
STATUTORY INSTRUMENTS

1996 No. 532

**The Local Government Reorganisation
(Wales) (Property etc.) Order 1996**

**PART I
GENERAL**

Citation and commencement

1. This Order may be cited as the Local Government Reorganisation (Wales) (Property etc.) Order 1996 and shall come into force on 1st April 1996.

Interpretation and general provisions

2.—(1) In this Order—

“the 1994 Act” means the Local Government (Wales) Act 1994;

“contract for banking services” means a contract for the provision of services for an old authority by an authorised institution; and “authorised institution” shall be construed in accordance with the Banking Act 1987(1);

“contract of insurance” shall be construed in accordance with section 95 of the Insurance Companies Act 1982(2);

“designated authority”, in relation to an old authority, means the council designated for the purposes of paragraph 12 of Schedule 17 to the 1994 Act(3);

“investment” does not include any land held as an investment;

“new authority” means a county or county borough council which is established as a result of the 1994 Act;

“old authority” means a county or district council which ceases to exist as a result of the 1994 Act;

“records” includes material in whatever form or medium which conveys or is capable of conveying information;

“successor authority” has the meaning given by section 53(2) of the 1994 Act; and

“the Residuary Body” means the Residuary Body for Wales or Corff Gweddilliol Cymru.

(2) The word “land” shall be construed in accordance with Schedule 1 to the Interpretation Act 1978(4), save that any reference to the vesting of land by virtue of this Order shall be construed as including the vesting of any contractual licence for the use of land.

(1) 1987 c. 22.

(2) 1982 c. 50.

(3) A council has been designated in relation to each old authority; see the Local Authorities (Closure of Accounts) (Wales) Order 1995 (S.I.1995/1043).

(4) 1978 c. 30.

(3) Any provision in this Order vesting property shall be construed, unless the context otherwise requires, as including a reference to the vesting of rights and liabilities of an old authority in respect of any agreement for the hire or use by, or deposit with, such an authority of any such property.

(4) The vesting of any property, rights or liabilities in the Residuary Body by virtue of this Order shall be without prejudice to paragraph 11 of Schedule 13 to the 1994 Act.

(5) Any reference in this Order to any rights or liabilities of an old authority or other body includes a reference to rights or liabilities acquired or incurred by any predecessor in title of such an authority or body.

(6) The provisions of this Order are subject to any other provision made—

- (a) by the 1994 Act (except section 53 of that Act), or
- (b) under the 1994 Act,

which effects the transfer of property, rights, liabilities or functions of an old authority and which comes into force on or before 1st April 1996.

(7) Where property, rights, liabilities or duties of an old authority or other body are vested, by virtue of this Order, in a new authority or other body, anything done by or in relation to the old authority or body in connection with such property, rights, liabilities or duties shall be treated as if it had been done by or in relation to the new authority or body, as the case may be.

Application

3.—(1) Nothing in this Order shall apply to—

- (a) property held exclusively for charitable purposes by an old authority as sole trustee or any rights or liabilities in respect of such property (being matters for which provision is made by or under section 49 of the 1994 Act)(5);
- (b) property vested in a new authority by virtue of sections 263 and 264 of the Highways Act 1980(6);
- (c) property vested in an old authority which is required to be applied in accordance with a scheme under section 19 of the Welsh Church Act 1914(7) (being property subject to vesting in a new authority in accordance with section 50 of the 1994 Act) or any rights or liabilities in respect of such property(8);
- (d) property, rights or liabilities of an old authority for the transfer of which provision is made by virtue of a scheme made under section 3 of the Environment Act 1995(9) and approved by the Secretary of State;
- (e) a pension fund maintained by an old authority or any rights or liabilities of such an authority in respect of such a fund, for the transfer of which provision is made in the Local Government Pension Scheme (Local Government Reorganisation in Wales) Regulations 1995(10);
- (f) rights or liabilities of an old authority in respect of which provision is made in Part III of the Local Government (Compensation for Redundancy) Regulations 1994(11);

(5) Section 49 of the 1994 Act is supplemented and modified by the Local Government Reorganisation (Wales) (Charities) Order 1996 (S.I. 1996/183).

(6) 1980 c. 66.

(7) 1914 c. 91.

(8) Provision is made for the vesting of Welsh Church Act property and related rights and liabilities in the new authorities specified in the Welsh Church Act Funds (Designation and Specification) Order 1996 (S.I. 1996/344).

(9) 1995 c. 25. The schemes to which reference is made relate to the transfer of property, rights and liabilities from waste regulation authorities to the Environment Agency.

(10) S.I. 1995/1985.

(11) S.I. 1994/3025 as amended by S.I. 1996/456.

- (g) property, rights or liabilities of an old authority in respect of which provision is made for transfer on 1st April 1996 to the North Wales Fire Authority, the Mid and West Wales Fire Authority or the South Wales Fire Authority⁽¹²⁾;
 - (h) rights or liabilities of an old authority for the transfer of which provision is made in the Local Government (Registration Service in Wales) Order 1995⁽¹³⁾.
- (2) In this article “charitable purposes” has the same meaning as in the Charities Act 1993⁽¹⁴⁾.

⁽¹²⁾ Such provision is contained in the combination schemes set out in the Schedule to S.I. 1995/3218, 3229 and 3230 respectively.

⁽¹³⁾ S.I. 1995/3106.

⁽¹⁴⁾ 1993 c. 10.