

Status: Point in time view as at 28/03/1991.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, SCHEDULE 13. (See end of Document for details)

SCHEDULES

SCHEDULE 13 **U.K.**

Section 57(7).

RESIDUARY BODIES

Status

- 1 A residuary body shall not be regarded as acting on behalf of the Crown and neither that body nor its members, officers or servants shall be regarded as Crown servants.

Modifications etc. (not altering text)

C1 Sch. 13 para. 1 amended by S.I. 1989/1815, art. 2, Sch. 1 para. 2(a)

Tenure of office of members

- 2 (1) Subject to the provisions of this paragraph, every member of a residuary body shall hold and vacate his office in accordance with the terms of his appointment.
- (2) Any member may resign by notice in writing to the Secretary of State, and the chairman or deputy chairman may by a like notice resign his office as such.
- (3) The Secretary of State may remove a member from office if that member—
- (a) has become bankrupt or made an arrangement with his creditors;
 - (b) is incapacitated by physical or mental illness;
 - (c) has been absent from meetings of the body for a period of three months otherwise than for a reason approved by the body; or
 - (d) is in the opinion of the Secretary of State otherwise unable or unfit to discharge the functions of a member.
- (4) If the chairman or deputy chairman ceases to be a member he shall also cease to be chairman or deputy chairman.

Modifications etc. (not altering text)

C2 Sch. 13 para. 2 amended by S.I. 1989/1815, art. 2, Sch. 1 para. 2(b)

Remuneration etc. of members

- 3 (1) A residuary body shall pay to each member such remuneration and allowances (if any) as the Secretary of State may determine.
- (2) As regards any member of a residuary body in whose case the Secretary of State may so determine, the body shall pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.

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- (3) Where a person ceases to be a member of a residuary body otherwise than on the expiration of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the body shall pay as compensation to that person such amount as the Secretary of State may determine.
- (4) Where an employee of a residuary body becomes a member of that body and immediately before becoming a member was by reference to his employment by that body participating in a superannuation scheme, the body may make provision for him to continue to participate in that scheme, on terms and conditions determined by the body with the consent of the Secretary of State, as if his service as a member were service as an employee; and any such scheme shall have effect subject to any provision made under this sub-paragraph.
- (5) Any determination by the Secretary of State under this paragraph shall require the consent of the Treasury.

Modifications etc. (not altering text)

- C3 Sch. 13 para. 3 amended by S.I. 1989/1815, art. 2, Sch. 1 para. 2(c)
- C4 Sch. 13 para. 3(2): all functions transferred (28.3.1991) by S.I. 1991/710, art. 4(3)
- C5 Sch. 13 para. 3(2): certain functions transferred (31.3.1991) by S.I. 1991/517, art. 2 (b)
- C6 Sch. 13 para. 3(2)(4): certain functions transferred (1.4.1992) by S.I. 1992/331, art. 2(2)(4)

House of Commons disqualification

- 4 In Part III of Schedule 1 to the ^{M1}House of Commons Disqualification Act 1975 (disqualifying offices) there shall be inserted at the appropriate place in alphabetical order—

“Any member of a residuary body established by Part VII of the Local Government Act 1985 who is in receipt of remuneration”

Modifications etc. (not altering text)

- C7 Sch. 13 para. 4 amended by S.I. 1989/1815, art. 2, Sch. 1 para. 2(d)

Marginal Citations

- M1 1975 c. 24.

Proceedings

- 5 (1) A residuary body shall regulate its own proceedings.
- (2) The validity of any proceedings of a residuary body shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

Modifications etc. (not altering text)

- C8 Sch. 13 para. 5 amended by S.I. 1989/1815, art. 2, Sch. 1 para. 2(e)

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- 6 (1) The application of the seal of a residuary body shall be authenticated by the signature of the chairman or of some other member authorised either generally or specially by the body for that purpose.
- (2) Any document purporting to be a document duly executed under the seal of a residuary body shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Acquisition and disposal of land

- 7 (1) A residuary body may with the consent of the Secretary of State acquire by agreement any land required by it for carrying out its functions.
- (2) A residuary body may dispose of any land held by it in such manner as it wishes and shall dispose of any land held by it which is not required by it for carrying out its functions but subject, in either case, to section 65 of this Act, to the same restrictions as those imposed by subsections (2), (2A) and (6) of section 123 of the principal Act in the case of disposals by a principal council under subsection (1) of that section and to any other restrictions to which it is subject by virtue of the subsequent provisions of this Schedule.

