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STATUTORY INSTRUMENTS

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**1985 No. 1781**

**LOCAL GOVERNMENT, ENGLAND  
AND WALES LONDON GOVERNMENT**

**The Local Government Reorganisation  
(Transitional Provisions) Order 1985**

<i>Made</i>	- - - -	<i>18th November 1985</i>
<i>Laid before Parliament</i>		<i>26th November 1985</i>
<i>Coming into Operation</i>		<i>17th December 1985</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 98(9) and 101 of the Local Government Act 1985, 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 Local Government Reorganisation (Transitional Provisions) Order 1985 and shall come into operation on 17th December 1985.

(2) In this order—

“the Act” means the Local Government Act 1985, and

“successor authority” means the council of a London borough or metropolitan district, the Common Council, a joint authority, an authority established under section 10 (waste disposal functions) of the Act, or the Thames Water Authority.

**Anticipatory exercise of regulatory functions**

2.—(1) In relation to any function (other than a function under the Town and Country Planning Act 1971) of granting, renewing, extending, varying or transferring a licence, permission, consent, approval, certificate, authorisation, exemption, dispensation or relaxation (in this article referred to as a “permission”) which on the abolition date by virtue of any provision made by or under the Act becomes the function of a successor authority, that authority may, before that date, for the purpose of giving full effect to any such permission in respect of any period beginning on or after that date, entertain any application or objection, serve or receive any notice, undertake any consultation or take any other step necessary to grant, renew, extend, vary or transfer such permission in respect of such a period, or for giving full effect on and after that date to any statutory provision conferring such a function.

(2) For the purposes of paragraph (1), the Greater London Council and each metropolitan county council shall supply to the successor authority by which the relevant function will fall to be discharged on and after 1st April 1986 a copy of any application, objection, notice or other document which—

- (a) relates to a permission for such a period as is mentioned in that paragraph, or
- (b) in their opinion may fall to be dealt with in relation to such a period.

(3) Where in pursuance of paragraph (1) a successor authority grants a permission to an applicant in respect of a matter for which that applicant has, in respect of the whole or part of the period of the permission and in exercise of the same function, also been granted a permission by the Greater London Council or a metropolitan county council, section 98 of the Act shall not apply to continue the second-mentioned permission in effect during any period in which the first-mentioned permission has effect.

### **Continuity of exercise of functions**

**3.—**(1) In relation to any function under a statutory provision mentioned in the Schedule to this order, section 98(2) or (as the case may be) section 98(3) of the Act shall not apply, but anything which at the abolition date is in process of being done by or in relation to the Greater London Council or a metropolitan county council in the exercise of or in connection with any such function may be continued by or in relation to the authority (“the relevant authority”) mentioned in that Schedule in relation to that function.

(2) Subsections (4) to (8) of section 98 of the Act shall have effect in relation to any function to which paragraph (1) above applies as if any reference to subsection (2) were a reference to that paragraph and any reference to the successor authority were a reference to the relevant authority.

### **Applications for listed building consent in Greater London**

**4.** In relation to any application for listed building consent made to a London borough council before 1st April 1986, the amendments to Schedule 11 to the Town and Country Planning Act 1971 effected by paragraph 1(17) of Schedule 2 to the Act shall not apply if before that date the Greater London Council have given such authorisation or directions as are mentioned in paragraph 6(2) of Schedule 11.

### **Direct labour organisations**

**5.** For the purposes of calculating the relevant limit in regulations 6(1)(b) and 8(1)(f) of the Local Government (Direct Labour Organisations) (Competition) Regulations 1983 in relation to general highway works undertaken by a metropolitan district council in the financial year ending on 31st March 1987, there shall be added to the sum calculated in accordance with regulations 6(2)(b)(i) or 8(2)(b)(i) a sum representing 70 per cent. of the aggregate value of all relevant highway work undertaken and all contractual highway work carried out within the area of that council in the preceding financial year by the council of the metropolitan county in which the district is situated.

### **Local valuation panels**

**6.—**(1) This article applies to any contract of employment between a person (“the employee”) appointed by a local valuation panel under section 92 of the General Rate Act 1967 and any such panel (“the old panel”) which is replaced by a panel constituted under a scheme (“the new scheme”) made in respect of the same area pursuant to a direction given by the Secretary of State under section 14(2) of the Act.

