



# Local Government Act 1985

## 1985 CHAPTER 51

### PART I

#### ABOLITION OF GREATER LONDON COUNCIL AND METROPOLITAN COUNTY COUNCILS

#### **1 Abolition of GLC and metropolitan county councils.**

- (1) On the date on which this subsection comes into force—
  - (a) the Greater London Council; and
  - (b) the metropolitan county councils,shall cease to exist.
- (2) The date on which subsection (1) above comes into force is in this Act referred to as the “abolition date” and shall be 1st April 1986.

### PART II

#### TRANSFER OF FUNCTIONS TO LONDON BOROUGH COUNCILS, METROPOLITAN DISTRICT COUNCILS AND OTHER EXISTING AUTHORITIES

#### *Preliminary*

#### **2 Commencement of Part II.**

Except so far as otherwise provided the following provisions of this Part of this Act shall have effect from the abolition date.

*Status: Point in time view as at 01/09/1992.*

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*Town and country planning etc.*

**3 Local planning authorities.**

- (1) ..... F1
- (2) ..... F2
- (3) ..... F3
- (5) [<sup>F4</sup>In paragraph 55(1) of Schedule 16 to the Local Government Act 1972] after the words “Elsewhere than in Greater London” there shall be inserted the words “, a metropolitan county”.

**Textual Amendments**

**F1** S. 3(1) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6](#)

**F2** S. 3(2) repealed by [Housing and Planning Act 1986 \(c.63, SIF 81:1\), ss. 24\(3\), 39\(4\), 49\(2\), 53\(2\), Sch. 12 Pt. III](#)

**F3** S. 3(3)(4) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6](#)

**F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\), s. 4, Sch. 2 para. 69\(1\)](#)

- 4, 5. .... F5

**Textual Amendments**

**F5** [Ss. 4, 5](#) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6](#)

**6 Listed buildings, conservation areas and ancient monuments.**

Schedule 2 to this Act shall have effect for amending the law relating to listed buildings, conservation areas, ancient monuments and certain related subjects, the principal purpose of the amendments being—

- (a) to transfer functions relating to those matters from the Greater London Council to the Historic Buildings and Monuments Commission for England; and
- (b) to make, in the enactments relating to those functions, amendments consequential on section 3(1) above.

**7 National Parks and countryside functions.**

- (1) Schedule 3 to this Act shall have effect for transferring functions relating to National Parks and the countryside from—
  - (a) the Greater London Council to London borough councils and the Common Council; and
  - (b) from metropolitan county councils to metropolitan district councils.

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- (2) The Secretary of State shall before the abolition date lay before Parliament a report on the steps he will take to secure the full adoption by the councils to which functions are transferred by this section in Greater London or a metropolitan county of those facilities, services and responsibilities for the protection and enjoyment of the countryside and areas for urban nature conservation which serve the continuing needs of Greater London or that county and neighbouring populations.

*Highways and road traffic*

**8 Highways and road traffic functions.**

- (1) Schedule 4 to this Act shall have effect for amending the law relating to highways, streets and bridges, and Part I of Schedule 5 to this Act for amending certain enactments relating to road traffic, the principal purpose of the amendments being to transfer functions relating to those matters—
  - (a) from the Greater London Council to London borough councils and the Common Council; and
  - (b) from metropolitan county councils to metropolitan district councils.
- (2) The supplementary provisions in Part II of Schedule 5 to this Act shall have effect in relation to the regulation of road traffic in Greater London and the metropolitan counties.
- (3) ..... F6

**Textual Amendments**

F6 S. 8(3) repealed by [Local Government Finance Act 1988 \(c.41, SIF 81:1\)](#), s. 149, [Sch. 13 Pt. II](#)

*Waste regulation and disposal*

**9 Waste regulation and disposal functions.**

- Schedule 6 to this Act shall have effect for transferring functions relating to waste regulation and disposal—
- (a) from the Greater London Council to London borough councils and the Common Council; and
  - (b) from metropolitan county councils to metropolitan district councils.

**10 Joint arrangements for waste disposal functions.**

- (1) If it appears to the Secretary of State in the case of Greater London or of any metropolitan county—
  - (a) that all or any of the councils by which functions to which this section applies will be exercisable in that area from the abolition date could with advantage make joint arrangements for the discharge of all or any of those functions from that date but have not made any or any satisfactory arrangements for that purpose before 15th November 1985; or

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- (b) that satisfactory arrangements for that purpose have ceased or will cease to be in operation at any time after the abolition date,
- he shall by order establish for the whole or any part of that area a single authority to discharge from that date or, as the case may be, from any subsequent time all those functions or such of them as are specified in the order.
- (2) For the purposes of subsection (1) above the Secretary of State shall have particular regard to the need for satisfactory arrangements in respect of hazardous waste.
- (3) No person shall be a member of an authority established by an order under subsection (1) above unless he is a member of one of the councils for whose areas the authority is established; and any such order may make provision for enabling the Secretary of State to require the authority established by the order to submit to him a scheme for the winding up of the authority and the transfer to those councils of its functions, property, staff, rights and liabilities.
- (4) This section applies to any functions conferred by section 74 or 76 of the <sup>M1</sup>Public Health Act 1936, [<sup>F7</sup>Part I of the <sup>M2</sup>Control of Pollution Act 1974][<sup>F7</sup>Part II of the Environmental Protection Act 1990], the <sup>M3</sup>Refuse Disposal (Amenity) Act 1978 or section 5 or 6 of the <sup>M4</sup>Litter Act 1983.
- (5) The Secretary of State may by order dissolve any authority established under this section or provide for excluding any functions, or any functions in any area, from those for which the authority was established.
- (6) An order under this section may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions for the transfer of property, staff, rights and liabilities and provisions amending any enactment or any instrument made under any enactment.
- (7) An order may be made by virtue of subsection (1)(a) above at any time before the abolition date.

#### Textual Amendments

**F7** Words appearing second substituted (*prosp.*) for words appearing first by [Environmental Protection Act 1990 \(c.43, SIF 46:4\)](#), ss. 162(1), 164(3), **Sch. 15 para. 26**

#### Marginal Citations

**M1** 1936 c. 49.  
**M2** 1974 c. 40.  
**M3** 1978 c. 3.  
**M4** 1983 c. 35.

### *Land drainage and flood prevention*

## 11 Land drainage and flood prevention functions.

- (1) Schedule 7 to this Act shall have effect—
- (a) for transferring functions under the <sup>M5</sup>Land Drainage Act 1976 from metropolitan county councils to metropolitan district councils or, as respects one of those functions, to the water authorities for the areas concerned; and

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- (b) for making in that Act amendments which are consequential on the abolition of the Greater London Council.
- (2) The Secretary of State may by an order made before and taking effect on the abolition date make provision for the exercise on and after that date of the functions which by virtue of Schedule 5 to that Act are exercisable by the Greater London Council in the London excluded area and for that purpose may make such consequential amendments in that Act and the <sup>M6</sup>Water Act 1973 as appear to him to be required.
- (3) In section 2(1) of the <sup>M7</sup>Reservoirs Act 1975 (local authorities for the purposes of that Act) for the words “the Greater London Council and county councils” there shall be substituted the words “the councils of counties, metropolitan districts and London boroughs”.

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**Marginal Citations**

**M5** 1976 c. 70.

**M6** 1973 c. 37.

**M7** 1975 c. 23.

*Administration of justice*

**12 Petty sessions areas, magistrates’ courts committees etc.**

- (1) The <sup>M8</sup>Justices of the Peace Act 1979 shall have effect with the following amendments the principal effect of which is—
- (a) to replace, for the purposes of the provisions of that Act relating to petty sessions areas, petty sessional divisions and magistrates’ courts committees, the commission areas known as outer London areas by the London boroughs of which they are composed; and
- (b) to transfer, in respect of those commission areas, the functions of the Greater London Council to the councils of those boroughs.
- (2) In section 4(2) (petty sessions areas) for paragraphs (b) to (d) there shall be substituted—
- “(b) the inner London area if it is not divided into petty sessional divisions;
- (c) any petty sessional division of the inner London area;
- (d) any outer London borough which is not divided into petty sessional divisions;
- (e) any petty sessional division of an outer London borough; and
- (f) the City of London.”
- (3) In section 12(5)(c) (allowances) for the words “the Greater London Council” there shall be substituted the words “the council of the outer London borough which is or includes the petty sessions area for which the justice acts”.
- (4) In section 19 (magistrates’ courts committees)—
- (a) in subsection (1) for the word “areas” there shall be substituted the word “boroughs”; and
- (b) in subsection (2)(c) for the words “each of the outer London areas” there shall be substituted the words “every outer London borough”.

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- (5) In section 20 (constitution of committees)—
- (a) in subsection (1)—
    - (i) in paragraph (c) for the words from “areas” to “area” there shall be substituted the words “boroughs or for the City of London, be composed of magistrates for the commission area comprising that borough”; and
    - (ii) in paragraph (d) for the words “each London commission area” there shall be substituted the words “the commission area comprising each London borough”; and
  - (b) in subsection (3), before the words “that area”, there shall be inserted the words “any borough in”.
- (6) In section 22(2)(c) (clerks to committees) for the word “areas” there shall be substituted the word “boroughs” and for the words “for that area” there shall be substituted the words “acting for that borough”.
- (7) In section 23 (petty sessional divisions), in subsection (1) for the words “areas” and “area” there shall be substituted respectively the words “boroughs” and “borough”, in subsection (2) for the word “area” there shall be substituted the word “borough”, and in subsection (4) for the word “areas” in both places where it occurs there shall be substituted the word “boroughs”.
- (8) In section 24 (procedure under section 23)—
- (a) in subsection (1)—
    - (i) in paragraph (a) for the words “or metropolitan district” there shall be substituted the words “, metropolitan district or outer London borough”; and
    - (ii) in paragraph (b) after the word “order” there shall be inserted the words “concerning a non-metropolitan county”;
  - (b) in subsection (2) for the words after “non-metropolitan county” there shall be substituted the words “, metropolitan district or outer London borough concerned, to the magistrates for any existing petty sessional division in the area and, if a non-metropolitan county is concerned, to every interested authority”;
  - (c) in subsection (5) for the words “county or London commission area” there shall be substituted the words “non-metropolitan county, metropolitan district or outer London borough”; and
  - (d) in subsection (6)(a) for the words after “draft order” there shall be substituted the words “concerning a non-metropolitan county, means the council of any district in the county which is wholly or partly included in the area to which the order or draft order relates; and”.
- (9) In section 57(1) (duties of local authorities) for the words after “outer London” there shall be substituted the words “boroughs as if each such borough were a metropolitan district”.
- (10) In section 59(6) (grants to local authorities) for the words “or metropolitan district, the Greater London Council” there shall be substituted the words “, metropolitan district or outer London borough”.
- (11) For the definition of “petty sessions area” in section 88(1) of the <sup>M9</sup>Domestic Proceedings and Magistrates’ Courts Act 1978 and section 150(1) of the

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<sup>M10</sup>Magistrates’ Courts Act 1980 there shall be substituted “‘petty sessions area’ has the same meaning as in the <sup>M11</sup>Justices of the Peace Act 1979;”.

**Marginal Citations**

- M8** 1979 c. 55.
- M9** 1978 c. 22.
- M10** 1980 c. 43.
- M11** 1979 c. 55.

**13** ..... <sup>F8</sup>

**Textual Amendments**

- F8** S. 13 repealed by [Coroners Act 1988 \(c.13, SIF 33\)](#), ss. 33, 36(2), [Sch. 4](#)

**14 Local valuation panels.**

- (1) In subsection (1)(b) of section 91 of the <sup>M12</sup>General Rate Act 1967 (schemes for local valuation panels) for the words “and the Greater London Council” there shall be substituted the words “, metropolitan district or London borough and the Common Council of the City of London”.
- (2) The Secretary of State may at any time before the abolition date direct the council of a metropolitan district or London borough or the Common Council or any two or more such councils, to make a new scheme under subsection (1)(a) of that section providing for a local valuation panel or local valuation panels for the whole of their area or areas.
- (3) Any scheme made pursuant to a direction under subsection (2) above shall be submitted to the Secretary of State under subsection (3) of the said section 91 before such date as he may direct and, if approved by him under subsection (5) of that section, shall come into force on the abolition date.
- (4) In subsection (4) of the said section 91 for the words “each of the rating authorities” there shall be substituted the words “each other authority which is a rating authority” and after subsection (6) of that section there shall be inserted—
 

“(7) For the purposes of any scheme under this section the area of the Common Council of the City of London shall be deemed to include the Inner Temple and the Middle Temple.”

**Marginal Citations**

- M12** 1967 c. 9.

**15 The probation service.**

- (1) Paragraphs 15(3) and 17(3) of Schedule 3 to the <sup>M13</sup>Powers of Criminal Courts Act 1973 (apportionment between local authorities of expenses in respect of the probation service) shall not apply to a probation area which is situated in the areas of two or more

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local authorities all of which are councils of metropolitan districts or outer London boroughs or any of which is the council of such a district or borough; but in the case of any such area—

- (a) the sums to be defrayed under paragraph 15(1); and
- (b) the expenditure referred to in paragraph 17(3),

shall be apportioned between those authorities in proportion to the populations of their respective areas; and in paragraph 17(1) the reference to paragraph 15(3) shall include a reference to this subsection.

- (2) For the purposes of subsection (1) above the population of an 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.
- (3) The probation committee for any such area as is mentioned in subsection (1) above shall co-opt one member from among the members of each local authority which is liable to contribute to the expenses of the committee (or such greater number of members as may be specified for any such local authority by an order made by the Secretary of State); and the member or members to be co-opted shall be chosen by the committee after consultation with those authorities in such manner as the Secretary of State may by order prescribe.
- (4) A probation committee shall not under subsection (3) above co-opt any person who is an employee of that committee; and the number of members of a probation committee co-opted or appointed to the committee under [<sup>F9</sup>paragraph 6] of Schedule 3 to the said Act of 1973, shall not exceed one-third of the number of members of the committee.
- (5) The first persons to become members of a probation committee by virtue of subsection (3) above shall be co-opted by that committee so as to take office on such day before the abolition date as the Secretary of State may by order appoint; and any person who immediately before that day is a member of the committee by virtue of the said paragraph 6 . . . <sup>F10</sup> shall cease to be a member on that day but, subject to subsection (4) above, without prejudice to his being again co-opted or appointed to that committee.
- (6) The provision made by rules under paragraph 18 of Schedule 3 to the said Act of 1973 in relation to the probation areas to which subsection (1) above applies may be different from those made in relation to other areas.

#### Textual Amendments

**F9** Words substituted by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), s. 170(1), **Sch. 15 para. 105**

**F10** Words repealed by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), s. 170(2), **Sch. 16**

#### Marginal Citations

**M13** [1973 c. 62.](#)

### *Miscellaneous*

#### 16 Miscellaneous functions.

Schedule 8 to this Act shall have effect for transferring functions under the enactments there mentioned—



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- (a) from the Greater London Council to London borough councils and the Common Council; and
- (b) from metropolitan county councils to metropolitan district councils.

## 17 Functions under local statutory provisions.

- (1) Subject to the foregoing provisions of this Part of this Act and to any other provision made by or under this Act or any other enactment—
  - (a) any functions conferred by a local statutory provision which immediately before the abolition date are exercisable by the Greater London Council in or for the benefit of the whole of Greater London shall on and after that date be exercisable in or for the benefit of each London borough or the City by the council of that borough or the Common Council, as the case may be; and
  - (b) any functions conferred by a local statutory provision which immediately before that date are exercisable by the council of a metropolitan county in or for the benefit of the whole of that county shall on and after that date be exercisable in or for the benefit of each district in the county by the council of that district.
- (2) In this section “local statutory provision” means a provision of a local Act (including an Act confirming a provisional order) or a provision of an instrument made under any such local Act or of an instrument in the nature of a local enactment made under any other Act.

## PART III

18— .....<sup>F11</sup>  
22.

