



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) ^{F1}
- (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F1 S. 84(2) repealed by [Education Reform Act 1988](#) (c.40, SIF 41:1), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt.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C1 S. 84(3) extended by [Local Government Act 1986](#) (c.10, SIF 81:1, 2), [s. 11\(6\)](#) (the said s. 11 is repealed (*prosp.*) by [Local Government and Housing Act 1989](#) (c.42, SIF 81:1), ss. 194(4), 195(2), [Sch. 12 Pt.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](#))

^{F2}85 Exercise of functions by new authorities in initial period.

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Status: Point in time view as at 10/11/2004.

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

Textual Amendments

F2 S. 85 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

^{F3}86 First meetings of new authorities.

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Textual Amendments

F3 S. 86 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3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 [^{F4}, or by the Greater London Authority under section 78 of the Greater London Authority Act 1999,] 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.

^{F5}(6)

Status: Point in time view as at 10/11/2004.

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

Textual Amendments

- F4** Words in s. 87(3) inserted (3.7.2000) by 1999 c. 29, ss. 78(8), 425(2) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch. Pt. III
- F5** S. 87(6) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

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 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.

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- (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.

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 ^{M1}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

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- 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

M1 1963 c. 33.

90 Charities.

- (1) ^{F6}
- (2) ^{F7}, 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 [^{F8}the Charities Act 1993].

Textual Amendments

- F6** 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**
- F7** Words repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**
- F8** Words in s. 90(4) substituted (1.8.1993) by [1993 c. 10, ss. 98\(1\), 99\(1\)](#), **Sch. 6, para. 30**.

^{F9}91 Control of financial and other assistance to local authorities by GLC and metropolitan county councils.

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

Textual Amendments

F9 Ss. 91-93 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

^{F9}92 Control of liabilities affecting successor authorities.

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Textual Amendments

F9 Ss. 91-93 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

^{F9}93 Control of disposals and contracts.

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Textual Amendments

F9 Ss. 91-93 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

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.

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F1095 Co-ordinating committees of successor councils.

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Textual Amendments

F10 Ss. 95-97 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

F1096 Information for implementation of Act.

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Textual Amendments

F10 Ss. 95-97 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

F1097 Other provisions for implementation of Act.

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Textual Amendments

F10 Ss. 95-97 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

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—

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- (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)

- C2** 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\(j\)](#))
- C3** S. 98(2) excluded by [S.I. 1985/1781](#), [art. 3\(1\)](#)
- C4** S. 98(2) modified by [S.I. 1986/148](#), [art. 23\(2\)](#)
- C5** S. 98(3) excluded by [S.I. 1985/1781](#), [art. 3\(1\)](#)
- C6** S. 98(4) modified by [S.I. 1985/1341](#), [art. 3](#), [1985/1781](#), [art. 3\(2\)](#) and [1986/148](#), [art. 23\(2\)](#)
- C7** S. 98(5)–(8) modified by [S.I. 1985/1781](#), [art. 3\(2\)](#) and [1986/148](#), [art. 23\(2\)](#)

99 Disqualification of justices.

[^{F11}Section 66 of the Justices of the Peace Act 1997] (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

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- (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.

Textual Amendments

- F11** Words in s. 99 substituted (19.6.1997) by 1997 c. 25, ss. 73(2), 74(1), **Sch. 5 para. 22(2)** (with **Sch. 4 para. 27**)

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 [^{F12}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;

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- (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

F12 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 ^{M2}London Government Act 1963.

Marginal Citations

M2 1963 c. 33.

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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 [^{F13}the Employment Rights Act 1996];
 - “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 ^{M3}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 ^{M4}Interpretation Act 1978 (anticipatory exercise of powers).

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

Textual Amendments

F13 Words in definition in s. 105(1) substituted (22.8.1996) by [1996 c. 18, ss. 240, 243, Sch. 1 para. 26\(3\)](#) (with [ss. 191-195, 202](#))

Marginal Citations

M3 [1972 c. 70.](#)

M4 [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:

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Changes to legislation:

There are currently no known outstanding effects for the Local Government Act 1985, Part IX.