



# Local Government Act 1985

## 1985 CHAPTER 51

### PART II

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

##### *Administration of justice*

#### **12 Petty sessions areas, magistrates' courts committees etc.**

- (1) The 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" .
- (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 Domestic Proceedings and Magistrates' Courts Act 1978 and section 150(1) of the Magistrates' Courts Act 1980 there shall be substituted " ' petty sessions area' has the same meaning as in the Justices of the Peace Act 1979 ;" .

### 13 Coroners

- (1) In section 220 of the Local Government Act 1972 (appointment of coroners)—
- (a) in subsection (1) for the words "for each county, for Greater London (other than the City and the Temples) " there shall be substituted the words " for each non-metropolitan county " and paragraph (b) shall be omitted; and
  - (b) in subsection (3) for the words " a county " there shall be substituted the words " a non-metropolitan county" .
- (2) Subject to the provisions of this section, the enactments relating to coroners shall apply in relation to a metropolitan county and to Greater London as if—
- (a) each coroner's district were a non-metropolitan county; and
  - (b) the relevant council for each coroner's district were the council of such a county.
- (3) For the purposes of this section the relevant council is—
- (a) for a coroner's district consisting of or included in a metropolitan district or London borough, the council of that district or borough; and
  - (b) for a coroner's district consisting of two or more metropolitan districts or London boroughs, such one of the councils of those districts or boroughs as may be designated by an order made by the Secretary of State.
- (4) A relevant council shall not appoint a coroner except with the approval of the Secretary of State; and a relevant council falling within subsection (3)(b) above shall not appoint a coroner except after consultation with the other council or councils in question.
- (5) Section 1(2) of the Coroners (Amendment) Act 1926 (disqualification) shall not apply to a metropolitan county or to Greater London but a person shall, so long as he is a councillor of a metropolitan district or London borough, and for six months after he ceases to be one, be disqualified for being a coroner or deputy coroner for a coroner's district which consists of, includes or is included in that metropolitan district or London borough.
- (6) In the case of a coroner's district falling within subsection (3)(b) above the expenses of the councils in question in respect of the coroners service shall be apportioned between those councils in such manner as they may agree or, in default of agreement, as may be determined by the Secretary of State.
- (7) The council of a metropolitan district or London borough (whether or not a relevant council) may provide and maintain proper accommodation for the holding of inquests in its area.
- (8) Section 5 of the Coroners Act 1844 (assignment of coroners to districts) shall not apply in a metropolitan county or in Greater London but sections 19 and 20 of that Act (exercise of functions throughout the county) shall apply to a coroner appointed for a

coroner's district in such a county or in Greater London as if he had been assigned to that district under section 5 but were a coroner for the whole of the county or for the whole of Greater London and as if Greater London were a county.

- (9) No order in respect of a metropolitan county or Greater London shall be made after the abolition date under section 12 of the said Act of 1926 (coroners' districts) but the Secretary of State may by order divide, amalgamate or otherwise alter the coroners' districts for the time being existing in those areas; and before making any such order he shall consult the local authorities and coroners appearing to him to be affected by the order and such other persons as he thinks appropriate.
- (10) Any coroner holding office immediately before the abolition date and assigned to a coroner's district in a metropolitan county or in Greater London shall be deemed to have been duly appointed by the relevant council for that district under this section; and any orders made under the said section 12 and in force immediately before that date shall, so far as they affect a metropolitan county or Greater London, have effect as if made under subsection (9) above and may be amended or revoked under that subsection accordingly.
- (11) In subsections (2) to (10) above " Greater London " does not include the City or the Temples.

#### **14 Local valuation panels**

- (1) In subsection (1)(b) of section 91 of the 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.”.

#### **15 The probation service**

- (1) Paragraphs 15(3) and 17(3) of Schedule 3 to the 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 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 under that subsection, together with any members co-opted or appointed to the committee under paragraphs 6 and 7 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 or 7 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 provisions 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.