### Textual Amendments

**F11** Ss. 18–22 repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), Sch. 13 Pts. I, II

## PART IV

### POLICE, FIRE SERVICES, CIVIL DEFENCE AND TRANSPORT

### Modifications etc. (not altering text)

**C1** [Pt. IV \(ss. 23–42\)](#) extended by [S.I. 1987/2110](#), art. 2(2), [Sch. 1 para. 8](#)

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### *Establishment of joint authorities*

## 23 Preliminary.

In this Part of this Act “the appointed day”, in relation to the establishment of the authorities mentioned in the following provisions (in this Act referred to as “joint authorities”), means such day before the abolition date as the Secretary of State may by order appoint, and different days may be appointed for different authorities.

#### **Modifications etc. (not altering text)**

**C2** S. 23: 15.9.1985 appointed for the establishment of the authorities mentioned in ss. 24, 25, 26, 27, 28 by S.I. 1985/1283, art. 3

## 24 Metropolitan county police authorities.

- (1) On the appointed day there shall be established for each metropolitan county which is a police area a body corporate to be known by the name of the county with the addition of the words “Police Authority”.
- (2) The police authorities established by this section shall be known as metropolitan county police authorities.
- (3) Each metropolitan county police authority shall consist of—
  - (a) members of the constituent councils appointed by them to be members of the authority; and
  - (b) magistrates for the county appointed by a joint committee of those magistrates (“the joint magistrates’ committee”).
- (4) The constituent councils in relation to a metropolitan county police authority shall be the councils of the metropolitan districts comprised in the county.
- (5) The joint magistrates’ committee for a county shall consist of such number of representatives from each of the magistrates’ courts committees for the districts in the county as those committees may agree or, in default of agreement, as may be determined by the Secretary of State.
- (6) Appointments by a joint magistrates’ committee under subsection (3)(b) above shall be made in accordance with a scheme made by the committee and approved by the Secretary of State; and, subject to sections 30 and 32 below, the persons to be appointed by the committee shall be appointed at such times, in such manner and for such terms as may be prescribed by rules made by the Secretary of State.

## 25 Northumbria Police Authority.

- (1) On the appointed day there shall be established for the police area constituted by the <sup>M14</sup>Northumbria Police (Amalgamation) Order 1973 (which consists of the metropolitan county of Tyne and Wear and the county of Northumberland) a body corporate which as from the abolition date shall be known as the Northumbria Police Authority and before that date as the Northumbria Interim Police Authority.
- (2) The authority shall consist of—

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- (a) members of the constituent councils appointed by them to be members of the authority;
  - (b) magistrates for the county of Tyne and Wear appointed by a joint committee of those magistrates (“the joint magistrates’ committee”); and
  - (c) magistrates for the county of Northumberland appointed by the magistrates’ courts committee for that county.
- (3) The constituent councils in relation to that authority shall be the councils of the metropolitan districts comprised in the county of Tyne and Wear and the Northumberland County Council.
- (4) The joint magistrates’ committee for the county of Tyne and Wear shall consist of such number of representatives from each of the magistrates’ courts committees for the districts in that county as those committees may agree or, in default of agreement, as may be determined by the Secretary of State.
- (5) Appointments by the joint magistrates’ committee and the magistrates’ courts committee under subsection (2)(b) and (c) above shall be made in accordance with schemes made by those committees respectively and approved by the Secretary of State; and, subject to sections 30 and 32 below, the persons to be appointed by those committees shall be appointed at such times, in such manner and for such terms as may be prescribed by rules made by the Secretary of State.
- (6) The Order mentioned in subsection (1) above shall cease to have effect on the abolition date and the Authority established by it shall then cease to exist and all its property, rights and liabilities (including rights and liabilities in respect of contracts of employment) shall on that date vest in the Authority established by this section.

#### **Marginal Citations**

M14 [S.I. 1973/2049](#).

## **26 Metropolitan county fire and civil defence authorities.**

- (1) On the appointed day there shall be established for each metropolitan county a body corporate to be known by the name of that county with the addition of the words “Fire and Civil Defence Authority”.
- (2) The authorities established by this section shall be known as metropolitan county fire and civil defence authorities.
- (3) Each metropolitan county fire and civil defence authority shall consist of members of the constituent councils appointed by them to be members of the authority.
- (4) The constituent councils in relation to a metropolitan county fire and civil defence authority shall be the councils of the metropolitan districts comprised in the county.

## **27 London Fire and Civil Defence Authority.**

- (1) On the appointed day there shall be established for Greater London a body corporate to be known as the London Fire and Civil Defence Authority.
- (2) The Authority shall consist of members of the constituent councils appointed by them to be members of the Authority.

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- (3) The constituent councils in relation to the Authority shall be the London borough councils and the Common Council.

## **28 Metropolitan county passenger transport authorities.**

- (1) On the appointed day there shall be established for each metropolitan county a body corporate to be known by the name of that county with the addition of the words “Passenger Transport Authority”.
- (2) The passenger transport authorities established by this section shall be known as metropolitan county passenger transport authorities.
- (3) Each metropolitan county passenger transport authority shall consist of members of the constituent councils appointed by them to be members of the authority.
- (4) The constituent councils in relation to a metropolitan county passenger transport authority shall be the councils of the metropolitan districts comprised in the county.

### *Members of joint authorities*

## **29 Number of members.**

- (1) The number of members to be appointed to a joint authority by a constituent council, joint magistrates’ committee or magistrates’ courts committee shall be the number specified for that council or committee in relation to that authority in Schedule 10 to this Act.
- (2) Subject to subsection (3) below, the Secretary of State may by order make alterations in the numbers for the time being specified in that Schedule, including alterations resulting in an increase or decrease in the total number of members of any joint authority.
- (3) In making any alteration in the number of members to be appointed to a joint authority by any of its constituent councils the Secretary of State shall have regard to the number of local government electors in the areas of those councils respectively; and any alteration of numbers relating to a police authority shall be such that the number of members of the authority appointed by the constituent councils is two-thirds, or as nearly as may be two-thirds, of the total number of members of the authority.
- (4) The Secretary of State shall consult a joint authority’s constituent councils before making any order in respect of that authority under subsection (2) above.

## **30 First appointments.**

- (1) It shall be the duty of each constituent council, joint magistrates’ committee and magistrates’ courts committee which is required to appoint members of a joint authority to appoint the first members before the appointed day and those appointments shall take effect on that day.
- (2) Notice of the appointments made to a joint authority under this section shall be given before the appointed day—
- (a) in the case of the London Fire and Civil Defence Authority, to the Greater London Council;

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- (b) in the case of a joint authority established for a metropolitan county, to the council of that county; and
- (c) in the case of the authority established by section 25 above, to the Tyne and Wear County Council.

### 31 Replacement of members.

- (1) A constituent council may at any time terminate the appointment of a person appointed by it to a joint authority and appoint another member of the council in his place.
- (2) Where a constituent council exercises its powers under this section—
  - (a) it shall give notice of the new appointment and of the termination of the previous appointment to the authority to which those appointments were made; and
  - (b) subject to <sup>F12</sup>subsection (3) below and to] section 32(5) below, the new appointment shall take effect, and the previous appointment shall terminate, at the end of one month from the date on which the notice is given.

<sup>F13</sup>(3) Where a constituent council exercises its powers under this section to replace a person who has continued to be a member of a joint authority by virtue of section 32(1A) below and notice is given not later than seven days after the council's annual meeting next following his retirement and re-election, his appointment shall terminate and the new appointment shall take effect upon the notice being given.]

#### Textual Amendments

**F12** Words inserted by [Local Government Act 1986 \(c.10, SIF 81:1, 2\), s. 10\(2\)](#)

**F13** [S. 31\(3\)](#) added by [Local Government Act 1986 \(c.10, SIF 81:1, 2\), s. 10\(2\)](#)

#### Modifications etc. (not altering text)

**C3** [S. 31](#) amended by [S.I. 1985/1884, art. 4\(1\)\(a\)](#)

**C4** [S. 31](#) modified by [S.I. 1987/2110, art. 2\(2\), Sch. 1 para. 7\(a\)](#)

**C5** [S. 31](#) applied (with modifications) (8.1.1996) by [1995 c. x, s. 44, Sch.](#)

### 32 Filling of vacancies.

- (1) The appointment of a person to a joint authority by a constituent council shall terminate if he ceases to be a member of the council; and where a person's appointment terminates by virtue of this subsection the constituent council shall as soon as practicable give notice of that fact to the authority to which he was appointed.

<sup>F14</sup>(1A) For the purposes of this section a person shall not be treated as ceasing to be a member of a constituent council where he retires by virtue of—

- (a) section 7(3) of the Local Government Act 1972 (retirement of metropolitan district councillors), or
- (b) paragraph 6(3) of Schedule 2 to that Act (retirement of London borough councillors),

and is re-elected to membership of the council not later than the day of his retirement.]

- (2) Where a vacancy among the persons appointed to a joint authority by a constituent council occurs for any reason other than that mentioned in subsection (1) above, the joint authority shall give notice of that fact to the constituent council—

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- (a) in a case where the authority declares the office to be vacant, immediately after the declaration;
  - (b) in a case where the High Court declares the office to be vacant, as soon as practicable after the date of the declaration; and
  - (c) in the case of resignation, as soon as practicable after the date of receipt of the notice of resignation by the officer to whom it is required to be delivered.
- (3) Where a vacancy occurs among the persons appointed to a joint authority by a constituent council, that council shall not later than one month after the relevant date—
- (a) appoint another member of the council to fill the vacancy; and
  - (b) give notice of that appointment to the joint authority;
- and any appointment made under this subsection shall take effect when notice of the appointment is given as aforesaid.
- (4) In subsection (3) above “the relevant date” means, in a case within subsection (1) above, the date on which the person in question ceased to be a member of the constituent council and, in a case within subsection (2) above, the date on which notice of the vacancy is given to the constituent council under that subsection.
- (5) So much of subsection (2)(b) of section 31 above as provides that the previous appointment shall terminate at the end of the period there mentioned shall not be construed as precluding its earlier termination by virtue of subsection (1) above or for any other reason; but in that event—
- (a) the new appointment and the notice of it given under that section shall be treated as a sufficient compliance with subsection (3) above; and
  - (b) the new appointment shall take effect on the termination of the previous appointment or on the giving of that notice, whichever is the later.
- (6) For the purposes of subsection (5)(b) above an appointment which terminates by virtue of subsection (1) above shall be treated as terminating when notice of that fact is given in accordance with that subsection.
- (7) Where a person is appointed to a joint authority by a constituent council and before his appointment takes effect he—
- (a) ceases to be a member of that council; or
  - (b) otherwise becomes disqualified for appointment,
- that council shall as soon as practicable replace his appointment by a further appointment and give notice of it to the joint authority; and the further appointment shall take effect when the original appointment would have taken effect or on the giving of that notice, whichever is the later.
- (8) Subsections (1), (2) and (7) above shall apply also to a person appointed to a police authority by a joint magistrates’ committee or magistrates’ courts committee, taking references to a constituent council as references to that committee and references to a person being or ceasing to be a member of the constituent council as references to his being or ceasing to be a magistrate for the county in question.

#### **Textual Amendments**

**F14** S. 32(1A) inserted by [Local Government Act 1986 \(c.10, SIF 81:1, 2\)](#), s. 10(1)

*Status: Point in time view as at 01/09/1992.*

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**Modifications etc. (not altering text)**

- C6 S. 32(1) amended by S.I. 1985/1884, **art. 4(1)(b)**
- C7 S. 32(1) modified by S.I. 1987/2110, **art. 2(2), Sch. 1 para. 7(b)**
- C8 S. 32(1)(1A)(5) applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, **Sch.**
- C9 S. 32(2)–(7) amended by S.I. 1985/1884, **art. 4(1)(b)**
- C10 S. 32(2)–(7) modified by S.I. 1987/2110, **art. 2(2), Sch. 1 para. 7(b)**

**33** ..... **F15**

**Textual Amendments**

- F15** S. 33 repealed by **Local Government and Housing Act 1989 (c.42, SIF 81:1), s. 194(4), Sch. 12 Pt. II**

**34 Chairman, vice-chairman, and clerk.**

- (1) A joint authority shall in each year appoint a chairman and vice-chairman from among its members.
- (2) The appointments under subsection (1) above shall be the first business transacted at the annual meeting of the authority.
- (3) Subject to any standing orders made by the authority, anything authorised or required to be done by or in relation to the chairman may be done by or in relation to the vice-chairman.
- (4) The authority may pay to the chairman and vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the authority thinks reasonable.
- (5) In the case of an equality of votes in respect of the appointment of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (6) On a casual vacancy occurring in the office of chairman, an appointment to fill the vacancy shall be made at the next ordinary meeting of the authority held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date then not later than the next following meeting; and any such meeting may be convened by the proper officer of the authority.
- (7) For the purposes of subsection (6) above the vacancy shall be deemed to have occurred—
  - (a) if the chairman has ceased to be a member of the authority by reason of section 31 above, at the time specified in subsection (2)(b) of that section;
  - (b) if the chairman has ceased to be a member by reason of section 32(1) above, when notice thereof is given to the authority under that provision; and
  - (c) in any other case, on the date of the declaration or of receipt of the notice of resignation mentioned in section 32(2) above.
- (8) Each joint authority shall appoint a person to be the clerk to the authority and in making the appointment the authority shall have regard to the desirability of that person being the chief officer of a constituent council of the authority.



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**Modifications etc. (not altering text)**

- C11** S. 34 amended by S.I. 1985/1884, **arts. 4(1)(c)**, 11(1)  
**C12** S. 34 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 7(d)**

**35 Disqualification.**

- (1) A person shall be disqualified for being appointed or being a member of a joint authority if he holds any paid office or employment (other than the office of chairman or vice-chairman) appointments to which are or may be made or confirmed by the authority or any committee or sub-committee of the authority or by a joint committee on which the authority is represented or by any person holding any such office or employment.
- (2) A paid officer of a joint authority who is employed under the direction of—
- (a) a committee or sub-committee of the joint authority any member of which is appointed on the nomination of another joint authority or of a local authority; or
  - (b) a joint committee on which the joint authority is represented and any member of which is so appointed,
- shall be disqualified for being appointed or being a member of that other joint authority or for being elected or being a member of the local authority, as the case may be.
- (3) A person who is for the time being a member, officer or servant of, or an officer or servant of a subsidiary (within the meaning of the <sup>M15</sup>Transport Act 1962) of, the Passenger Transport Executive for an area which is or was coterminous with the area of a metropolitan county shall be disqualified for being appointed or being a member of the metropolitan county passenger transport authority for that county.

**Modifications etc. (not altering text)**

- C13** S. 35 applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, **Sch.**  
**C14** S. 35(1)(2) amended by S.I. 1985/1884, **art. 4(1)(d)**  
**C15** S. 35(1)(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 7(e)**

**Marginal Citations**

- M15** 1962 c. 46.

**36 Notices.**

As soon as practicable after receiving notice from a constituent council, joint magistrates' committee or magistrates' courts committee that it has made an appointment, or from a constituent council that it has terminated an appointment, under this Part of this Act, the authority to which the appointment was made shall give public notice of the fact that the appointment has been made or terminated and of the name of the person concerned.



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## Functions

### 37 Police and fire services.

Schedule 11 to this Act shall have effect, as from the abolition date, for vesting functions relating to police, fire services and certain related matters in the police authorities and fire and civil defence authorities established by this Part of this Act.

### 38 Civil defence.

- (1) Any functions which immediately before the abolition date are exercisable by a metropolitan county council by virtue of regulations made under section 2 of the <sup>M16</sup>Civil Defence Act 1948 shall on that date become functions of the metropolitan county fire and civil defence authority; and accordingly references in those regulations to a county council shall include references to such an authority.
- (2) Any functions which immediately before the abolition date are exercisable by the Greater London Council by virtue of those regulations shall on that date become functions of the London Fire and Civil Defence Authority; and accordingly for any reference in those regulations to that Council there shall be substituted a reference to that Authority.
- (3) Subsections (1) and (2) above are without prejudice to any functions exercisable under those regulations by the authorities there mentioned in their capacity as fire authorities.
- (4) For the purpose of determining whether any, and if so what, deduction should be made from grants payable in accordance with regulations made under section 3 of the said Act of 1948 to an authority to which functions are transferred by subsection (1) or (2) above from another authority, any land or article acquired by, or article provided for, that other authority for the purposes of those functions shall be treated as having been acquired or, as the case may be, provided for the first-mentioned authority.
- (5) The power to vary or revoke regulations made under the said Act of 1948 shall include power to amend or repeal any of the foregoing provisions of this section.

