



# Local Government Act 1985

## 1985 CHAPTER 51

### 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>F1</sup>
- (3) This section has effect in relation to a joint authority from the day on which it is established.

#### **Textual Amendments**

- F1** S. 84(2) repealed by [Education Reform Act 1988](#) (c.40, SIF 41:1), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt.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](#)

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

- C1** S. 84(3) extended by [Local Government Act 1986](#) (c.10, SIF 81:1, 2), [s. 11\(6\)](#) (the said s. 11 is repealed (*prosp.*) by [Local Government and Housing Act 1989](#) (c.42, SIF 81:1), ss. 194(4), 195(2), [Sch. 12 Pt.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

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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>M1</sup>Police Act 1964 and section 19 of the <sup>M2</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**

**M1** 1964 c. 48.

**M2** 1947 c. 41.

**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.

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- (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.

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

**C2** S. 86(2)–(6)(7)(b)(8) modified by S.I. 1985/1884, art. 11(2)

**C3** 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

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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
  - (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

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- 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.
- (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.

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## 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>M3</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.

### Marginal Citations

M3 1963 c. 33.

## 90 Charities.

- (1) ..... <sup>F2</sup>
- (2) ..... <sup>F3</sup>, 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 [<sup>F4</sup>the Charities Act 1993].

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#### Textual Amendments

- F2** S. 90(1) repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**
- F3** Words repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**
- F4** Words in s. 90(4) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6**, para. 30.

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

- (1) This section applies to—
- any grant made to a local authority by the Greater London Council or a metropolitan county council after 24th July 1984;
  - 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
  - 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—
- 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
  - give any such assistance as is mentioned in paragraph (c) of that subsection;
- 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.

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- (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>M4</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**

**M4** 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 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—



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- (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>M5</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.
- (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

M5 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>M6</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.

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- (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.

#### Marginal Citations

M6 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;

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- (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 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.

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- (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>M7</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 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

M7 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.

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*Status: Point in time view as at 19/07/1995.*

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

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- (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.
- (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.

*Status: Point in time view as at 19/07/1995.*

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- (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)**

- C4** 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))
- C5** S. 98(2) excluded by S.I. 1985/1781, art. 3(1)
- C6** S. 98(2) modified by S.I. 1986/148, art. 23(2)
- C7** S. 98(3) excluded by S.I. 1985/1781, art. 3(1)
- C8** S. 98(4) modified by S.I. 1985/1341, art. 3, 1985/1781, art. 3(2) and 1986/148, art. 23(2)
- C9** 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 <sup>M8</sup>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**

**M8** 1979 c. 55.

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*Status: Point in time view as at 19/07/1995.*

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## **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—
  - (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>F5</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

*Status: Point in time view as at 19/07/1995.*

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

- 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

**F5** 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.
- (4) Subsection (2) above does not affect any orders made before the abolition date under section 23, 83 or 87 of the <sup>M9</sup>London Government Act 1963.

#### Marginal Citations

**M9** [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.



*Status: Point in time view as at 19/07/1995.*

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

- (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>M10</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>M11</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.

- (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>M12</sup>Interpretation Act 1978 (anticipatory exercise of powers).

#### **Marginal Citations**

- M10** 1978 c. 44.
- M11** 1972 c. 70.
- M12** 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.

**Status:**

Point in time view as at 19/07/1995.

**Changes to legislation:**

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