



# Local Government Act 1985

## 1985 CHAPTER 51

### 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.

*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- F1** S. 3(1) repealed by [Planning \(Consequential Provisions\) Act 1990](#) (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt.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- F2** S. 3(2) repealed by [Housing and Planning Act 1986](#) (c.63, SIF 81:1), ss. 24(3), 39(4), 49(2), 53(2), [Sch. 12 Pt.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](#)

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, Part II. (See end of Document for details)*

- F3** S. 3(3)(4) repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt.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.** ..... <sup>F5</sup>

**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**F5** Ss. 4, 5 repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt.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.
- (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.

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(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
- (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 II of the Environmental Protection Act 1990], the <sup>M2</sup>Refuse Disposal (Amenity) Act 1978 or section 5 or 6 of the <sup>M3</sup>Litter Act 1983.

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- (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 in [s. 10](#) substituted (in force at 1.5.1994 except for the purposes of specified activities and in force for those excepted purposes in accordance with art. 3 of [S.I. 1994/1096](#)) by [Environmental Protection Act 1990 \(c.43, SIF 46:4\)](#), [s. 162\(1\)](#), [Sch. 15 para. 26](#); [S.I. 1994/1096](#), [arts. 2, 3](#) (as amended by [S.Is. 1994/2487](#) and [1994/3234](#))

#### Marginal Citations

- M1** [1936 c. 49.](#)  
**M2** [1978 c. 3.](#)  
**M3** [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>M4</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
  - (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>M5</sup>Water Act 1973 as appear to him to be required.
- (3) In section 2(1) of the <sup>M6</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”.

#### Marginal Citations

- M4** [1976 c. 70.](#)  
**M5** [1973 c. 37.](#)  
**M6** [1975 c. 23.](#)

*Status: Point in time view as at 01/04/1997.*

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*Administration of justice*

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

(1) The <sup>M7</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)—

- <sup>F8</sup>(a) .....
- (b) in subsection (2)(c) for the words “each of the outer London areas” there shall be substituted the words “every outer London borough”.

<sup>F8</sup>(5) .....

<sup>F8</sup>(6) .....

(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”;

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<sup>F8</sup>(c) .....

(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”.

<sup>F8</sup>(9) .....

(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>M8</sup>Domestic Proceedings and Magistrates’ Courts Act 1978 and section 150(1) of the <sup>M9</sup>Magistrates’ Courts Act 1980 there shall be substituted “‘petty sessions area’ has the same meaning as in the <sup>M10</sup>Justices of the Peace Act 1979;”.

**Textual Amendments**

**F8** S. 12(4)(a)(5)(6)(8)(c)(9) repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), **Sch. 9 Pt. II**; S.I. 1995/685, arts. 4(n), 8

**Marginal Citations**

**M7** 1979 c. 55.  
**M8** 1978 c. 22.  
**M9** 1980 c. 43.  
**M10** 1979 c. 55.

13 ..... <sup>F9</sup>

**Textual Amendments**

**F9** 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>M11</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.

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(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**

M11 1967 c. 9.

F1015 .....

**Textual Amendments**

F10 S. 15 repealed (5.2.1994) by 1993 c. 47, s. 32, Sch. 4.

*Miscellaneous*

**16 Miscellaneous functions.**

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

- (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.

**Status:**

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**Changes to legislation:**

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