#### Marginal Citations

M16 1948 c. 5.

### 39 Passenger transport.

- (1) Schedule 12 to this Act shall have effect for transferring functions relating to passenger transport to the metropolitan county passenger transport authorities and for making provision with respect to the exercise of those functions.
- (2) In that Schedule [<sup>F16</sup>paragraph 3] shall have effect from the abolition date and paragraph 5 shall have effect as provided in sub-paragraph (5) of that paragraph.

#### Textual Amendments

F16 Words substituted by [Transport Act 1985 \(c.67, SIF 126\)](#), ss. 58(4)(b), 140

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#### 40 Airports.

- (1) If, in the case of any airport in respect of which a metropolitan county council has property, rights or liabilities, the Secretary of State is satisfied that the councils of the districts comprised in the county have agreed on—
- (a) the operation of the airport from the abolition date by a committee consisting of or including members appointed by all or any of those councils; and
  - (b) the transfer or division of the property, rights and liabilities of the metropolitan county council to or among all or any of those councils,
- he may, by an order coming into force on that date, provide for the transfer or division of that property and those rights and liabilities in accordance with the agreement.
- (2) If, in the case of any such airport, the Secretary of State is not satisfied as aforesaid he may by an order coming into force on the abolition date provide for the transfer of the property, rights and liabilities of the metropolitan county council in respect of the airport to the metropolitan county passenger transport authority.
- (3) In sections 30 [F17, 31, 35] and 88(10) of the M17 Civil Aviation Act 1982 (airport functions of local authorities) references to a local authority shall include references to a metropolitan county passenger transport authority; and before making any order under subsection (1) or (2) above the Secretary of State shall satisfy himself that any necessary consent under section 30 of that Act has been or will be obtained.

##### Textual Amendments

F17 Words substituted by [Airports Act 1986 \(c.31, SIF 9\)](#), s. 83(1), [Sch. 4 para. 10](#): by [S.I. 1986/1228](#) this substitution came into force 1.8.1986 save as regards the words “60(3)(o)” as to which the substitution came into force by [S.I. 1986/1487](#), [art. 5](#) on 1.4.1987

##### Marginal Citations

M17 [1982 c. 16](#).

#### 41 Questions on discharge of functions.

Arrangements shall be made (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of a joint authority to be put in the course of the proceedings of any constituent council by members of that council for answer by a member of it who is also a member of the authority and is nominated by the authority for that purpose.

##### Modifications etc. (not altering text)

C16 [S. 41](#) amended by [S.I. 1985/1884](#), [art. 5\(2\)](#)

C17 [S. 41](#) modified by [S.I. 1987/2110](#), [art. 2\(2\)](#), [Sch. 1 para. 7\(f\)](#)

#### 42 Reorganisation of functions.

- (1) The Secretary of State may by order make provision for any of the following purposes—
- (a) the constitution of a metropolitan district or of the county of Northumberland as a separate police area with its own police force and police authority;

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- (b) the constitution of the council of a metropolitan district or London borough or the Common Council as the fire authority for that district or borough or for the City and Temples, as the case may be;
  - (c) the exclusion of any metropolitan district from, or the abolition of, any passenger transport area . . . <sup>F18</sup> or, as respects any functions exercisable by a metropolitan county passenger transport authority otherwise than by virtue of section 39 above [<sup>F19</sup>or section 58 of the Transport Act 1985], the exclusion of the council of any such district from the authority's constituent councils;
  - (d) whether or not an order is made for any of the foregoing purposes, the transfer to the council of a metropolitan district or London borough or to the Common Council in respect of its area of any functions that would otherwise be exercisable in respect of that area by a joint authority or, in the case of the council of a metropolitan district, by a Passenger Transport Executive.
- (2) The Secretary of State may by order make provision for—
- (a) the amalgamation of a police area for which a police authority is constituted by this Part of this Act or by an order under subsection (1) above with any other police area or the exclusion from a police area for which a police authority is constituted by this Part of this Act of any area for which a separate police authority could be constituted by an order under that subsection and its amalgamation with any other such area or with another police area; or
  - (b) the combination of the area of any fire authority constituted by this Part of this Act or by an order under subsection (1) above with the area of any other fire authority or the exclusion from an area for which a fire authority is constituted by this Part of this Act of any area for which a separate fire authority could be constituted by an order under that subsection and its combination with any other such area or with the area of another fire authority.
- (3) Before making an order under this section the Secretary of State shall consult each of the following bodies which appears to him to be affected by the order, that is to say, any police, fire or passenger transport authority, the council of a county, district or London borough and the Common Council.
- (4) An order under this section may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions for the transfer of property, staff, rights and liabilities and provisions amending any other provision of this Act, any other enactment or any instrument made under any enactment.

**Textual Amendments**

- F18** Words repealed by [Transport Act 1985 \(c.67, SIF 126\)](#), s. 139(3), [Sch. 8](#)
- F19** Words inserted by [Transport Act 1985 \(c.67, SIF 126\)](#), [ss. 58\(4\)\(c\)](#), 140

**PART V**

THE ARTS, RECREATION AND VOLUNTARY ORGANISATIONS

**43 Museum of London.**

- (1) . . . . . <sup>F20</sup>

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- (3) In sections 9(1) and (3), 14(1) and (2) and 15(1) and (2) of that Act (functions of Corporation and Greater London Council) for the words “the Corporation and the Greater London Council”, wherever they occur, there shall be substituted the words “and the Corporation”.
- (4) ..... F21
- (5) In paragraph 4 of the Schedule to that Act (resignation and vacation of office)—
- (a) in sub-paragraph (1) for the words “or (c) thereof, to the body by whom he was appointed” there shall be substituted the words “thereof, to the Corporation”;
  - (b) in sub-paragraph (2) for the words from “or (c)” to “was appointed” there shall be substituted the words “of this Act who is, at the time of his appointment, a member of the Common Council of the City of London”.
- (6) Subsections (3) to (5) above shall have effect from the abolition date.

#### Textual Amendments

- F20** S. 43(1)(2) repealed and superseded by [Museum of London Act 1986 \(c.8, SIF 87\)](#), ss. 1(3), 7, **Sch.**
- F21** S. 43(4) repealed and superseded by [Museum of London Act 1986 \(c.8, SIF 87\)](#), ss. 3(2), 7, **Sch.**

#### 44 Historic House Museums.

The Historic House Museums, that is to say, Kenwood House, Marble Hill House and Ranger’s House, together with such land of the Greater London Council adjacent to Kenwood House and such other property of that Council as may be specified by an order made by the Secretary of State, shall on the abolition date vest in the Historic Buildings and Monuments Commission for England; and the functions of the Greater London Council by virtue of—

- (a) the <sup>M18</sup>Iveagh Bequest (Kenwood) Act 1929;
- (b) Part IV of the <sup>M19</sup>London County Council (General Powers) Act 1902 (which relates to the Marble Hill Estate); and
- (c) section 21 of the <sup>M20</sup>London County Council (General Powers) Act 1900, section 22 of the <sup>M21</sup>London County Council (General Powers) Act 1952 and section 6 of the <sup>M22</sup>Greater London Council (General Powers) (No. 2) Act 1978 (which relate to Ranger’s House),

shall on that date become functions of the Commission.

#### Marginal Citations

- M18** 1929 c. lxxix.  
**M19** 1902 c. clxxiii.  
**M20** 1900 c. cclxviii.  
**M21** 1952 c. viii.  
**M22** 1978 c. xvi.

#### 45 Horniman and Geffrye museums.

The Horniman and Geffrye museum, together with such adjacent land and other property of the Greater London Council as may be specified by an order made by

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the Secretary of State, shall on the abolition date vest in the Authority established by section 18 above; and the functions of the Greater London Council by virtue of—

- (a) section 46 of the <sup>M23</sup>London County Council (General Powers) Act 1901 (which relates to the Horniman museum); and
- (b) section 29 of the <sup>M24</sup>London County Council (General Powers) Act 1959 (which relates to the Geffrye museum),

shall on that date become functions of that Authority.

#### Marginal Citations

**M23** 1901 c. cclxxii.

**M24** 1959 c. lii.

## 46 Metropolitan county museums.

- (1) If it appears to [<sup>F22</sup>the Secretary of State] that any collection of [works of art or of objects of historical or scientific interest belonging to a metropolitan county council is of such national importance that on the abolition date it should be vested in a body of trustees appointed by him and supported by moneys provided by Parliament he may make a recommendation to that effect to Her Majesty in Council and Her Majesty may then by Order in Council constitute such a body and make such further provision as appears to Her Majesty to be necessary or expedient for giving effect to the recommendation.

<sup>F23</sup>(2) .....

#### Textual Amendments

**F22** Words in s. 46(1) substituted (3.7.1992) by S.I. 1992/1311, art. 12(2), Sch. 2 para. 7(a)

**F23** S. 46(2) omitted (3.7.1992) by virtue of S.I. 1992/1311, art. 12(2), Sch. 2 para. 7(b)

#### Modifications etc. (not altering text)

**C18** S. 46: certain functions transferred (3.7.1992) by S.I. 1992/1311, art. 3(1), Sch. 1, Pt.I

## 47 The South Bank

- (1) The Royal Festival Hall, the Queen Elizabeth Hall, the Purcell Room, the National Theatre, the National Film Theatre and the Hayward Gallery, together with such adjacent land and other property of the Greater London Council as may be specified by an order made by the Secretary of State, shall on the abolition date vest in the Arts Council of Great Britain.
- (2) The Council shall furnish [<sup>F24</sup>the Secretary of State] with such information relating to the property vested in them by or under this section and the manner in which they are discharging or intend to discharge their responsibilities in respect of it as he may require and shall make to him, as soon as may be after 31st March in each year following that in which the abolition date falls, a report on their discharge of those responsibilities since the abolition date or, as the case may be, since the end of the period covered by their last report under this subsection; and each report shall include particulars of so much of the Council's accounts for the period covered by the report as relates to that property.

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(3) [<sup>F24</sup>The Secretary of State] shall lay before Parliament a copy of each report made to him under subsection (2) above.

<sup>F25</sup>(4) .....

#### Textual Amendments

**F24** Words in s. 47(2)(3) substituted (3.7.1992) by S.I. 1992/1311, art. 12(2), Sch. 2 para. 7(a)

**F25** S. 47(4) omitted (3.7.1992) by virtue of S.I. 1992/1311, art. 12(2), Sch. 2 para. 7(b)

#### Modifications etc. (not altering text)

**C19** S. 47: certain functions transferred (3.7.1992) by S.I. 1992/1311, art. 3(1), Sch. 1, Pt.1

## 48 Grants to voluntary organisations.

(1) A scheme for the making of grants to eligible voluntary organisations may be made for Greater London or a metropolitan county by the constituent councils, that is to say—

- (a) in relation to Greater London, the London borough councils and the Common Council; and
- (b) in relation to a metropolitan county, the councils of the metropolitan districts comprised in the county.

(2) Any such scheme shall provide—

- (a) for the grants to be made by one of the constituent councils designated for that purpose by the scheme; and
- (b) for the other constituent councils to contribute as provided by subsection (3) below to the expenditure incurred by the designated council in making the grants or otherwise in discharging its functions under the scheme.

(3) The constituent councils shall be required to contribute to any expenditure of the designated council which has been incurred with the approval of at least two-thirds of the constituent councils; and the amounts of the contributions shall be determined so that the expenditure in respect of which they are payable is borne by the constituent councils in proportion to the populations of their respective areas.

(4) For the purposes of subsection (3) 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 determine.

[<sup>F26</sup>(4A) The Secretary of State may by order provide that if—

- (a) a scheme requires the total expenditure to be incurred under the scheme in any financial year—
  - (i) in the making of grants; and
  - (ii) in the discharging by the designated council of its functions under the scheme,

to be approved in accordance with the scheme by some or all of the constituent councils; and

- (b) the total expenditure to be incurred in any financial year is not approved as required by the scheme before such date as may be specified in relation to that financial year in the order,



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- the constituent councils shall be deemed, subject to any order which has been or may be made under subsection (5) below, all to have given their approval for that financial year to total expenditure of an amount equal to the amount that was approved or, as the case may be, deemed to have been approved for the preceding financial year.]
- (5) The total expenditure incurred under a scheme by a designated council in Greater London or a metropolitan county in any financial year (including the amounts recoverable under the scheme from other councils) shall not exceed such amount as is for the time being prescribed for that area by an order made by the Secretary of State.
  - (6) A scheme shall not provide for the making of grants before the beginning of the financial year after that in which the scheme is made and shall continue in force until the end of at least two financial years after that in which it is made.
  - (7) A scheme may, in the absence of agreement between all the constituent councils, be made by a majority of those councils so as to be binding on all of them; but a council shall not be designated by a scheme except with its consent.
  - (8) A scheme may contain such supplementary provisions as the councils making the scheme think necessary or expedient and, subject to subsection (6) above, may be revoked by those councils (or, in the absence of agreement between all of them, by a majority of those councils) with effect from the end of any financial year after that in which the decision to revoke the scheme is made.
  - (9) The council designated by a scheme may by giving not less than twelve months notice to the other constituent councils withdraw its consent to act as designated council with effect from the end of any financial year not earlier than the second financial year after that in which the scheme was made; and in that event the scheme shall terminate when the withdrawal takes effect.
  - (10) Each constituent council in Greater London or a metropolitan county shall exercise its functions under this section, and under any scheme made under this section, with due regard to the needs of the whole of Greater London or that county, as the case may be, and each scheme shall provide for those needs to be kept under review.
  - (11) In this section “voluntary organisation” means a body the activities of which are carried on otherwise than for profit but does not include any public or local authority and “eligible voluntary organisation” means, in relation to Greater London or a metropolitan county, a voluntary organisation whose activities will directly or indirectly benefit either the whole of Greater London or that county or any part of it extending beyond the area of any particular constituent council.
  - (12) The powers conferred by this section shall not be regarded as restricting those conferred by section 137 of the principal Act (power to incur expenditure for purposes not authorised by any other enactment) and accordingly the reference to any other enactment in subsection (1) of that section shall not include a reference to this section.
  - (13) As respects expenditure incurred before the abolition date subsection (3) shall have effect with the substitution for the reference to two-thirds of the constituent councils of a reference to a majority of those councils.

#### Textual Amendments

**F26** [S. 48\(4A\)](#) inserted (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), [s.105](#) (with [s. 118\(1\)\(2\)](#) (4))

*Status: Point in time view as at 01/09/1992.*

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#### **49 Grants by residuary bodies.**

- (1) The Secretary of State may by order provide for the making of grants to eligible charities out of money received from the disposal of land by the residuary bodies established by Part VII of this Act.
- (2) In this section “eligible charity” means, in relation to a residuary body, a body of persons or trust established for charitable purposes only, being purposes which are wholly or primarily for the benefit of the area for which the residuary body is established.

### **PART VI**

#### **STAFF**

#### **50 Functions of staff commission.**

- (1) As respects any time after the passing of this Act the functions of the staff commission established under section 4 of the <sup>M25</sup>Local Government (Interim Provisions) Act 1984 shall be those stated in subsection (2) below, and that subsection and subsection (3) below shall have effect instead of subsections (1)(a) and (b) and (4) of that section.
- (2) The functions of the commission shall be—
  - (a) to advise the Secretary of State on the steps necessary to safeguard the interests of the staff employed by relevant authorities so far as affected by any provision made by or under this Act;
  - (b) to consider and keep under review—
    - (i) the arrangements for the recruitment of staff by those authorities; and
    - (ii) the arrangements for any transfer of the staff of those authorities in consequence of any such provision; and
  - (c) to consider such staffing problems arising in consequence of, and such other matters relating to staff of any body affected by, any such provision as may be referred to the commission by the Secretary of State.
- (3) For the purposes of subsection (2) above and of subsections (2) and (3) of the said section 4 (directions and expenses) the relevant authorities shall be the Greater London Council, London borough councils, the Common Council, metropolitan county councils, metropolitan district councils, the authorities established by Parts III and IV of this Act (in this Act referred to as “new authorities”), the residuary bodies established under Part VII of this Act and any other body to which functions or property of the Greater London Council or a metropolitan county council will be or have been transferred by or under this Act or any other enactment.