(2) A contract to which this article applies shall not be terminated by the revocation of the scheme constituting the old panel, but shall have effect from the date of such revocation as if originally made between the employee and the panel constituted by the new scheme (“the new panel”).

(3) Without prejudice to paragraph (2)—

- (a) all the rights, powers, duties and liabilities of the old panel under or in connection with a contract to which this article applies shall by virtue of this article be transferred on the date of revocation to the new panel; and
- (b) anything done before that date by or in relation to the old panel in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the new panel.

(4) Paragraphs (2) and (3) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change of employer effected by this article.

### **Peak Park Joint Planning Board**

7. The vacancy in the membership of the Peak Park Joint Planning Board arising in pursuance of paragraph 5(4) of Schedule 3 to the Act shall be treated, for the purposes of paragraph 12A of Schedule 17 to the Local Government Act 1972<sup>(1)</sup> and article 6(4) of the Peak Park Joint Planning Board Order 1973<sup>(2)</sup>, as a casual vacancy.

18th November 1985

*Kenneth Baker*  
Secretary of State for the Environment

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(1) paragraph 12A was inserted by section 46 of the Wildlife and Countryside Act 1981 (c.69).

(2) article 6(4) was substituted by article 2(d)(ii) of the Peak Park Joint Planning Board (Amendment) Order 1982 (S.I. 1982/992).

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## SCHEDULE

Article 3

## I. LISTED BUILDINGS, CONSERVATION AREAS, ANCIENT MONUMENTS ETC.

## (A) GREATER LONDON

<i>Act</i>	<i>Section or other provision</i>	<i>Relevant authority</i>
London Government Act 1963	Schedule 2 paragraphs 16 and 17 (historic buildings and works of art)	
Town and Country Planning Act 1971	58 (building preservation notices)	
	96 to 99A (listed building enforcement notices)	
	101 (urgent works to listed building)	
	114, 115 and 117 (compulsory acquisition of listed building)	The Historic Buildings and Monuments Commission for England
	119 (acquisition by agreement other than subsection (1)(a))	
	126 (management arrangements)	
	246 (1)(b) (appeals to the High Court)	
	277 (designation of conservation areas)	
Ancient Monuments and Archaeological Areas Act 1979	11 (acquisition of ancient monuments)	
	12-14 (guardianship)	
	15-17 (land in vicinity of ancient monument)	
	21 (transfer by or to Secretary of State)	
	29 (compensation)	
	33 (designation of areas of archaeological importance)	

## (B) METROPOLITAN COUNTIES

Ancient Monuments and Archaeological Areas Act 1979	11 (acquisition of ancient monuments)	
	12-14 (guardianship)	
	15-17 (land in vicinity of ancient monument)	The council of a metropolitan district
	21 (transfer by or to Secretary of State)	
	29 (compensation)	
II. TOWN DEVELOPMENT		
Town Development Act 1952	sections 4 and 10 (contributions)	The London Residuary Body
	sections 8 and 9 (agreements)	

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### EXPLANATORY NOTE

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

Article 2 allows successor authorities which will on that date inherit functions of granting licences and similar permissions (other than under the Town and Country Planning Act 1971) to take steps before that date to enable such permissions to come into force on or after that date, and entitles them to be supplied with copies of relevant documents.

Article 3 makes provision in place of that made by section 98 of the Act for the continuity of exercise of functions in relation to historic buildings, conservation areas, ancient monuments and related matters; and town development.

Article 4 makes transitional provision in relation to the procedure established by Schedule 2 to the Act for dealing on and after 1st April 1986 with applications for listed building consent in Greater London.

Article 5 makes provision for raising in the financial year 1986/7 the financial limit imposed on highway work which may be undertaken by the direct labour organisation of a metropolitan district council without competitive tendering, consequential on such councils becoming highway authorities for their areas by virtue of section 8 of and Schedule 4 to the Act.

Article 6 preserves the continuity of employment of valuation panel staff where a new panel is constituted in pursuance of section 14 of the Act.

Article 7 enables the filling by the councils of non-metropolitan districts comprised in the Peak District National Park of the vacancy created by the termination on 1st April 1986 by paragraph 5(4) of Schedule 3 to the Act, of the appointment to the Peak Park Joint Planning Board made by Sheffield Metropolitan District Council.

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