall transfer to and vest in Bradford;
 - (c) any rights and liabilities of the Residuary Body in relation to
 - (i) Yorkshire Enterprise Limited or any of its subsidiary companies or
 - (ii) Pennine Investments (Holdings) Limited or any of its subsidiary companies
 shall transfer to and vest in Leeds; and
 - (d) any other remaining functions, property, rights and liabilities shall transfer to and vest in Wakefield.

Accounts

3. The functions transferred by article 2(d) include, in particular, any function under—
- (a) section 78 or 79 of the 1985 Act; and
 - (b) Part III of the Local Government Finance Act 1982⁽³⁾

which would, but for this Order, have fallen to be discharged on or after 31st March 1991 by the Residuary Body.

Apportionment

4.—(1) All sums received by Wakefield, Leeds or Bradford in consequence of the transfer by article 2 of any property or rights shall, after deduction of any relevant expenditure, be apportioned among the local councils in the appropriate proportions; and Wakefield, Leeds or Bradford, as the case may be, shall not later than the end of the financial year in which such sums are received, pay the appropriate proportion to each of the other local councils and shall retain the balance.

(2) If in any financial year the aggregate in that year of the sums referred to in paragraph (1) is insufficient to meet any relevant expenditure for that year, that excess expenditure shall be apportioned among the local councils in the appropriate proportions; and the appropriate proportion shall be recoverable by Wakefield, Leeds or Bradford, as the case may be, from each of the other local councils.

(3) In this article, “relevant expenditure” means expenditure attributable to this Order.

Continuity of the exercise of functions

5.—(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 Wakefield or Bradford shall so far as is required for continuing its effect on and after 31st March 1991 have effect as if done by or in relation to Wakefield or Bradford, as the case may be.

(2) 1988 c. 41. Section 69 was amended by the Local Government and Housing Act 1989 (c. 42), Schedule 5, paragraph 50.

(3) 1982 c. 32.

(2) Without prejudice to the generality of paragraph (1), that paragraph applies to the making of any application, decision or determination; to the giving of any notice; to the entering into of any agreement of other instrument; and to the bringing of any action or proceeding.

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

Complaints of maladministration by Residuary Body

6.—(1) The Parliamentary Commissioner may investigate or, as the case may be, continue to investigate a complaint of maladministration by the Residuary Body arising in relation to any functions, property, rights or liabilities transferred by this Order.

(2) In relation to any such investigation begun or continued on or after 31st March 1991, the Parliamentary Commissioner Act 1967(4) shall apply as if for any reference to the proper officer of the Residuary Body there were substituted—

- (a) where the complaint relates to the exercise of a function which by virtue of this Order becomes a function of Bradford, a reference to the proper officer of Bradford;
- (b) where the complaint relates to rights or liabilities, which by virtue of this Order vest in a local council, a reference to the proper officer of that council; or
- (c) in any other case, a reference to the proper officer of Wakefield

and as if any specified action had been taken by Bradford, or, as the case may be, by the local council or by Wakefield.

Disputes

7. In the event of a dispute between any of the local councils as to the amount of any expenditure recoverable by Bradford, Leeds or Wakefield pursuant to this Order, the matter shall be determined by an arbitrator appointed by the Secretary of State; and section 31 of the Arbitration Act 1950(5) shall have effect in relation to the arbitration as if it were an arbitration to which that section applies.

Miscellaneous

8. The Local Government Reorganisation (Capital Money) (Metropolitan Counties) Order 1986(6) and the Local Government Reorganisation (Capital Money) (West Yorkshire) (Amendment) Order 1990(7) are hereby revoked.

Signed by authority of the Secretary of State for the Environment

7th March 1991

Michael Portillo
Minister of State,
Department of the Environment

(4) 1967 c. 13; applied to residuary bodies by paragraph 11 of Schedule 13 to the Local Government Act 1985.

(5) 1950 c. 27; 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).

(6) S.I.1986/2063.

(7) S.I. 1990/496.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the winding-up of the West Yorkshire Residuary Body in pursuance of a Scheme submitted by that Body to the Secretary of State under section 67 of the Local Government Act 1985. Most of this Residuary Body's remaining property, functions, rights and liabilities were transferred by the [West Yorkshire Residuary Body \(Transfer of Property etc\) Order 1990 \(S. I. No. 1024\)](#).

Article 2 provides that the Residuary Body shall be wound up on 31st March 1991. On that date any remaining functions, rights and liabilities in relation to any contract of employment are transferred to the City of Bradford. The Residuary Body's rights and liabilities in relation to Yorkshire Enterprise Limited and Pennine Investments (Holdings) Limited and their subsidiaries are vested in Leeds. Any other remaining functions, property, rights and liabilities are transferred to the City of Wakefield.

Article 3 confers on Wakefield the Residuary Body's remaining functions in relation to its accounts. Article 4 makes general provision for apportioning among the district councils in the county any sums received or paid by Wakefield, Leeds or Bradford. Article 5 provides for continuity in the exercise of functions. Article 6 provides for the handling of complaints of maladministration on the part of the Residuary Body and article 7 makes provision for the determination of disputes. Article 8 revokes the Local Government Reorganisation (Capital Money) (Metropolitan Counties) Order 1986 and the Local Government Reorganisation (Capital Money) (West Yorkshire) (Amendment) Order 1990.