#### **Modifications etc. (not altering text)**

**C20** S. 50 amended by S.I. 1985/1383, art. 6

#### **Marginal Citations**

**M25** 1984 c. 53.



*Status: Point in time view as at 01/09/1992.*

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## **51 Remuneration of employees.**

- (1) For the purposes of this section the Secretary of State may, after consulting such bodies representative of relevant authorities as appear to him to be concerned, either—
  - (a) designate any existing body appearing to him to be appropriate to consider any increase made or proposed to be made by a relevant authority in the remuneration of any of its employees; or
  - (b) establish a new body to consider any such increase as aforesaid.
- (2) For the purpose of enabling the body designated or established under subsection (1) above (“the advisory body”) to carry out its functions under this section, that body shall consult and seek information from relevant authorities and, if requested to do so by that body, the Secretary of State may give a direction to any such authority requiring it to furnish the advisory body with such information as may be specified in the direction relating to the remuneration and other terms and conditions of employment of such employees of that authority as may be so specified.
- (3) If it appears to the advisory body—
  - (a) that a relevant authority has fixed or proposes to fix for any employee or class of employees of the authority a rate of remuneration which, having regard to any recommended levels of remuneration formulated on a national basis by representatives of local authorities and employees of local authorities, is greater than that which the advisory body considers appropriate for that employee or class of employees; and
  - (b) if that authority is the council of a metropolitan district or London borough or the Common Council, that the rate of remuneration is attributable to the abolition of the Greater London Council or a metropolitan county council,it shall notify the authority concerned and recommend to it the rate of remuneration which should be paid to the employee or class of employees concerned.
- (4) If it appears to the advisory body that a relevant authority to which they have made a recommendation under subsection (3) above is not complying with the recommendation they may refer the matter to the Secretary of State and on such a reference the Secretary of State may give a direction to the authority requiring it, with effect from such date as may be specified in the direction, to pay such employee or class of employees of the authority as was the subject of the recommendation and as may be so specified remuneration at the rate recommended by the advisory body under subsection (3) above and specified in the direction.
- (5) Before referring any matter to the Secretary of State under subsection (4) above the advisory body shall give notice in writing to the authority concerned of their intention to make the reference; and no direction shall be given by the Secretary of State on any such reference—
  - (a) except after consulting with such persons appearing to him to be representative of local authorities and of employees of local authorities as he considers appropriate in relation to the employee or class of employees concerned; or
  - (b) so as to take effect from a date earlier than that on which notice of the advisory body’s intention to make the reference was given under this subsection.
- (6) It shall be the duty of a relevant authority to which a direction is given under subsection (2) or (4) above to comply with the direction.

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- (7) If at any time in the period of three months beginning with the abolition date it appears to the advisory body that the remuneration paid at any time before that date to any employee or class of employees of the Greater London Council or a metropolitan county council, was such that, if that council had not ceased to exist, the advisory body—
- (a) would have made a recommendation to the council under subsection (3) above; or
  - (b) having made such a recommendation before that date, would have referred the matter to the Secretary of State under subsection (4) above,
- they shall notify the Secretary of State and report to him the rate of remuneration which in their opinion should have been paid to the employee or class of employees concerned immediately before the abolition date or such earlier date as may be specified in the report, being the date on which the employee or employees ceased to be employed by the council concerned.
- (8) On receiving a report under subsection (7) above the Secretary of State may, after such consultation as is specified in subsection (5)(a) above, by order provide that for the purpose of determining—
- (a) the terms of any contract affected by section 52 below; and
  - (b) any compensation payable in accordance with section 53(2) or (3) below,
- the employee or class of employees to whom the report relates and who are specified in the order shall be deemed to have been receiving immediately before the abolition date (or such earlier date as may be specified in the report) remuneration at the rate stated in the report and specified in the order but no such order shall affect remuneration payable in respect of service before the date on which the order is made or compensation paid or payable before that date.
- (9) Nothing in this section shall apply to the remuneration payable to teachers by a local education authority; and this section shall not empower the Secretary of State—
- (a) to give a direction requiring a relevant authority to pay an employee remuneration at a rate below that to which he was entitled on 1st March 1984; or
  - (b) to make an order specifying a rate of remuneration in respect of an employee below that to which he was entitled on that date.
- (10) No direction shall be given or order made under this section after the end of the period of six months beginning with the abolition date; and no direction shall apply to the remuneration payable by the council of a metropolitan district or London borough or the Common Council after the end of that period.
- (11) The relevant authorities for the purposes of this section are the Greater London Council, the councils of metropolitan counties, metropolitan districts and London boroughs and the Common Council.

## **52 Power to transfer staff.**

- (1) This section applies to any person who—
- (a) immediately before the abolition date is in the service of the Greater London Council or a metropolitan county council (in this section referred to as his “employing council”) under a contract of employment which would have continued but for the abolition of that council; and

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- (b) is designated for the purposes of this section by an order made by the Secretary of State.
- (2) The contract of employment between a person to whom this section applies and his employing council shall not be terminated by the abolition of that council but shall have effect from the abolition date as if originally made between him and such successor authority (“the new employer”) as may be specified in relation to that person by the order designating him for the purposes of this section.
- (3) Without prejudice to subsection (2) above—
- (a) all the employing council’s rights, powers, duties and liabilities under or in connection with a contract to which that subsection applies shall by virtue of this section be transferred on the abolition date to the new employer; and
- (b) anything done before the abolition date by or in relation to the employing council 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 employer.
- (4) Subsections (2) and (3) above 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 section.
- (5) An order under this section may designate a person either individually or as a member of a class or description of employees.
- (6) In this section “successor authority” means a London borough council, the Common Council, a metropolitan district council, a new authority and any other body to which functions or property of the Greater London Council or a metropolitan county council are transferred by or under this Act or any other enactment.

**Modifications etc. (not altering text)**

C21 S. 52 amended by S.I. 1986/399, arts. 1, 4

**53 Compensation for loss of office or diminution of emoluments.**

- (1) This section applies to any person who at any time after the passing of this Act is in the service of—
- (a) the Greater London Council or the council of a metropolitan county, metropolitan district or London borough or the Common Council; or
- (b) a new authority or a residuary body,
- and suffers loss of employment or loss or diminution of emoluments which is attributable to any provision made by or under this Act.
- (2) Compensation in respect of any such loss or diminution suffered by a person to whom this section applies shall, subject to subsection (3) below, be paid only in accordance with regulations made for the purposes of this section under section 24 of the <sup>M26</sup>Superannuation Act 1972; and accordingly none of the councils, authorities or bodies mentioned in subsection (1) above shall pay any such compensation under any other statutory provision, by virtue of any provision in a contract or otherwise.
- (3) Subsection (2) above shall not preclude the making of any payment to which a person is entitled by virtue of contractual rights acquired by him before 2nd March 1984.

*Status: Point in time view as at 01/09/1992.*

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- (4) Regulations under the said section 24 shall not provide compensation for a person to whom this section applies in respect of any such loss or diminution as is mentioned in subsection (1) above so far as attributable to the termination on or before the abolition date of a contract made after 1st March 1984 which provides for the employment of that person for a fixed term extending beyond the abolition date.
- (5) For the purpose of determining under section 82(5) or (6) or 84(3) of the <sup>M27</sup>Employment Protection (Consolidation) Act 1978—
- (a) whether the provisions of a new contract offered to a person employed by any such council, authority or body as is mentioned in subsection (1) above differ from the corresponding provisions of his previous contract; and
  - (b) whether employment under the new contract is suitable in relation to that person,
- there shall be treated as forming part of the remuneration payable under the new contract any compensation to which that person is or, if he accepted the offer, would be entitled in accordance with this section.
- (6) Except as provided in subsection (5) above nothing in this section shall be construed as affecting any entitlement to a redundancy payment under Part VI of the said Act of 1978 or to any payment by virtue of any provision of the <sup>M28</sup>Superannuation Act 1972 other than the said section 24.

#### Modifications etc. (not altering text)

**C22** S. 53 amended by S.I. 1985/1884, art. 6

**C23** S. 53 modified by S.I. 1986/399, arts. 1, 5

#### Marginal Citations

**M26** 1972 c. 11.

**M27** 1978 c. 44.

**M28** 1972 c. 11.

## 54 Continuity of employment in certain cases of voluntary transfer.

- (1) This section applies to a person who at any time after the passing of this Act ceases to be employed by a relevant authority (his “former employer”) if—
- (a) the termination of his employment is attributable to any provision made by or under this Act;
  - (b) he is subsequently employed by another person (his “new employer”); and
  - (c) by virtue of section 84, 94 or 95 of the <sup>M29</sup>Employment Protection (Consolidation) Act 1978 (renewal or re-engagement) that subsequent employment precludes his receiving any redundancy payment under Part VI of that Act.
- (2) Where this section applies to a person Schedule 13 to the said Act of 1978 (computation of period of employment for the purposes of that Act) shall have effect in relation to that person as if it included the following provisions, that is to say—
- (a) the period of employment of that person with his former employer shall count as a period of employment with his new employer; and
  - (b) the change of employer shall not break the continuity of the period of employment.

*Status: Point in time view as at 01/09/1992.*

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- (3) Where this section applies to a person the period of his employment with his former employer shall count as a period of employment with his new employer for the purposes of any provision of his contract of employment with his new employer which depends on his length of service with that employer.
- (4) The relevant authorities for the purposes of this section are the same as those for the purposes specified in section 50(3) above.

**Modifications etc. (not altering text)**

**C24** S. 54 amended by S.I. 1986/399, arts. 1, 6

**Marginal Citations**

**M29** 1978 c. 44.

**55 Offers of employment by successor authorities.**

- (1) Each successor authority shall as soon as may be after the passing of this Act or, in the case of a new authority, after it is established, and in any event before the abolition date consider what additional staff (if any) it will require for the purpose of—
  - (a) discharging any functions which by virtue of any provision made by or under this Act will become functions of that authority or will become exercisable by it alone instead of concurrently with the Greater London Council or a metropolitan county council; or
  - (b) discharging its responsibilities in respect of any property transferred to it by virtue of any such provision.
- (2) If a successor authority proposes to engage a person who is currently in the employment of the Greater London Council or a metropolitan county council it shall, if reasonably practicable, enter into, or offer to enter into, a contract of employment with him such that his employment by the authority will or would take effect either immediately on the ending of his employment by that council or after an interval of not more than four weeks thereafter.
- (3) If a successor authority enters into a contract of employment with a person who has received or is entitled to receive a redundancy payment under Part VI of the <sup>M30</sup>Employment Protection (Consolidation) Act 1978—
  - (a) by reason of his dismissal at any time after the passing of this Act by the Greater London Council or a metropolitan county council; or
  - (b) by virtue of section 59(1) below,  
the authority shall, if the Secretary of State so directs, pay to the appropriate residuary body an amount equal to that payment.
- (4) The Secretary of State shall not give a direction under subsection (3) above in respect of the employment of any person by a successor authority if the authority satisfies him—
  - (a) that it could not reasonably have made that person an offer of employment on the terms and conditions of the contract mentioned in that subsection which, if accepted by him, would have precluded his entitlement to the redundancy payment; or

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- (b) that the authority has made such an offer but that the person concerned acted reasonably in refusing it or that he could reasonably have refused such an offer if it had been made by the authority.
- (5) In any case in which an amount is payable by a successor authority under subsection (3) above there shall also be payable by it to the appropriate residuary body an amount equal to any compensation under the regulations referred to in section 53(2) above which has been paid or is payable to the person concerned before the time when he enters into the contract.
- (6) A former member of a successor authority shall not be disqualified by virtue of section 116 of the principal Act for being appointed by that authority to a paid office if—
- (a) he is, or at any time between the passing of this Act and the abolition date has been, in the employment of the Greater London Council or a metropolitan county council; and
- (b) he is appointed not later than twelve months after that date and with the consent of the Secretary of State.
- (7) For the purposes of subsection (2) above employment ending on a Friday or a Saturday shall be treated as ending immediately before the following Monday and the interval of four weeks shall be calculated as if any such employment had ended at that time.
- (8) In this section “successor authority” means a London borough council, the Common Council, a metropolitan district council and a new authority.

**Modifications etc. (not altering text)**

C25 S. 55 amended by S.I. 1985/1884, art. 6

**Marginal Citations**

M30 1978 c. 44.

**56 Information as to local government manpower.**

- (1) The Secretary of State shall make regulations requiring London borough councils, metropolitan district councils and the Common Council to furnish him with such information as is specified in the regulations with respect to—
- (a) the number of persons from time to time employed by those councils respectively in the period beginning with 22nd November 1984 and ending three years after the abolition date; and
- (b) the purposes for which those persons are employed.
- (2) Regulations under this section may—
- (a) require the information to which they relate to be furnished at such times and in such form as is specified in the regulations;
- (b) make different provision for different councils; and
- (c) apply either to all the persons employed by a council or to any class or description of such persons.
- (3) The Secretary of State shall lay before Parliament any information furnished to him in pursuance of regulations made under this section.

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## PART VII

### RESIDUARY BODIES

#### 57 Establishment of residuary bodies.

- (1) On the appointed day there shall be established—
  - (a) for Greater London a body corporate to be known as the London Residuary Body; and
  - (b) for each metropolitan county a body corporate to be known by the name of that county with the addition of the words “Residuary Body”.
- (2) The bodies established by this section are in this Act referred to as residuary bodies, and in this Act “the appropriate residuary body” means, in relation to Greater London or the Greater London Council, the London Residuary Body and, in relation to a metropolitan county or the council of that county, the residuary body established for that county.
- (3) Each of those bodies shall consist of not less than five and not more than ten members appointed by the Secretary of State; and the Secretary of State shall appoint one of those members to be chairman and may appoint another to be deputy chairman of that body.
- (4) As soon as may be after the establishment of a joint committee under section 95 below for Greater London or a metropolitan county the Secretary of State shall, after consultation with that committee, appoint one of its members to be a member of the appropriate residuary body.
- (5) The Secretary of State may by an order applying to all or any of the residuary bodies alter either of the numbers specified in subsection (3) above.
- (6) In this section “the appointed day” means such day before the abolition date as the Secretary of State may by order appoint, and different days may be appointed for different residuary bodies.
- (7) Schedule 13 to this Act shall have effect with respect to each residuary body.

**Modifications etc. (not altering text)**

**C26** S. 57(3) modified (4.1.1993) by S.I. 1992/3325, art. 2

#### 58 Repayment of loans.

- (1) Except so far as otherwise provided by any provision made under this Act, all the rights and liabilities of the Greater London Council or a metropolitan county council on the abolition date in respect of money borrowed by that council shall on that date become rights and liabilities of the appropriate residuary body and those liabilities (both as respects principal and interest) shall be charged on the revenues of that body.
- (2) For the purpose of providing a residuary body with money to discharge those liabilities each relevant authority shall on the abolition date be deemed to have borrowed from the appropriate residuary body such sum as may be specified by or determined in accordance with an order made by the Secretary of State; and that sum shall be deemed



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to have been borrowed on such terms as to repayment and the payment of interest as may be so specified.

- (3) Without prejudice to its borrowing powers by virtue of Part VIII below, a residuary body may borrow money for the purpose of discharging any liabilities to which it is subject under subsection (1) above and a relevant authority may, during the period within which it is required to discharge its liabilities in respect of principal under subsection (2) above, borrow money for the purpose of discharging its liabilities under that subsection.
- (4) In this section “relevant authority” means—
  - (a) as respects Greater London, each rating authority in Greater London and the authorities established by sections 18 and 27 above;
  - (b) as respects a metropolitan county, each rating authority in the county and any joint authority in relation to which such an authority is a constituent council.
- (5) In subsection (1) above the reference to money borrowed by a council includes a reference to any money borrowed by any other authority whose rights and liabilities in respect of that money have been transferred to that council.

