



Local Government Act 1985

1985 CHAPTER 51

PART IV

POLICE, FIRE SERVICES, CIVIL DEFENCE AND TRANSPORT

Functions

37 Police and fire services.

Schedule 11 to this Act shall have effect, as from the abolition date, for vesting functions relating to ^{F1} . . . fire services and certain related matters in the police authorities and fire and civil defence authorities established by this Part of this Act.

Textual Amendments

F1 Words in s. 37 repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), **Sch. 9 Pt. II**; S.I. 1994/3262, art. 4, **Sch.**

38 Civil defence.

- ^{F2}(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 ^{M1}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.

Status: Point in time view as at 01/04/1997.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, Cross Heading: Functions. (See end of Document for details)

- (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.

Textual Amendments

F2 S. 38(1)-(4) repealed (E.W.) (1.8.1993) by S.I. 1993/1812, reg. 3, Sch., Pt.I

Marginal Citations

M1 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 [^{F3}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

F3 Words substituted by [Transport Act 1985 \(c.67, SIF 126\)](#), ss. 58(4)(b), 140

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.

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- (3) In sections 30 [^{F4}, 31, 35] and 88(10) of the ^{M2}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

- F4** 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

- M2** [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)

- C1** [S. 41](#) amended by [S.I. 1985/1884](#), **art. 5(2)**
C2 [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—

- ^{F5}(a)
- (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 . . . ^{F6} or, as respects any functions exercisable by a metropolitan county passenger transport authority otherwise than by virtue of section 39 above [^{F7}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—

- ^{F5}(a)

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- (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 ^{F8} . . . 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

- F5** S. 42(1)(a)(2)(a) repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch.**
- F6** Words repealed by **Transport Act 1985** (c.67, SIF 126), s. 139(3), **Sch. 8**
- F7** Words inserted by **Transport Act 1985** (c.67, SIF 126), **ss. 58(4)(c)**, 140
- F8** Word in s. 42(3) repealed (1.4.1995) by 1994 c. 29, ss. 93, 94(2), **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch.**

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