
STATUTORY INSTRUMENTS

1986 No. 1

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

**The Local Government Reorganisation
(Miscellaneous Provision) Order 1986**

<i>Made</i>	- - - -	<i>2nd January 1986</i>
<i>Laid before Parliament</i>		<i>10th January 1986</i>
<i>Coming into Operation</i>		
<i>for the purposes of articles 2(4)(a), 2(9)(a) and (b) and 2(12)</i>		<i>31st January 1986</i>
<i>for all other purposes</i>		<i>1st April 1986</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 101 of the Local Government Act 1985, 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 Provision) Order 1986 and shall come into operation for the purposes of articles 2(4)(a), 2(9)(a) and (b) and 2(12) on 31st January 1986 and for all other purposes on 1st April 1986.

Lee Valley Regional Park Act 1966

2.—(1) The Lee Valley Regional Park Act 1966 ('the 1966 Act') shall be amended in accordance with paragraphs (2) to (10) and the provisions of paragraphs (11) to (14) shall have effect in relation to the Authority constituted by that Act ('the Authority').

(2) In section 2(1)—

(a) for the definitions of "the constituent councils", "the contributing councils" and "county" there shall be substituted—

“constituent council” means a riparian council or a non-riparian council;

“contributing council” means a London council or a county council;

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“county council” means the council of the county of Essex or the council of the county of Hertfordshire;”;

(b) after the definition of “land” there shall be inserted—

““London council” means a London borough council or the Common Council;”;

(c) after the definition of “nature reserve” there shall be inserted—

““non-riparian council” means a London council other than the councils of the London boroughs of Enfield, Hackney, Haringey, Newham, Tower Hamlets and Waltham Forest;”;

(d) after the definition of “the park” there shall be inserted—

““riparian council” means a council specified in section 4(2) of this Act;”.

(3) In section 4(2)(1) for the words “the Greater London Council” there shall be substituted “the non-riparian councils jointly;”.

(4) In section 5—

(a) for subsection (1)(2) to (3) there shall be substituted—

“(1) The appointments to the Authority required by section 4 of this Act shall be made—

(a) by the non-riparian councils before 1st April 1986 and before 1st July in 1989 and each fourth year thereafter; and

(b) by the riparian councils before 1st July in 1989 and each fourth year thereafter; and each member so appointed, and the members appointed by the riparian councils in 1985, shall hold office—

(i) in the case of the first appointments made by the non-riparian councils, from 1st April 1986 to 30th June 1989;

(ii) otherwise, from 1st July next following his appointment for a term of four years.

(2) Immediately after the appointment of any member of the Authority the proper officer of the constituent council of whom he is a member shall notify the name, address and description of the member appointed to the Authority.

(3) A person shall not be eligible for appointment as a member of the Authority if he is a member of a non-riparian council one of whose members is already a member of the Authority.”;

(b) for subsection (4) there shall be substituted—

“(4) Where a casual vacancy occurs among the persons appointed to the Authority by a riparian council or by the non-riparian councils jointly, that council or, as the case may be, those councils jointly, shall as soon as practicable appoint another person to fill the vacancy and the person appointed shall come into office upon his appointment and shall hold office during the remainder of the term of office of the person in whose place he is appointed:

Provided that it shall not be obligatory upon a riparian council or, as the case may be, the non-riparian councils to fill any vacancy occurring less than two months before the ordinary date of retirement from the office in which the vacancy occurs.”.

(5) In section 6—

(1) Sections 4(2) and 5(1) were amended by S.I. 1974/968.

(2) Sections 4(2) and 5(1) were amended by S.I. 1974/968.

- (a) for subsection (1), there shall be substituted—

“(1) A member of the Authority shall either be a member of the riparian council by whom he was appointed or, if he was appointed by the non-riparian councils jointly, of one of those councils and if he ceases to be a member of such a council he shall thereupon cease to be a member of the Authority:

Provided that a member of the Authority who becomes disqualified for being such a member by reason only of the termination of his term of office as a member of such a council shall continue in office as a member of the Authority until 30th June next occurring after the date on which his term of office as a member of such a council terminated.”;

- (b) in subsection (3), for the words “the clerk of the constituent council by whom the member was appointed”, there shall be substituted “the proper officer of the riparian council by whom the member was appointed or, in the case of a member appointed by the non-riparian councils jointly, the proper officers of those councils.”.

(6) In section 7 the words “or of one constituent council and the Inner Education Authority” shall be omitted and the provisions of that section shall become subsection (1) of that section and after those provisions there shall be inserted—

“(2) Subsection (1) above shall have effect in relation to the non-riparian councils as if the reference to one constituent council were a reference to all those councils acting jointly.”.