**Modifications etc. (not altering text)**

C27 S. 58(1) excluded by S.I. 1986/553, art. 3(1), and 1986/563, art. 3(1)

**59 Redundancy and compensation payments.**

- (1) Any person who immediately before the abolition date is in the service of the Greater London Council or a metropolitan county council under a contract of employment which would have continued but for the abolition of that council and who is not designated for the purposes of section 52 above shall be entitled to receive from the appropriate residuary body any redundancy payment under Part VI of the <sup>M31</sup>Employment Protection (Consolidation) Act 1978 which he would have been entitled to receive from that council if it had not been abolished but had dismissed him by reason of redundancy immediately before the abolition date.
- (2) As respects any such redundancy payment as is mentioned in subsection (1) above the appropriate residuary body shall be treated as the employer of the person concerned for the purposes of sections 101, 102, 104, 108 and 119 of the said Act of 1978 (ancillary provisions about redundancy payments) and references to the relevant date in sections 81(4), 82(1) and 101 of that Act and in Schedule 4 to that Act shall be construed as references to the day before the abolition date.
- (3) With a view to reducing the cases in which redundancy payments will fall to be made to such persons as are mentioned in subsection (1) above the Secretary of State may make a scheme for the making of payments by the residuary bodies to employers offering such persons employment which, by virtue of sections 84, 94 and 95 of the said Act 1978, will preclude their becoming entitled to redundancy payments.
- (4) Any person who immediately before the abolition date is in the service of the Greater London Council or a metropolitan county council under a contract of employment made before 2nd March 1984 and who is not designated for the purposes of section 52 above shall be entitled to receive from the appropriate residuary body—



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- (a) if the contract provided for his employment for a fixed term extending beyond that date without any provision for its prior termination by that council, an amount equal to any damages which he would have been entitled to recover from that council if it had not been abolished but had dismissed him immediately before that date; or
  - (b) if the contract (whether or not for a fixed term) provided for its termination by that council on payment of compensation for loss of employment, an amount equal to the compensation which he would have been entitled to receive from that council if it had not been abolished but had terminated the contract immediately before that date.
- (5) In paragraph (b) of subsection (4) above “compensation for loss of employment” does not include any payment to be made under the contract in lieu of notice; and where the amount of compensation payable under a contract differs according to the reasons for its termination the amount payable under that paragraph shall be determined on the assumption that the contract was terminated by reason of redundancy within the meaning of the said Act of 1978.

**Modifications etc. (not altering text)**

**C28** S. 59 modified by S.I. 1985/1846, reg. 5(6)

**C29** S. 59 modified by S.I. 1986/399, art. 7

**Marginal Citations**

**M31** 1978 c. 44.

**60 Payment of pensions.**

- (1) Except so far as otherwise provided by regulations made before the abolition date under section 7 of the <sup>M32</sup>Superannuation Act 1972 (local government superannuation) all the functions of the Greater London Council or a metropolitan county council as administering authority under the regulations then in force under that section shall on that date become functions of the appropriate residuary body and the superannuation fund maintained by that council, together with all rights and liabilities in respect of it, shall on that date vest in that body.
- (2) Subject to subsection (3) below, all liabilities of the Greater London Council or a metropolitan county council in respect of pensions payable by it otherwise than under such regulations as aforesaid shall on the abolition date become liabilities of the appropriate residuary body.
- (3) Subsection (2) above does not apply to liabilities which by virtue of any provisions made under this Act become liabilities of a police or fire authority established by Part IV of this Act.
- (4) Any pension granted on or after the abolition date under [<sup>F27</sup>paragraph 2 of Schedule 1 to the Coroners Act 1988] by a metropolitan district council shall be paid by the appropriate residuary body but the sums required for paying the pension shall be reimbursed to that body—
  - (a) if that council is not designated under section 13(3)(b) above, by that council; and

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- (b) if that council is so designated, by that and the other councils in the coroner’s district in question in such proportions as they may agree or, in default of agreement, as may be determined by the Secretary of State.
- (5) In subsection (2) above references to pensions include references to allowances, grants or other benefits in respect of past service, death, injury or disease (whether of the pensioner or another person) and any such compensation as is mentioned in section 8(1)(b) of the <sup>M33</sup>Pensions (Increase) Act 1971.
- (6) As from the abolition date section 58(2)(c) of the Justices of the <sup>M34</sup>Peace Act 1979 shall be amended by substituting for the words “the Greater London Council” the words “the London Residuary Body”.

#### Textual Amendments

**F27** Words substituted by [Coroners Act 1988 \(c.13, SIF 33\)](#), ss. 33, 36(1), [Sch. 3 para. 18](#)

#### Modifications etc. (not altering text)

**C30** [S. 60](#) modified by [S.I. 1986/96, art. 2\(1\)\(2\)](#)

#### Marginal Citations

**M32** [1972 c. 11.](#)

**M33** [1971 c. 56.](#)

**M34** [1979 c. 55.](#)

## 61 Payment of pensions increases.

- (1) As from the abolition date paragraphs 48 and 49 of Schedule 2 to the Pensions (Increase) Act 1971 shall be amended by substituting for the words “the Greater London Council” the words “the London Residuary Body”.
- (2) At the end of Part II of that Schedule (pensions payable out of local funds) there shall be inserted—
- “64A A pension payable by a residuary body established by the Local Government Act 1985 in respect of service ending with service with that body.
- 64B A pension payable by such a residuary body, being a pension which would fall within any of the foregoing paragraphs of this Part of this Schedule if references to a local authority had continued to include references to the authorities abolished by that Act.”
- (3) In paragraph 1(5) of Schedule 3 to that Act (cases where increase of pension is to be reimbursed by the last employing authority) for the words “and 63” there shall be substituted the words “, 63, 64A and, so far as relating to any pension falling within any of the foregoing paragraphs, 64B.”
- (4) The appropriate residuary body shall pay—

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- (a) any increase which by virtue of regulations under section 5(2) of the said Act of 1971 would have been payable on or after the abolition date by the Greater London Council or a metropolitan county council; and
  - (b) any payment which is analogous to a pensions increase and would have been payable as aforesaid by virtue of regulations under section 13(3) of that Act.
- (5) Notwithstanding subsection (3) above or anything in any such regulations as are mentioned in subsection (4)(a) above no liability to reimburse a residuary body in respect of any payment made by virtue of this section shall attach to the Secretary of State, the Arts Council of Great Britain or the Historic Buildings and Monuments Commission for England.

**Modifications etc. (not altering text)**

**C31** S. 61 modified by S.I. 1986/96, art. 2(1)(2)

**C32** S. 61(5) modified by S.I. 1989/1815, art. 7(8)

**62 Custody of residuary property etc.**

- (1) On the abolition date there shall vest in the appropriate residuary body all residuary property, rights and liabilities of the Greater London Council or a metropolitan county council.
- (2) In subsection (1) above “residuary property, rights and liabilities” means any property for the vesting of which provision is not otherwise made by or under this Act or any other enactment and, subject to subsection (3) below, any rights and liabilities which are not transferred, extinguished or otherwise dealt with by any provision made as aforesaid.
- (3) This section shall not be construed—
- (a) as continuing in force any contract of employment made by the Greater London Council or a metropolitan county council; or
  - (b) as imposing any liability on a residuary body in respect of the termination of any such contract by the abolition of that council;
- but the rights and liabilities to which this section applies shall include any rights and liabilities attributable to anything done or omitted under or in respect of such a contract before the abolition date except any liability to make a payment prohibited by section 53(2) above.
- (4) The Secretary of State may by order confer on a residuary body any statutory functions which before the abolition date were exercisable by the Greater London Council or a metropolitan county council, being functions exercisable by that council in relation to any property, rights or liabilities which are vested in that body by this section or by any other provision made by or under this Act or any other enactment.
- (5) An order under subsection (4) above may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions amending any enactment or any instrument made under any enactment.

**Modifications etc. (not altering text)**

**C33** S. 62 extended by S.I. 1986/399, arts. 1, 8

*Status: Point in time view as at 01/09/1992.*

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### **63 Preparation of final accounts.**

- (1) It shall be for the appropriate residuary body to discharge in relation to the accounts of the Greater London Council or a metropolitan county council for any period ending before the abolition date—
  - (a) any functions under the regulations in force under Part III of the <sup>M35</sup>Local Government Finance Act 1982 which would have fallen to be discharged on or after that date by that council or any of its officers; and
  - (b) any functions under those regulations which fell to be so discharged before that date but have not been discharged.
- (2) As respects anything falling to be done on or after the abolition date in relation to the accounts mentioned in subsection (1) above the provisions of Part III of the said Act of 1982 shall have effect as if those accounts were accounts of the appropriate residuary body but so that—
  - (a) the documents to which an auditor has the right of access under section 16(1) shall include any documents relating to the Greater London Council or the relevant metropolitan county council which are in the possession of a successor authority; and
  - (b) the persons who may be required to give information or an explanation under section 16(2) or 28(1) shall include any person who was an officer or member of the Greater London Council or the relevant metropolitan county council at any time during the period to which the accounts relate and who is an officer or member of a successor authority.
- (3) Any requirement under section 29(1) of the said Act of 1982 in respect of a claim, return or account of the Greater London Council or a metropolitan county council, and any consent under section 30(1)(a) of that Act in respect of information relating to such a council, may, on or after the abolition date, be made or given by the appropriate residuary body.
- (4) The appropriate residuary body shall have a right of access at all reasonable times to all such documents as are mentioned in subsection (2)(a) above which appear to the body to be needed for the purpose of discharging its functions under this section and may require any such person as is mentioned in subsection (2)(b) above to give it any such information or explanation as it thinks necessary for that purpose.
- (5) Any person who without reasonable excuse fails to comply with any requirement under subsection (4) above shall be liable on summary conviction to a fine not exceeding the third level on the standard scale and to an additional fine not exceeding £40 for each day on which the offence continues after conviction thereof.
- (6) In so far as this section has effect in relation to accounts for periods earlier than those to which Part III of the said Act of 1982 or regulations under that Part apply, references in this section to that Part or to any provision of it or to regulations in force under that Part shall be construed respectively as references to Part VIII of the principal Act, to the corresponding provision of that Part or to the relevant regulations under section 166 of that Act.
- (7) In this section “successor authority” means a London borough council, the Common Council, a metropolitan district council, a new authority and any other body to which functions or property of the Greater London Council or a metropolitan county council are transferred by or under this Act or any other enactment.

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**Marginal Citations**

**M35** 1982 c. 32.

**64 Commutation of smallholdings and housing payments.**

- (1) Any annual or other periodic payments under the terms of any settlement in respect of amounts payable under section 27 of the <sup>M36</sup>Land Settlement (Facilities) Act 1919 which, apart from this subsection, would fall to be made by the Minister of Agriculture, Fisheries and Food to a residuary body may be commuted by him into a single payment either by agreement with that body or, in default of agreement, by an order made by him in that behalf.
- (2) Any annual or other periodic payments which, apart from this subsection, would fall to be made by the Secretary of State to a residuary body by virtue of any enactment relating to the housing functions of the Greater London Council or a metropolitan county council may be commuted by him into a single payment either by agreement with that body or, in default of agreement, by an order made by him in that behalf.
- (3) Where any annual or other periodic payments falling to be made to a residuary body are commuted under subsection (2) above and annual or other periodic payments corresponding to or related to those payments would, apart from this subsection, fall to be made by that body to another person, then, unless those payments are commuted into a single payment by agreement between that body and that person, they may be so commuted by an order in that behalf made by the Secretary of State.
- (4) Any commutation by an order under this section shall be on such terms as appear to the Minister of Agriculture, Fisheries and Food or the Secretary of State, as the case may be, to be just and equitable; and any order under subsection (2) or (3) above shall require the consent of the Treasury.

**Marginal Citations**

**M36** 1919 c. 59.

**65 Directions.**

- (1) In exercising the functions conferred on it by or under this Act or any other enactment each residuary body shall comply with any directions given to it by the Secretary of State.
- (2) Subsection (1) above does not apply to any functions of a residuary body under regulations made under section 7 of the <sup>M37</sup>Superannuation Act 1972; and no transaction entered into by a residuary body in the exercise of other functions shall be invalid by reason only of a failure to comply with any direction given under this section.
- (3) The Secretary of State shall publish any directions given by him under this section.

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#### Marginal Citations

M37 1972 c. 11.

### 66 Discharge of certain residuary functions by designated councils.

- (1) The Secretary of State may by an order made on the application of the councils of the districts in a metropolitan county make provision whereby any rights, liabilities, property or functions which by virtue of section 58, 60 or 61 above would otherwise be vested in or fall to be discharged by the residuary body established for that county are vested in or discharged by one of those councils (a “designated council”) instead of that body.
- (2) An order under subsection (1) above may modify or supplement any of the provisions of the sections mentioned in that subsection; and any such order may in particular—
  - (a) require the designated council to keep such accounts and establish such funds as may be specified in the order;
  - (b) provide for any deficit or surplus in any such account or fund to be recovered from or distributed among the councils on whose application the order is made; and
  - (c) in the case of an order relating to section 58, impose on the designated council liabilities corresponding to those to which it would have been subject under subsection (2) of that section.
- (3) References in this section to the functions falling to be discharged by virtue of section 61 do not include those exercisable by virtue of the paragraph 64A inserted by subsection (2) of that section.

### 67 Winding up of residuary bodies.

- (1) Except as respects any of its functions for the discharge of which provision will be or is likely to be required after the end of the period of five years beginning with the abolition date, it shall be the duty of each residuary body to use its best endeavours to secure that its work is completed as soon as practicable and in any event by the end of that period; and each residuary body shall—
  - (a) as respects any such functions, any property held by that body for the purposes of any such functions and any rights or liabilities of that body which will or are likely to subsist for longer than that period, make such arrangements as are practicable for their transfer to another body or bodies or submit proposals to the Secretary of State for effecting such transfers by orders made by him in that behalf.
  - (b) not later than the end of the period of four years beginning with the abolition date, submit to the Secretary of State a scheme for the winding up of the residuary body and the disposal of its remaining functions, property, rights and liabilities so far as not dealt with in pursuance of paragraph (a) above.
- (2) A residuary body may at any time before the end of the period mentioned in subsection (1)(b) above submit proposals to the Secretary of State for the transfer of any property of that body to a local authority or to a new authority.
- (3) The Secretary of State may by order provide for any such transfer or disposal as is mentioned in subsection (1) or (2) above, whether as proposed by the residuary body

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or otherwise, and for giving effect (with or without modifications) to any scheme submitted to him under subsection (1) above; and, without prejudice to the generality of that power, any such order may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions amending any enactment or any instrument made under any enactment or establishing new bodies corporate to receive any functions, property, rights or liabilities transferred by the order.

**Modifications etc. (not altering text)**

- C34** S. 67 restricted by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 164(1)**, 231(7), 235(6)
- C35** S. 67 modified by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 164(1)(2)**, 231(7), 235(6)
- C36** S. 67(2) amended by [S.I. 1985/1884](#), **art. 6**

**PART VIII**

FINANCIAL PROVISIONS

*New authorities*

<sup>F28</sup>**68** .....

**Textual Amendments**

- F28** S. 68 repealed (21.8.1991) by [S.I. 1991/1730](#), **art. 2(1)**.

**69 Block grant.**

(1) The new authorities shall be local authorities for the purposes of block grant under Part VI of the <sup>M38</sup>Local Government Planning and Land Act 1980 (rate support grant) for financial years beginning on or after the abolition date and accordingly that Act shall for those purposes have effect with the following amendments.

(2) In section 53—

- (a) in subsection (5), in paragraph (f) the word “and” shall be omitted and after that paragraph there shall be inserted—  
“*(ff)* a joint authority; and”; and
- (b) at the end of subsection (6) there shall be inserted the words “and the area of a joint authority is the area for which the authority is established.”.

(3) ..... <sup>F29</sup>

(4) In section 55(3), after paragraph (c), there shall be inserted “; or

- (d) to a joint authority.”.

(5) In section 59(11)—

- (a) ..... <sup>F30</sup>
- (b) after paragraph (c) there shall be inserted—



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“; and

- (d) as if paragraph (ff) referred to four classes, namely—
- (i) metropolitan county police authorities and the Northumbria Police Authority;
  - (ii) metropolitan county passenger transport authorities;
  - (iii) metropolitan county fire and civil defence authorities; and
  - (iv) the London Fire and Civil Defence Authority.”

- (6) At the end of section 68(1) there shall be inserted the words “and ’joint authority’ means a joint authority established by Part IV of the Local Government Act 1985”.

#### Textual Amendments

- F29** S. 69(3) repealed by [Local Government Finance Act 1987 \(c.6, SIF 81:1\)](#), s. 11(2), **Sch. 5** (the repeal being subject to the provision at the end of that Sch.)
- F30** S. 69(5)(a) repealed by [Rate Support Grants Act 1986 \(c.54, SIF 103:1\)](#), s. 4(3), **Sch. 2**

#### Marginal Citations

- M38** 1980 c. 65.

**70, 71.** ..... **F31**

#### Textual Amendments

- F31** Ss. 70, 71 repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(2), **Sch. 12 Pt. I**

## **72 Accounts and audit.**

- (1) Each new authority shall keep a fund to be known as the general fund; and all receipts of the authority shall be carried to that fund and all liabilities falling to be discharged by the authority shall be discharged out of that fund.
- (2) Accounts shall be kept of receipts carried to, and payments made out of, the general fund.
- (3) In section 12(2) of the <sup>M39</sup>Local Government Finance Act 1982 (accounts subject to audit) after paragraph (a) there shall be inserted—
- “(aa) a joint authority;
  - (ab) the Inner London Education Authority;”.
- (4) Nothing in subsection (1) above shall be construed as requiring or authorising an authority to apply or dispose of the surplus revenue arising from any undertaking carried on by it otherwise than in accordance with any enactment or instrument applicable to the undertaking.



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**Modifications etc. (not altering text)**

- C37 S. 72(1)(2)(4) amended by S.I. 1985/1884, **art. 9(1)**
- C38 S. 72(1)(2)(4) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 7(g)**

**Marginal Citations**

- M39 1982 c. 32.

**73 Financial administration.**

Each new authority shall make arrangements for the proper administration of its financial affairs and shall secure that one of its officers has responsibility for the administration of those affairs.

**Modifications etc. (not altering text)**

- C39 S. 73 amended by S.I. 1985/1884, **art. 9(1)**
- C40 S. 73 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 7(h)**
- C41 S. 73 modified by S.I. 1989/1815, art. 2(2), **Sch. 1 para. 9** (as inserted by S.I. 1990/198, **art. 2**)

*Residuary bodies*

<sup>F32</sup>74 .....

**Textual Amendments**

- F32 S. 74 repealed (21.8.1991) by S.I. 1991/1730, **art. 2(1)**.

75 ..... <sup>F33</sup>

**Textual Amendments**

- F33 S. 75 repealed (with savings in S.I. 1990/431, **Sch. 1 para. 1(a)**) by Local Government and Housing Act 1989 (c.42, SIF 81:1), ss. 194(2), **Sch. 12 Pt. I**

76 ..... <sup>F34</sup>

**Textual Amendments**

- F34 S. 76 repealed by Local Government and Housing Act 1989 (c.42, SIF 81:1), s. 194(2), **Sch. 12 Pt. I**

**77 Treatment and distribution of capital and other money.**

(1) The Secretary of State may by order provide—

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- (a) ..... <sup>F35</sup>
- (b) for the payment by a residuary body to [<sup>F36</sup>any authority to which this subsection applies] of such part (if any) of any capital money received by that body as is specified in the order.
- (2) Subsection (1) above applies to any [<sup>F37</sup>charging authority] in the area for which the residuary body in question is established and to any new authority established for (or for an area which includes or is included in) that area.
- (3) An order under subsection (1) above may—
- (a) apply only to capital money of a particular description or make different provision in relation to capital money of different descriptions;
- (b) apply only to some of the authorities to which that subsection applies or make different provision in relation to different authorities; . . . <sup>F38</sup>
- (c) ..... <sup>F38</sup>
- (4) A residuary body may in any financial year distribute among [<sup>F39</sup>the charging authorities] in the area for which it is established any money (other than capital money) for the time being in the hands of that body; and any such distribution shall be in the same proportions as those that would apply to a levy made by it on those authorities in respect of that year.
- (5) In this section “capital money” means money of such description as may be specified for the purposes of this section by an order made by the Secretary of State [<sup>F40</sup>; and references in this section to a charging authority shall be construed as references to an authority which is a charging authority for the purposes of the Local Government Finance Act 1988 by virtue of section 144(1)(a), (b) or (c) of that Act].

#### Textual Amendments

- F35** S. 77(1)(a) repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(2), **Sch. 12 Pt. I**
- F36** Words substituted by [S.I. 1990/776, art. 8, Sch. 3 para. 26](#)
- F37** Words substituted by [S.I. 1990/268, art. 2, Sch.](#)
- F38** S. 77(3)(c) and word immediately preceding it repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(2), **Sch. 12 Pt. I**
- F39** Words substituted by [S.I. 1990/268, art. 2, Sch.](#)
- F40** Words inserted by [S.I. 1990/268, art. 2, Sch.](#)

#### Modifications etc. (not altering text)

- C42** S. 77 amended by [S.I. 1985/1884, art. 9\(1\)](#)
- C43** S. 77 modified by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 185(8)**, 231(7), 235(6)
- C44** S. 77 restricted by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), **ss. 185(9)**, 231(7), 235(6)

## 78 Accounts.

- (1) A residuary body shall keep proper accounts and proper records in relation to them.
- (2) A residuary body shall prepare a statement of accounts in respect of each financial year.
- (3) The statement shall comply with any directions given by the Secretary of State, with the consent of the Treasury, as to the information to be contained in the statement,

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the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared.

- (4) Without prejudice to section 65 above the Secretary of State may give directions to a residuary body requiring it—
- (a) to keep accounts in respect of such matters and records relating to them as may be specified in the direction; and
  - (b) to comply with such methods and principles as may be so specified with respect to any accounts or records kept by that body;
- and it shall be the duty of a residuary body to comply with any such directions.

**Modifications etc. (not altering text)**

- C45 S. 78: certain functions transferred by S. I. 1991/517, arts. 2(d), 3(a)  
C46 S. 78: certain functions transferred by S.I. 1989/814, art. 11(a)  
C47 S. 78: certain functions transferred by S.I. 1989/1359, reg. 11(a)  
C48 S. 78: certain functions transferred by S.I. 1989/2470, art. 12(a)  
C49 S. 78(1)(2)(3) amended by S.I. 1989/1815, art. 2, Sch. 1 para. 7(1)

**79 Audit.**

- (1) The accounts of a residuary body shall be included among those which are required to be audited in accordance with Part III of the <sup>M40</sup>Local Government Finance Act 1982 and, subject to subsection (2) below, that Part shall accordingly have effect in relation to any such body and its accounts.
- (2) Sections 15(1)(a), 17, 19, 20, 22, 23 and 24 of that Act shall not apply in relation to a residuary body or its accounts.
- (3) At each audit by an auditor under Part III of the said Act of 1982 of the accounts of a residuary body any local government elector for any area to which the accounts to be audited relate may inspect those accounts and all books, deeds, contracts, bills, vouchers and receipts relating to them and make copies of all or any part of the accounts and those other documents.
- (4) At the request of any such local government elector, the auditor shall give the elector, or any representative of his, an opportunity to question the auditor about those accounts or to draw his attention to any matter on which he could make a report under section 15(3) of the said Act of 1982.
- (5) As soon as the audit of the accounts of a residuary body has been concluded a copy of any statement prepared by that body for the accounting year in question under section 78(2) above, together with a copy of any report made by the auditor on the statement or on the accounts shall be sent by the body to the Secretary of State who shall lay a copy of the statement and report before each House of Parliament.
- (6) Any person, on application to a residuary body, shall be entitled—
  - (a) to inspect and make copies of any statement prepared by it under section 78(2) above and any report made by an auditor on the statement or on the accounts of that body; and
  - (b) to be furnished with copies of any such statement or report on payment of such reasonable sum as the body may determine.

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- (7) Any document which a person is entitled to inspect under subsection (3) or (6) above may be inspected by him at all reasonable times and without payment.
- (8) Subsection (2) above shall not have effect so as to exclude the provisions there mentioned from Part III of the said Act of 1982 as applied by section 63 above and references to the accounts of a residuary body in subsection (3) to (6) above do not include references to any accounts in respect of which it has functions under that section.

#### Modifications etc. (not altering text)

- C50** S. 79: certain functions transferred by S.I. 1991/517, arts. 2(d), 3(a)
- C51** S. 79: certain functions transferred by S.I. 1989/814, **art. 11(a)**
- C52** S. 79: certain functions transferred by S.I. 1989/1359, **reg. 11(a)**
- C53** S. 79: certain functions transferred by S.I. 1989/2470, **art. 12(a)**
- C54** S. 79 excluded by Local Government and Housing Act 1989 (c.42, SIF 81:1, 2), **s. 11(1)(4)**
- C55** S. 79 amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 7(3)**
- C56** S. 79(2) excluded by S.I. 1989/1815, art. 2, **Sch. 1 para. 7(4)**

#### Marginal Citations

- M40** 1982 c. 32.

### *Transitional provisions*

#### **80 Transitional provisions relating to block grant and expenditure levels.**

- (1) ..... <sup>F41</sup>
- (2) In relation to block grant payable for the year beginning with the abolition date the principles mentioned in section 59(11A) of the said Act of 1980 and those mentioned in section 8(6) of the said Act of 1982 need not be the same for all relevant authorities.
- (3) Notwithstanding subsection (2) of section 3 of the <sup>M41</sup>Rates Act 1984 the principles in accordance with which the Secretary of State exercises his power under that section to determine a level for the total expenditure of a relevant authority in the year beginning with the abolition date may differ from those applied by him in the case of any other relevant authority.
- (4) In this section “relevant authority” means a metropolitan district council, a London borough council, the Common Council, a new authority and any other authority which the Secretary of State, having regard to any transfer of functions or property to that authority under or by virtue of this Act, may by order designate as a relevant authority for the purpose of this section.

#### Textual Amendments

- F41** S. 80(1) repealed by Rate Support Grants Act 1986 (c.54, SIF 103:1), s. 4(3), **Sch. 2**

#### Marginal Citations

- M41** 1984 c. 33.

*Status: Point in time view as at 01/09/1992.*

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## 81 Transitional functions of residuary bodies in respect of block grant.

- (1) Any payment which by virtue of any provision of Part VI of the Local Government, Planning and Land Act 1980 would but for this Act have fallen to be made on or after the abolition date by or to the Greater London Council or the council of a metropolitan county in respect of block grant payable for a year ending before that date shall instead be made by or to the appropriate residuary body.
- (2) Any information, notice, representation or request under section 65, 66 or 67 of that Act which but for this Act would have fallen to be given or made by or to the Greater London Council or the council of a metropolitan county on or after the abolition date in respect of block grant payable for a year ending before that date shall instead be given or made by or to the appropriate residuary body.
- (3) ..... F42

### Textual Amendments

F42 S. 81(3) repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)

### Modifications etc. (not altering text)

C57 S. 81 modified by [S.I. 1988/2114](#), [art. 5\(1\)\(2\)](#)

C58 S. 81 modified by [S.I. 1989/814](#), [art. 5\(1\)](#)

C59 S. 81 amended by [S.I. 1990/1024](#), [art. 4\(1\)](#)

## 82 Transitional provisions for interim authorities.

- (1) As respects anything falling to be done before the abolition date in relation to the financial year beginning on that date references in sections 68 and 69 above and in the enactments which they amend to the Inner London Education Authority and the Northumbria Police Authority shall be construed respectively as references to the Inner London Interim Education Authority and the Northumbria Interim Police Authority; and references to the Inner London Education Authority in sections 70 and 72 above shall, as respects any time before the abolition date, be construed as references to the Inner London Interim Education Authority.
- (2) This Act does not affect Part I of the <sup>M42</sup>Rates Act 1984 in its application, for any financial year ending before the abolition date, to the existing Inner London Education Authority, that is to say, that Authority within the meaning of section 30 of the <sup>M43</sup>London Government Act 1963.

### Marginal Citations

M42 1984 c. 33.

M43 1963 c. 33.

## *London rate equalisation*

## 83 London rate equalisation schemes.

- (1) ..... F43

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- (2) After section 63 of the <sup>M44</sup>Local Government, Planning and Land Act 1980 there shall be inserted—

**“63A Adjustment of block grant for rates equalisation contribution.**

- (1) Where in any year a local authority is entitled to receive a contribution under a scheme made by virtue of section 66 of the London Government Act 1963 (equalisation of rates) the amount of any block grant payable to the authority for that year shall, if the Secretary of State so determines, be reduced by an amount equal to that contribution or by such lesser amount as he may determine.
- (2) Subsection (5) of section 61 above shall not apply to any exercise of the power conferred by subsection (3) of that section in respect of a determination under this section.”
- (3) This section has effect in relation to any financial year beginning on or after the abolition date.

**Textual Amendments**

**F43** S. 83(1) repealed by [Local Government Finance Act 1988 \(c.41, SIF 81:1\)](#), s. 149, **Sch. 13 Pt. I**

**Marginal Citations**

**M44** 1980 c. 65.

**PART IX**

MISCELLANEOUS AND SUPPLEMENTARY

**84 Application of local authority provisions to new authorities.**

- (1) The principal Act shall have effect with the amendments specified in Part I of Schedule 14 to this Act, and the other enactments specified in Part II of that Schedule shall have effect with the amendments there specified, being amendments for applying those enactments in relation to the new authorities.
- (2) ..... <sup>F44</sup>
- (3) This section has effect in relation to a joint authority from the day on which it is established.

**Textual Amendments**

**F44** S. 84(2) repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

*Status: Point in time view as at 01/09/1992.*

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**Modifications etc. (not altering text)**

**C60** S. 84(3) extended by Local Government Act 1986 (c.10, SIF 81:1, 2), s. 11(6) (the said s. 11 is repealed (*prosp.*) by Local Government and Housing Act 1989 (c.42, SIF 81:1), ss. 194(4), 195(2), Sch. 12 Pt. II)

**85 Exercise of functions by new authorities in initial period.**

- (1) With a view to securing that the functions of a new authority are discharged economically, efficiently and effectively in the period beginning with its establishment and ending three years after the abolition date, the Secretary of State may by regulations provide for the submission to him by the authority, or the making by him, of schemes with respect to the discharge of those functions so far as concerned with any of the matters to which this section applies; and it shall be the duty of the authority to discharge those functions in that period in accordance with any such scheme as approved or made by the Secretary of State and for the time being in force.
- (2) This section applies to—
  - (a) the number of persons employed by the authority or employed by it for a particular purpose;
  - (b) the authority's arrangements for obtaining any services (so far as not provided by its employees) or any supplies or facilities that it may require or may require for any particular purpose;
  - (c) the authority's organisation and its arrangements for managing its affairs.
- (3) This section also applies, in the case of a police authority, to the number of persons constituting the establishment of the police force maintained by the authority, and in the case of a fire authority, to the number of persons constituting the establishment of any fire brigade maintained by it; and section 4(2) of the <sup>M45</sup>Police Act 1964 and section 19 of the <sup>M46</sup>Fire Services Act 1947 (which relate to those matters) shall have effect subject to the provisions of this section.
- (4) Regulations under this section may contain such supplementary provisions as the Secretary of State thinks necessary or expedient, including provisions with respect to the procedure to be followed in the preparation and submission of schemes, or for enabling him to approve a scheme with modifications or to vary a scheme approved or made by him; and the regulations may also contain any transitional provisions that he thinks necessary or expedient in connection with the termination of the period mentioned in subsection (1) above.
- (5) The Secretary of State shall lay before Parliament copies of any scheme made, approved or varied by him under this section.