- (7) In section 8—

- (a) in subsection (1), for the words “A constituent council”, there shall be substituted “A riparian council or the non-riparian councils jointly” and, for the words “that council”, there shall be substituted “that council or, as the case may be, those councils.”;

- (b) in subsection (2), in paragraph (b) of the proviso, for the words “clerk of the constituent council making the nomination” there shall be substituted “proper officer of the constituent council of whom he is a member,” and at the end of that paragraph there shall be inserted—

“(c) a person shall not be eligible for nomination as a deputy under this section if he is a member of a non-riparian council one of whose members is already a member of, or a deputy of a member of, the Authority.”.

- (8) For section 41 there shall be substituted—

“Local Bills promoted by a London borough council

41. Section 87 of the Local Government Act 1985 shall apply to the Authority as if the reference in subsection (1) of that section to the council of another London borough were a reference to the Authority and references elsewhere in that section to, or which fall to be construed as references to, such a council shall be construed as references to the Authority.”.

- (9) In section 48—

- (a) in subsection (4), for the words “the contributing councils” there shall be substituted “the county councils and by way of levy on the London councils”;

- (b) for subsection (5) there shall be substituted—

“(5) The sum which under this section the Authority may raise by way of precept or, as the case may be, levy on a contributing council shall—

(a) in the case of a county council be a sum which bears to the total sum to be raised by way of precept or levy as aforesaid (‘the total sum’) the same proportion as the estimated product of a penny rate for the area of the county in question bears to the total of such products for the areas of both counties and Greater London; and

(b) in the case of a London council be a sum determined by apportioning between the London councils in proportion to the populations of their respective areas

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the sum remaining after deduction from the total sum of the sum raised by way of precept;

and the Authority shall, as soon as may be after the submission of the said estimates to the contributing councils, and in any case not later than the 1st March in the financial year preceding that to which the precept or levy relates, issue precepts, or, as the case may be, levies to the contributing councils for the said respective sums.

(5A) For the purpose of apportioning the sum to be levied as provided in subsection (5) above the population of any area shall be taken to be the number estimated by the Registrar General and certified by him to the Secretary of State by reference to such date as the Secretary of State may from time to time direct.”;

- (c) in subsection (6), after the words “by precepts” there shall be inserted “or, as the case may be, levies”;
- (d) for subsections (8) to (10) there shall be substituted—

“(8) The amount to be raised by way of precept on a county council or, as the case may be, levy on the London councils shall not in any financial year exceed the product of a penny rate for the area of that county council or, as the case may be, of Greater London as a whole.

(9) Section 14 of the Rates Act 1984⁽³⁾ (provision of information to ratepayers) shall apply to a levy issued by the Authority and to the Authority as it applies to a precept issued by an authority having power to issue precepts and to such an authority.”.

(10) As soon as practicable after the end of each financial year the Authority shall calculate the amount by which the amount demanded by any precept or, as the case may be, levy for that year issued under this section to a contributing council exceeds or falls short of the amount which would have fallen to be so demanded if the apportionments for the purposes of the sums to be raised by precept on the county councils under subsection (5) above had been made on the basis of the proportion that the amount of the actual product of a penny rate for the area of the county in question for that year bears to the total of such products for the areas of both counties and Greater London and any excess or deficiency shown by any calculation under this subsection shall be recoverable by or, as the case may be, from the contributing council concerned.”.(10)As soon as practicable after the end of each financial year the Authority shall calculate the amount by which the amount demanded by any precept or, as the case may be, levy for that year issued under this section to a contributing council exceeds or falls short of the amount which would have fallen to be so demanded if the apportionments for the purposes of the sums to be raised by precept on the county councils under subsection (5) above had been made on the basis of the proportion that the amount of the actual product of a penny rate for the area of the county in question for that year bears to the total of such products for the areas of both counties and Greater London and any excess or deficiency shown by any calculation under this subsection shall be recoverable by or, as the case may be, from the contributing council concerned.

(10) In section 49(3), after the word “precepts” there shall be inserted “or, as the case may be, levies”.

(11) The members of the Authority appointed by the Greater London Council shall retire on 1st April 1986.

(12) Section 48(3) of the Act shall have effect in relation to the estimate submitted to the Authority for the financial year beginning on 1st April 1986 as if the reference to the contributing councils were a reference to the councils who will be the contributing councils after that date.

(3) 1984 c.33.

(13) Any payment which by virtue of section 48(10) of the Act would but for this Order have fallen to be made by or to the Greater London Council in respect of any excess or deficiency in the amount demanded by any precept issued to that council under section 48 of the Act for a financial year ending before the abolition date shall instead be made by or to the London Residuary Body.

(14) The enactments specified in Part I of the Schedule are hereby repealed to the extent specified in the third column of that Schedule.