**Marginal Citations**

**M45** 1964 c. 48.

**M46** 1947 c. 41.



*Status: Point in time view as at 01/09/1992.*

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## **86 First meetings of new authorities.**

- (1) The first meeting of a new authority shall be held within twenty-one days after the day appointed under this Act for its establishment and shall be treated as the annual meeting of the authority for the year in which it is held.
- (2) The meeting shall be convened, and held at a place appointed, by the proper officer of the relevant council; and for the purposes of this section the relevant council is—
  - (a) in relation to the authorities established by sections 18 and 27 above, the Greater London Council;
  - (b) in relation to any other authority, the council of the metropolitan county which is, or is included in, the area for which it is established,
 and references in this section to the proper officer of the relevant council are references to the officer whose duty it is to summon meetings of that council.
- (3) Notice of the meeting shall be published at the place where the meeting is to be held and summonses to attend the meeting shall be signed by the proper officer of the relevant council.
- (4) Until the completion of the election of a chairman and vice-chairman at the meeting, the functions falling to be exercised by the chairman and vice-chairman shall be exercised by a member of the new authority chosen by the members of that authority present at the meeting.
- (5) At the meeting the proper officer of the relevant council shall exercise any functions falling to be exercised by the proper officer of the new authority in relation to the meeting.
- (6) The standing orders for the regulation of the proceedings and business of the relevant council shall, so far as practicable, apply at the meeting.
- (7) If it appears to the Secretary of State that the first meeting of a new authority is not likely to be convened to be held within the time specified in subsection (1) above, he may—
  - (a) in the case of a joint authority, direct that the foregoing provisions of this section shall have effect with the substitution for references to the relevant council of references to a constituent council of that authority; or
  - (b) in any case, himself convene the meeting and appoint the place where it is to be held;
 and in any such case the meeting shall be held as soon as practicable.
- (8) Where the Secretary of State convenes a meeting under subsection (7) above, he shall himself sign the summonses referred to in subsection (3) above, the functions referred to in subsection (5) above shall be exercised by a person appointed by him and the standing orders referred to in subsection (6) above shall be those of such authority as he may direct.
- (9) Schedule 12 to the principal Act, as applied by section 84 above, shall have effect subject to this section, and in particular paragraph 4(2) of that Schedule shall not require notice of the first meeting of a new authority to be published at that authority's office or summonses to attend the meeting to be signed by the proper officer of that authority.

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**Modifications etc. (not altering text)**

**C61** S. 86(2)–(6)(7)(b)(8) modified by S.I. 1985/1884, art. 11(2)

**C62** S. 86(2)–(6)(7)(b)(8) modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 2(3)

**87 Local and personal Bills.**

- (1) Subject to subsections (2) and (3) below, a local Bill promoted in Parliament by the council of a London borough may include provisions requested by the council of another London borough; and a local Bill promoted as aforesaid by the council of a metropolitan district may include provisions requested by the council of another metropolitan district in the same county.
- (2) Subsection (1) above applies only if the council making the request passes a resolution approving the provisions in question and that resolution—
  - (a) is passed by a majority of the whole number of the members of the council at a meeting of the council held after thirty clear days' notice of the meeting and of its purpose has been given by advertisement in one or more local newspapers circulating in the area of the council, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the council; and
  - (b) is confirmed by a like majority at a further such meeting convened in accordance with paragraph (a) above and held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament.
- (3) Where a resolution of a council is not confirmed as required by subsection (2)(b) above, the council shall give notice of that fact to the council promoting the Bill who shall take all necessary steps for the omission from the Bill of the provisions to which the resolution relates or, if those provisions were requested also by other councils, of those provisions so far as relating to the council whose resolution has not been confirmed.
- (4) A council which in accordance with this section requests the inclusion of provisions in a Bill promoted by another council may contribute towards the expenses of the other council in connection with the Bill.
- (5) In this section references to the council of a London borough include references to the Common Council.
- (6) Neither the Greater London Council nor a metropolitan county council shall have power to promote or oppose a local or personal Bill in any Session of Parliament beginning after the date on which this Act is passed except a Bill presented in pursuance of an order of either House giving leave to suspend proceedings on a corresponding Bill in a Session beginning before that date.

**88 Research and collection of information.**

- (1) A scheme may be made for Greater London or a metropolitan county by the constituent councils whereby one of those councils designated by the scheme has the function of—
  - (a) carrying out, or assisting in carrying out, investigations into, and the collection of information relating to, any matters concerning that area or any part of it; and

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- (b) making, or assisting in making, arrangements whereby any such information and the results of any such investigation are made available to any other local authority in that area, any government department or the public.
- (2) Any such scheme shall require the other constituent councils to contribute as provided by subsection (3) below to the expenditure incurred by the designated council in carrying out its functions under the scheme.
- (3) The constituent councils shall be required to contribute to any expenditure of the designated council which has been incurred with the approval of at least two-thirds of the constituent councils; and the amounts of the contributions shall be determined so that the expenditure in respect of which they are payable is borne by the constituent councils in proportion to the populations of their respective areas.
- (4) For the purposes of subsection (3) 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 determine.
- (5) A scheme may provide that, if two-thirds of the constituent councils so decide, the designated council may require all or any of the constituent councils other than the designated council to carry out in respect of their respective areas an investigation into, or the collection of information relating to, any specified matter concerning the area covered by the scheme or any part of it; and where such a requirement is imposed on a council—
  - (a) that council shall comply with the requirement in such manner and within such time as may be specified in the requirement; and
  - (b) if that council fails to comply with the requirement the designated council may itself do what was required and recover the cost of doing it from that council.
- (6) The expenditure which is to be borne as mentioned in subsection (3) above shall not include—
  - (a) any expenditure of the designated council which is recoverable by virtue of paragraph (b) of subsection (5) above; or
  - (b) if a requirement is imposed by virtue of that subsection on all the constituent councils other than the designated council, any expenditure incurred by that council in doing in respect of its own area what it has required the other councils to do in respect of their areas.
- (7) Any information collected by the designated council, and the results of any investigation carried out by it, in the exercise of its functions under the scheme shall be made available, on request, to each of the other constituent councils.
- (8) A scheme shall not come into force before the abolition date but shall continue in force until the end of at least two financial years after that in which it is made.
- (9) A scheme may, in the absence of agreement between all the constituent councils, be made by a majority of those councils so as to be binding on all of them; but a council shall not be designated by a scheme except with its consent.
- (10) A scheme may contain such supplementary provisions as the councils making the scheme think necessary or expedient and, subject to subsection (8) above, may be revoked by those councils (or, in the absence of agreement between all of them, by a majority of those councils) with effect from the end of any financial year after that in which the decision to revoke the scheme is made.

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- (11) The council designated by a scheme may by giving not less than twelve months notice to the other constituent councils withdraw its consent to act as the designated council with effect from the end of any financial year not earlier than the second financial year after that in which the scheme was made; and in that event the scheme shall terminate when the withdrawal takes effect.
- (12) For the purposes of this section the constituent councils are—
  - (a) in relation to Greater London, the London borough councils and the Common Council; and
  - (b) in relation to a metropolitan county, the councils of the metropolitan districts comprised in the county.
- (13) Whether or not a scheme is made under this section a London borough council, the Common Council and a metropolitan district council shall have power to exercise any of the functions described in subsection (1)(a) and (b) above.
- (14) The appropriate Minister with respect to any matter may require any such council as is mentioned in subsection (13) above to provide him with any information with respect to that matter which is in the possession of, or available to, that council in consequence of the exercise of any powers conferred by or under any enactment.

## **89 GLC housing transfer orders and nomination rights.**

- (1) The Secretary of State may by order amend or revoke any order made under section 23 of the <sup>M47</sup>London Government Act 1963 (transfer of GLC housing land) so far as it confers rights which are exercisable on or after the abolition date or imposes liabilities which fall to be discharged on or after that date; and an order under this subsection may in particular have effect so as to—
  - (a) extinguish rights and liabilities to receive or make payments or transfer such rights or liabilities to the London Residuary Body;
  - (b) extinguish rights to nominate tenants for housing accommodation; and
  - (c) extinguish liabilities to carry out works.
- (2) The Secretary of State may by an order or orders taking effect on the abolition date—
  - (a) confer on himself, in respect of housing accommodation transferred by orders under the said section 23, rights of nomination which correspond to those conferred by those orders on the Greater London Council but with such modifications as to their duration and the matters to be taken into account in their exercise as he thinks fit; and
  - (b) transfer to himself any other rights of the Greater London Council to nominate tenants for housing accommodation belonging to other authorities or bodies.
- (3) The Secretary of State may delegate, with or without restrictions, to any other authority, body or person the exercise of any rights conferred on or transferred to him by an order under subsection (2) above (and accordingly such an authority, body or person may take any action necessary for the enforcement of those rights).
- (4) Where any rights transferred under subsection (2)(b) above were acquired by the Greater London Council in consideration of payments by that Council, any liability in respect of such payments which is outstanding on the abolition date and any liability to make such payments on or after that date shall become liabilities of the London Residuary Body.

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**Marginal Citations**  
M47 1963 c. 33.

**90 Charities.**

- (1) ..... F45
- (2) ..... F46, the Secretary of State may by order make such provision in relation to any charity as appears to him to be necessary or expedient in consequence of the abolition of the Greater London Council or the council of a metropolitan county, including provision for transferring to any person any property, rights, liabilities or functions relating to the charity which are vested in that council or in the holder of any office connected with that council, and provision for terminating any such rights, liabilities or functions.
- (3) Nothing in this section shall affect any power of Her Majesty, the court or any other person to alter the trusts of any charity.
- (4) In this section “charity”, “charitable purposes” and “charity trustees” have the same meaning as in the M48 Charities Act 1960.

**Textual Amendments**  
**F45** S. 90(1) repealed by Education Reform Act 1988 (c.40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I  
**F46** Words repealed by Education Reform Act 1988 (c.40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

**Marginal Citations**  
M48 1960 c. 58.

**91 Control of financial and other assistance to local authorities by GLC and metropolitan county councils.**

- (1) This section applies to—
  - (a) any grant made to a local authority by the Greater London Council or a metropolitan county council after 24th July 1984;
  - (b) any agreement or arrangements entered into by the Greater London Council or a metropolitan county council after that date for giving relevant assistance to a local authority; and
  - (c) any relevant assistance given to a local authority by the Greater London Council or a metropolitan county council after that date under an agreement or arrangements entered into by it on or before that date.
- (2) Except with the consent of the Secretary of State neither the Greater London Council nor a metropolitan county council shall after the passing of this Act—
  - (a) make any such grant or enter into any such agreement or arrangements as are mentioned in paragraph (a) or (b) of subsection (1) above; or
  - (b) give any such assistance as is mentioned in paragraph (c) of that subsection;

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and if at any time since 24th July 1984 and before the passing of this Act any of those councils has done anything that would have been a contravention of the foregoing provisions if they had then been in force the same consequences shall follow as if those provisions had been contravened by that council.

- (3) The Secretary of State shall not give his consent for the purposes of subsection (2) above unless he is satisfied that it is expedient for the Greater London Council or, as the case may be, the metropolitan county council to make the grant, enter into the agreement or arrangements or give the assistance, as the case may be; and in deciding whether or not to give his consent he shall have regard to the cost to the ratepayers of Greater London or the metropolitan county in question of the grant or of the assistance given or to be given under the agreement or arrangements and to such other matters as he considers relevant.
- (4) Any consent for the purposes of subsection (2) above may be given either in respect of any particular grant, agreement, arrangements or assistance or in respect of grants, agreements, arrangements or assistance of any description and either unconditionally or subject to conditions.
- (5) Any statement made by or on behalf of the Secretary of State before the passing of this Act that he will after the passing of this Act give his consent, or give his consent subject to specified conditions, in respect of any such grant, agreement, arrangements or assistance as are mentioned in subsection (1) above shall be treated for the purposes of subsection (2) above as a consent, or a consent subject to those conditions, given under this section.
- (6) In this section “relevant assistance” has the meaning given in Part I of Schedule 15 to this Act; and Parts II and III of that Schedule shall have effect with respect to the consequences of any contravention of this section and for otherwise supplementing its provisions.
- (7) Nothing in this section applies to anything done by the Greater London Council or a metropolitan county council which requires the consent of the Secretary of State under sections 7 to 9 of the <sup>M49</sup>Local Government (Interim Provisions) Act 1984.
- (8) Section 7(2) of that Act shall have effect, and be deemed always to have had effect, with the substitution for the reference to 26th June of a reference to 27th June.

#### **Marginal Citations**

**M49** 1984 c. 53.

## **92 Control of liabilities affecting successor authorities.**

- (1) This section applies to any agreement or arrangements entered into after 21st March 1985 under which the Greater London Council or a metropolitan county council assumes liabilities not falling to be wholly discharged before the abolition date other than—
  - (a) an agreement or arrangements requiring the consent of the Secretary of State under section 91 above;
  - (b) any transaction requiring his consent under sections 7 to 9 of the Local Government (Interim Provisions) Act 1984 or which would require his

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- consent under section 9 of that Act if the consideration exceeded the limit applying under that section;
- (c) a contract of employment or a contract for the borrowing of money by the council.
- (2) Except with the consent of the Secretary of State neither the Greater London Council nor a metropolitan county council shall after the passing of this Act enter into any agreement or arrangements to which this section applies; and if at any time since 21st March 1985 and before the passing of this Act any of those councils has done anything that would have been a contravention of the foregoing provisions if they had then been in force the same consequences shall follow as if those provisions had been contravened by that council.
- (3) Any consent for the purposes of subsection (2) above may be given either in respect of any particular agreement or arrangements or in respect of agreements or arrangements of any class or description and either unconditionally or subject to conditions.
- (4) No agreement or arrangements entered into in contravention of this section shall be enforceable against a successor authority.
- (5) If, on an application made by a constituent council, by a local government elector for the area of a constituent council or by a successor authority other than a constituent council, it appears to the High Court that the Greater London Council or a metropolitan county council has entered into any agreement or arrangements in contravention of this section, the court may order any person responsible for authorising the agreement or arrangements who is, or was at the time of the conduct in question, a member of the council—
- (a) to be disqualified for being a member of that council and to be disqualified for a specified period for being a member of any other local authority; and
- (b) to pay to that council (or, in the case of an order made on or after the abolition date, to the appropriate residuary body) a sum not exceeding the cost of discharging such of the liabilities assumed by the council under the agreement or arrangements as have not been, or in the opinion of the court are likely not to be, discharged by that council before that date.
- (6) No order shall be made in respect of any person under subsection (5) above if the court is satisfied that he acted in the belief that the agreement or arrangements had the consent of the Secretary of State and that any conditions attached to the consent had been complied with.
- (7) In paragraph (a) of subsection (5) above “local authority” includes the Common Council and the Council of the Isles of Scilly; and in sections 80(1)(e), 86(b) and 87(1)(d) of the principal Act references to Part III of the <sup>M50</sup>Local Government Finance Act 1982 shall include references to that subsection.
- (8) In this section “a constituent council” means—
- (a) in relation to the Greater London Council, a London borough council or the Common Council;
- (b) in relation to a metropolitan county council, the council of any district comprised in the county;
- and “a successor authority” means, in relation to the Greater London Council or a metropolitan county council, any body or person who by virtue of any provision made by or under this Act will succeed or has succeeded to any liability of that council.



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- (9) Any statement by or on behalf of the Secretary of State before the passing of this Act that he will after the passing of this Act give his consent, or give his consent subject to specified conditions, in respect of any agreement or arrangements to which this section applies shall be treated for the purposes of subsection (2) above as a consent, or a consent subject to those conditions, given under this section.

#### Marginal Citations

M50 1982 c. 32.