Miscellaneous amendments to other Acts

3.—(1) In the Water Act 1945(4), in section 94 of Schedule 3—

- (a) for the words “the clerk of the council of every county and town clerk of every county borough” there shall be substituted “the proper officer of the council of every non-metropolitan county, metropolitan district and London borough”; and
- (b) for the words “Greater London, with the clerk to the Greater London Council” there shall be substituted “the City of London, with the town clerk of the City.”.

(2) In the Port of London Act 1968—

(a) in section 65, for sub-paragraph (ii) there shall be substituted—

“(ii) in front of land which is vested in any body by virtue of any provision made by or under the Local Government Act 1985 (being land which immediately before 1st April 1986 belonged to the Greater London Council) and which was acquired by the predecessors of the Council before 23rd December 1920;”

and, in the words after the semi-colon, for the words “the council” there shall be substituted “the body;”;

(b) in section 82—

(i) in subsection (1), for the words “The Greater London Council” there shall be substituted “The Thames Water Authority”, for the words “the Council” in the first place where they occur there shall be substituted “the Thames Water Authority” and for the words “the Council and the Port Authority” there shall be substituted “them”;

(ii) in subsection (2) for the words “the Greater London Council” there shall be substituted “the Thames Water Authority”;

(c) in section 121(7), for the definition of “local authority” there shall be substituted—

““local authority” means the council of a county, district or London borough, the Common Council of the City of London, the Thames Water Authority and an authority established under section 10 (joint arrangements for waste disposal functions) of the Local Government Act 1985”;

(d) in section 162(2), for paragraph (c) there shall be substituted—

“(c) the exhibition of advertisements by or authorised by any body on land vested in that body by virtue of any provision made by or under the Local Government Act 1985 (being land which immediately before 1st April 1986 belonged to the Greater London Council) and used by that body under any enactment;”;

(e) in section 168(3)(b), for sub-paragraph (i) there shall be substituted—

“(i) to the council of every county, district or London borough affected by the byelaws to which the notice relates and if those byelaws affect the City of London to the town clerk of the City;”;

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- (f) in Schedule 7, in column (2) of items 8, 9 and 10, for the words “the Greater London Council” there shall be substituted “London Borough of Newham” and in column (3) of item 10, for the words “the Greater London Council” there shall be substituted “the borough council” and the words after the semi-colon shall be omitted;
- (3) In section 4(e) (definition of “local authority”) of the Housing Act 1985 after the number “453(2)” there shall be inserted “460(3)”.
- (4) The enactments specified in Part II of the Schedule are hereby repealed to the extent specified in the third column of that Schedule.

2nd January 1986

Kenneth Baker
Secretary of State for the Environment

SCHEDULE

Articles 2 and 3

REPEAL OF ENACTMENTS

PART I

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1966 c. xli.	The Lee Valley Regional Park Act 1966.	In section 7 the words “or of one constituent council and the Inner London Education Authority”. Section 35 In section 44(2) in the definition of local authority the words “the Greater London Council,”. In section 54(3) the words “the Greater London Council”. Section 75 In the Schedule, paragraph 2.

PART II

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
6 Edw. 7 c.25	The Open Spaces Act 1906.	In section 15(1)(5) the words from “or in the case of” to “the said Council”.
1968 c.xxxii.	The Port of London Act 1968.	In Schedule 7, in column (3) of item 10 the words after the semi-colon and in column (2) of item 20 the words “Greater London Council. As to the highway over the bridge only”.

EXPLANATORY NOTE

This order amends various Acts in consequence of the Local Government Act 1985 which abolishes the Greater London Council ('the GLC') and the metropolitan county councils on 1st April 1986 ('the abolition date').

(5) The words repealed were inserted by S.I. 1965/654, article 3(5)(a)

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Article 2 amends the Lee Valley Regional Park Act 1966 which governs the Lee Valley Regional Park Authority ('the Authority'). On the abolition date the eight members of the Authority appointed by the GLC will be replaced by eight members appointed jointly by twenty-six London borough councils and the Common Council of the City of London. Changes are also made in the way the Authority is financed. The precept by the Authority on the GLC is replaced by a levy on all London borough councils and the Common Council calculated on the basis of the populations of their respective areas. Other incidental, consequential, transitional and supplementary provision is made in or in relation to the Act.

Article 3 amends—

- (a) the Water Act 1945 as respects the deposit of copies of special Acts with local authority officers;
- (b) the Port of London Act 1968 by replacing references to the GLC with references to the borough councils, the Thames Water Authority and other successor bodies;
- (c) the Housing Act 1985 by extending to the new authorities established by the Local Government Act 1985 a prohibition on home improvement grants being paid where the provision, improvement or repair of dwellings is by local authorities.

The Schedule contains repeals incidental to or consequential on the order or the abolition of the GLC.