### 93 Control of disposals and contracts.

- (1) Any disposal made after 21st March 1985 in contravention of section 8 of the <sup>M51</sup>Local Government (Interim Provisions) Act 1984 shall be void; and section 128(2) of the principal Act (protection of purchasers etc.) shall not have effect in relation to the consent required by the said section 8 for any disposal made after that date.
- (2) As respects any contract entered into after that date subsection (1) of section 9 of the said Act of 1984 shall have effect with the substitution for the reference to £250,000 and for each reference to £100,000 of a reference to £15,000.
- (3) No contract entered into after the said 21st March in contravention of the said section 9 shall be enforceable against a successor authority; and accordingly subsection (5) of that section shall not apply to any contract entered into after that date.
- (4) An application under section 10 of the said Act of 1984 (disqualification for membership of local authority) may be made by a successor authority and in that section “local authority” shall include the Common Council and the Council of the Isles of Scilly.
- (5) Where by reason of a disposal or contract made after the said 21st March in contravention of section 8 or 9 of the said Act of 1984 the High Court has power to make an order under section 10 of that Act in respect of any person it shall also have power to order him to pay to the Greater London Council or, as the case may be, to the metropolitan county council (or, in the case of an order made on or after the abolition date, to the appropriate residuary body) a sum not exceeding—
- (a) in the case of a disposal in contravention of section 8, an amount equal to the amount or value of the consideration for the disposal or, if there is no consideration or it is less than the market value of what is disposed of, an amount equal to that market value;
  - (b) in the case of a contract in contravention of section 9, an amount equal to the amount or value of the consideration in respect of the matters by virtue of which the contract is subject to that section.
- (6) No order shall be made in respect of any person under the said section 10 or subsection (5) above if the court is satisfied that he acted in the belief that the disposal or contract had the consent of the Secretary of State and that any conditions attached to the consent had been complied with.
- (7) In this section “successor authority” has the same meaning as in section 92 above.

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#### Marginal Citations

M51 1984 c. 53.

### 94 The Temples.

- (1) Subject to subsection (2) below, Her Majesty may at any time, whether before or after the abolition date, by an Order in Council coming into force not earlier than that date provide that any functions exercisable as respects a London borough by the council of that borough shall be exercisable—
  - (a) as respects both the Temples by the Common Council; or
  - (b) as respects the Inner Temple by its Sub-Treasurer and as respects the Middle Temple by its Under Treasurer.
- (2) Subsection (1) above does not apply to any functions for the exercise of which as respects the Temples specific provision is made elsewhere in this Act or by or under any other enactment.
- (3) An Order under this section may make such incidental, consequential, transitional or supplementary provision as appears to Her Majesty to be necessary or proper for the purposes or in consequence of any of the provisions of the Order, including provision—
  - (a) applying to the Inner Temple or the Middle Temple any enactment relating to the functions in question which is contained in this Act or in any Act passed before or in the same Session as this Act;
  - (b) modifying or repealing any such enactment in its application to the Inner Temple or the Middle Temple; or
  - (c) excluding the application of any such enactment to the Inner Temple or the Middle Temple.
- (4) Any expenses incurred by the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple under this Act or any enactment applied to the Temples by or under this Act may be defrayed out of a rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be.

### 95 Co-ordinating committees of successor councils.

- (1) The London borough councils and the Common Council shall not later than 1st September 1985 establish a joint committee to discharge the functions mentioned in subsection (2) below; and the councils of the districts in each metropolitan county shall not later than that date establish a joint committee to discharge those functions.
- (2) The joint committee required to be established under this section by the councils in Greater London or a metropolitan county shall—
  - (a) co-ordinate the making of preparations by those councils—
    - (i) for the transfer of the functions of the Greater London Council or the council of that county which will on the abolition date become functions of those councils by virtue of any provision made by or under this Act; and
    - (ii) for the exercise by those councils of functions which by virtue of any such provision will on that date cease to be exercisable concurrently

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- with those councils by the Greater London Council or the council of that county;
- (b) consider whether any of those functions could with advantage be discharged jointly by those councils or any of them and, if of that opinion, promote the making of arrangements in that behalf under section 101 of the principal Act;
  - (c) consider whether it is desirable that a scheme under section 48 or 88 above, or schemes under both those sections, should be made by those councils and, if of that opinion, promote the making of such a scheme or such schemes;
  - (d) consult and co-operate, as respects matters affecting those councils or their areas, with the new authorities, the residuary bodies and any other body to which functions or property of the Greater London Council or the council of that county will be transferred by virtue of any provision made by or under this Act and with the staff commission;
  - (e) consider, in consultation with the authorities and bodies mentioned in paragraph (d) above, whether they could with advantage make joint arrangements for the provision of any services or goods required in connection with the discharge of the functions of those councils, authorities and bodies and, if of that opinion, promote the making of such arrangements; and
  - (f) exercise the committee's powers under section 96 below so as to obtain from the Greater London Council or the council of that county and their officers any information the committee may require for discharging its functions under this section.
- (3) Any such joint committee shall consist of such number of members of each of the councils by which it is required to be established as they may determine.
- (4) The first meeting of any such joint committee shall be held at such time and place as the councils by which it is required to be established may determine.
- (5) The matters for determination under subsections (3) and (4) above by the councils there mentioned shall (in the absence of agreement) be determined in accordance with the wishes of a majority of those councils.
- (6) The expenses of a joint committee under this section shall be defrayed by the councils by which it is required to be established in such proportions as the committee may decide or, in default of a decision by the committee, as the Secretary of State may determine.

## **96 Information for implementation of Act.**

The purposes for which information may be requested under section 5 of the <sup>M52</sup>Local Government (Interim Provisions) Act 1984 shall include the implementation of any provision made by or under this Act; and the bodies at whose request information is to be provided under that section shall include—

- (a) in relation to the Greater London Council and its officers, the authorities established by sections 18 and 27 above, the London Residuary Body, any other body in which functions or property of that Council will vest on the abolition date by virtue of any provision made by or under this Act or any other enactment and the joint committee established by the London borough councils and the Common Council under section 95 above;
- (b) in relation to the council of a metropolitan county and its officers, any joint authority established for that county (or for an area which includes that county), the appropriate residuary body, any other body in which functions

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or property of that council will vest as aforesaid and the joint committee established by the district councils in that county under section 95 above.

**Marginal Citations**

**M52** 1984 c. 53.

**97 Other provisions for implementation of Act.**

- (1) Without prejudice to sections 95 and 96 above and to section 5 of the Local Government (Interim Provisions) Act 1984, it shall be the duty of the relevant authorities and their officers to co-operate with each other and generally to exercise their functions so as to facilitate the implementation of this Act and any transfer of functions, property or staff made under this Act or, in connection with this Act, under any other enactment.
- (2) In the case of the Greater London Council and the council of a metropolitan county the duty imposed by subsection (1) above includes in particular the duty to co-operate with the joint committee established under section 95 above by the London borough councils and the Common Council or, as the case may be, by the district councils in that county.
- (3) A person in the service of the Greater London Council or a metropolitan county council may enter into a contract of employment with a successor authority for the rendering of services by him to that authority concurrently with his service to the council.
- (4) Subsection (3) above has effect notwithstanding anything in a person's contract of employment with the Greater London Council or a metropolitan county council and neither his entering into a contract of employment with a successor authority nor anything done by him in pursuance of such a contract shall be a ground for that council to terminate his employment.
- (5) In this section "relevant authority" means the Greater London Council, a metropolitan county council and a successor authority and "successor authority" means a London borough council, the Common Council, a metropolitan district council, a new authority and any other body to which functions or property of the Greater London Council or a metropolitan county council are transferred by or under this Act or any other enactment.

**98 Continuity of exercise of functions.**

- (1) The abolition of the Greater London Council and the metropolitan county councils shall not affect the validity of anything done by any of those councils before the abolition date.
- (2) Anything which at the abolition date is in process of being done by or in relation to any of those councils in the exercise of or in connection with any statutory functions which by virtue of any provision made by or under this Act becomes functions of another authority, or of other authorities in respect of their respective areas, may be continued by or in relation to the authority ("the successor authority") by which those functions become exercisable or, as the case may be, become exercisable in respect of the area in question.

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- (3) Where immediately before the abolition date any statutory functions exercisable by any of those councils are exercisable concurrently by another authority, or by other authorities in respect of their respective areas, subsection (2) above shall have effect as if those functions had by virtue of this Act become functions of that other authority or of those other authorities in respect of their respective areas.
- (4) Anything done by or in relation to any of those councils before the abolition date in the exercise of or in connection with any functions to which subsection (2) above applies shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the successor authority.
- (5) Subsection (4) above applies in particular to—
  - (a) any decision, determination, declaration, designation, agreement or instrument made by a council;
  - (b) any regulations or byelaws made by a council;
  - (c) any licence, permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by or to a council;
  - (d) any notice, direction or certificate given by or to a council;
  - (e) any application, request, proposal or objection made by or to a council;
  - (f) any condition or requirement imposed by or on a council;
  - (g) any fee paid by or to a council;
  - (h) any appeal allowed by or in favour of or against a council;
  - (i) any proceedings instituted by or against a council.
- (6) Any reference in the foregoing provisions of this section to anything done by or in relation to a council includes a reference to anything which by virtue of any enactment is treated as having been done by or in relation to that council.
- (7) Any reference to a council in any document constituting or relating to anything to which the foregoing provisions of this section apply shall, so far as is required for giving effect to those provisions, be construed as a reference to the successor authority.
- (8) Any question under this section as to which is the successor authority in respect of any particular functions may be determined by a direction given by the Secretary of State.
- (9) The foregoing provisions of this section are without prejudice to any provision made by this Act in relation to any particular functions and shall not be construed as continuing in force any contract of employment made by any of the councils mentioned in subsection (1) above; and the Secretary of State may, in relation to any particular functions, by order exclude, modify or supplement any of the foregoing provisions of this section or make such other transitional provision as he thinks necessary or expedient.
- (10) The foregoing provisions of this section shall apply in relation to the authority abolished by section 25(6) above as they apply in relation to the councils mentioned in subsection (1) above.

**Modifications etc. (not altering text)**

- C63** S. 98 extended by London Building Act 1930 (c.clviii), s. 120 (as substituted by S.I. 1986/452, art. 3, Sch. 2 para. 3(j))
- C64** S. 98(2) excluded by S.I. 1985/1781, art. 3(1)
- C65** S. 98(2) modified by S.I. 1986/148, art. 23(2)

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- C66** S. 98(3) excluded by S.I. 1985/1781, **art. 3(1)**  
**C67** S. 98(4) modified by S.I. 1985/1341, **art. 3**, 1985/1781, art. 3(2) and 1986/148, art. 23(2)  
**C68** S. 98(5)–(8) modified by S.I. 1985/1781, **art. 3(2)** and 1986/148, art. 23(2)

## 99 Disqualification of justices.

Section 64 of the Justices of the Peace Act 1979 (disqualification of justices) shall apply as if the proceedings in relation to which a justice of the peace is disqualified from acting included—

- (a) proceedings which by virtue of any provision made by or under this Act are continued by or against the authority of which he is a member; and
- (b) proceedings by way of appeal from any decision which by virtue of any such provision is treated as a decision of that authority or of any committee or officer of that authority within the meaning of subsections (1) and (2) of that section.

### Marginal Citations

**M53** 1979 c. 55.

## 100 Transfer of property, rights and liabilities.

- (1) The Secretary of State may by an order or orders made at any time before the abolition date provide for the transfer on that date to any local authority, new authority or residuary body or to any other person, including any Minister of the Crown, of any property, rights or liabilities of the Greater London Council or a metropolitan county council which, if not transferred under this section, would vest in accordance with section 62 above.
- (2) Any transfer under this section and any transfer of property by or under any other provision of this Act may be on such terms, including financial terms, as the Secretary of State thinks fit and the Secretary of State may by order create or impose such new rights or liabilities in respect of what is transferred as appear to him to be necessary or expedient.
- (3) The Secretary of State may by order confer on any person to whom property is transferred by the order or by or under any other provision of this Act any statutory functions which before the abolition date were exercisable in relation to that property by the Greater London Council or a metropolitan county council.
- (4) Without prejudice to subsections (2) and (3) above, any order under this section and any other order under this Act by which property is transferred may include such incidental consequential and supplementary provisions as appear to the Secretary of State to be necessary or expedient.

## 101 Power to make incidental, consequential, and transitional provisions.

- (1) The Secretary of State may at any time by order make such incidental, consequential, transitional or supplementary provision as appears to him to be necessary or expedient—

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- (a) for the general purposes or any particular purposes of this Act or in consequence of any of its provisions or for giving full effect to it; or
  - (b) in consequence of such of the provisions of any other Act passed in the same Session as this Act [<sup>F47</sup>or the Housing Act 1988] as apply to any area or authority affected by this Act.
- (2) An order under this section may in particular make provision—
- (a) for enabling any authority or body by whom any powers will become exercisable on the abolition date by virtue of any provision made by or under this Act to take before that date any steps (such as the undertaking of consultations, the giving of notices or the consideration of objections) which are required to be taken as a preliminary to the exercise of those powers;
  - (b) for the making before the abolition date of arrangements for securing the satisfactory operation from that date of any provision made by or under this Act and for defraying the cost of any such arrangements;
  - (c) for amending, repealing or revoking (with or without savings) any provision of an Act passed, or an instrument under an Act made, before the abolition date, for applying any such provision (with or without modification) and for making savings or additional savings from the effect of any amendment or repeal made by this Act;
  - (d) with respect to the membership of any body so far as consisting of persons elected by, or appointed by or on the nomination of, the Greater London Council or a metropolitan county council, whether alone or together with one or more other bodies;
  - (e) for dissolving any body corporate established by any Act passed, or by any instrument under an Act made, before the abolition date.
- (3) The amendments that may be made under subsection (2)(c) above—
- (a) shall be in addition and without prejudice to those made by any other provision of this Act; and
  - (b) shall, in particular, include amendments in consequence of functions under provisions applying to Greater London or a metropolitan county becoming exercisable in their respective areas by the councils of London boroughs or metropolitan districts or by the Common Council.
- (4) No other provision of this Act shall be construed as prejudicing the generality of the powers conferred by this section.

**Textual Amendments**

**F47** Words inserted by [Housing Act 1988 \(c.50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 37](#)

**102 Consequential amendments and repeals.**

- (1) The enactments mentioned in Schedule 16 to this Act shall have effect with the amendments there specified, being amendments consequential on the provisions of this Act.
- (2) The enactments mentioned in Schedule 17 to this Act (which include spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This section has effect from the abolition date.



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- (4) Subsection (2) above does not affect any orders made before the abolition date under section 23, 83 or 87 of the <sup>M54</sup>London Government Act 1963.

#### Marginal Citations

M54 1963 c. 33.

### 103 Orders etc.

- (1) Any power of the Secretary of State to make orders, regulations or rules under this Act shall be exercisable by statutory instrument and may be exercised so as to make different provision for different cases, including different provision for different areas.
- (2) A statutory instrument containing regulations or, subject to subsection (3) below, an order under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Subsection (2) above does not apply to an order under section 13, 15, 18, 23, 42, 51 or 57 above or under paragraph 10 of Schedule 5 to this Act.
- (4) A statutory instrument containing an order under section 13(9) above shall be laid before each House of Parliament after being made.
- (5) No order shall be made under section 42 above unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (6) Any power conferred on the Secretary of State by section 11(2), 98(8), 100 and 101 above may also be exercised by any appropriate Minister.

### 104 Expenses.

There shall be paid out of moneys provided by Parliament—

- (a) any expenses of any Minister under this Act; and
- (b) any increase attributable to this Act in the sums payable out of such moneys under any other Act.

### 105 Interpretation.

- (1) In this Act—

“the abolition date” has the meaning given in section 1(2) above;  
“contract of employment”, “employee” and “employer” have the same meaning as in the <sup>M55</sup>Employment Protection (Consolidation) Act 1978;  
“joint authority” means any authority established by Part IV of this Act;  
“new authority” means any authority established by Part III or IV of this Act;  
“the principal Act” means the <sup>M56</sup>Local Government Act 1972;  
“residuary body” means a body established by Part VII of this Act and “the appropriate residuary body” has the meaning given in section 57(2) above;  
“statutory functions” means functions conferred by an enactment or a statutory instrument.

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- (2) In this Act any expression which is also used in the principal Act has the same meaning as in that Act.
- (3) Any provision of this Act enabling a power to be exercised or anything else to be done before the abolition date so as to take effect on or after that date is without prejudice to section 13 of the <sup>M57</sup>Interpretation Act 1978 (anticipatory exercise of powers).

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**Marginal Citations**

**M55** 1978 c. 44.

**M56** 1972 c. 70.

**M57** 1978 c. 30.

**106 Short title and extent.**

- (1) This Act may be cited as the Local Government Act 1985.
- (2) Any amendment or repeal by this Act of an enactment which extends to Scotland or Northern Ireland has the same extent as that enactment but, save as aforesaid, this Act extends to England and Wales only.

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