Provision of services

- 8 (1) A residuary body may by agreement with any relevant successor authority, and on such terms as to payment or otherwise as the parties consider appropriate, provide that authority with professional or technical services.
- (2) Each residuary body shall as soon as practicable after it is established—
- (a) review the professional and technical services provided by the Greater London Council or the relevant metropolitan county council, as the case may be, and the staff employed and property used by them in the provision of those services; and
 - (b) in the light of that review ascertain from each relevant successor authority whether it is likely to wish to enter into an agreement with the residuary body under this paragraph, being an agreement the performance of which by that body would make it desirable for any such staff or property to be transferred to that body.
- (3) If any relevant successor authority indicates to a residuary body that it is likely to wish to enter into such an agreement as is mentioned in sub-paragraph (2)(b) above that body shall forthwith make a report to that effect to the Secretary of State who shall take it into consideration and make such orders under sections 52 and 100 of this Act as appear to him to be appropriate unless he considers it inexpedient to do so.
- (4) In this paragraph “relevant successor authority”, in relation to a residuary body, means a successor authority exercising functions in the area for which that body is established 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.

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Access to documents of councils

- 9 (1) Any person authorised in that behalf by the London Residuary Body or the residuary body established for a county shall be entitled on producing, if so required, evidence of his authority—
 - (a) at all reasonable times to inspect and make copies of any document belonging to or under the control of the Greater London Council or the council of that county, as the case may be; and
 - (b) to require copies of any such document to be delivered to him.
- (2) Any person having custody of any such document who without reasonable excuse—
 - (a) obstructs a person in the exercise of his rights under sub-paragraph (1) above; or
 - (b) refuses or fails to comply with any requirement imposed under that sub-paragraph,
 shall be liable on summary conviction to a fine not exceeding the third level on the standard scale and to an additional fine not exceeding £40 for each day on which the offence continues after conviction thereof.
- (3) References in this paragraph to copies of a document include references to copies of any part of it.
- (4) In this paragraph “document” includes any record of information and, where the record is not in legible form, the rights conferred by sub-paragraph (1) above include the right to require the information to be made available in legible form for inspection or copying and to require copies of it in that form to be delivered.

Reports and information

- 10 (1) Each residuary body shall publish an annual report on the discharge of its functions.
- (2) Each residuary body shall send to the Secretary of State a copy of any report made by it under sub-paragraph (1) above and the Secretary of State shall lay copies of it before each House of Parliament.
- (3) Each residuary body shall furnish the Secretary of State with such information relating to the discharge of its functions as he may require, and for that purpose shall permit any person authorised by him to inspect and make copies of any accounts or other documents of the body and shall afford such explanation of them as that person or the Secretary of State may require.

Modifications etc. (not altering text)
C9 Sch. 13 para. 10 amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 2(f)**
C10 Sch. 13 para. 10(1) modified by S.I. 1989/1359, **reg. 10(1)**

11 F1

Textual Amendments
F1 Sch. 13 para. 11 repealed by Parliamentary and Health Service Commissioners Act 1987 (c.39, SIF 89), s. 10(2), **Sch. 2**

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Application of local government provisions

- 12 A residuary body shall be treated as a local authority or, as the case may be, as a principal council for the purposes of the following provisions of the principal Act—
- (a) section 111 (subsidiary powers);
 - (b) sections 112 to 115 and 117 to 119 (staff);
 - (c) section 128(2) (protection of purchasers);
 - (d) sections 140, 140A and 140C (insurance of members etc.);
 - (e) section 146 (transfer of securities);
 - (f) section 223 (appearance in legal proceedings);
 - (g) sections 224, 225 and 229 to 233 (documents); and
 - (h) section 239 so far as it relates to opposing a local or personal Bill in Parliament and without the procedural requirements in subsection (2).

Modifications etc. (not altering text)

C11 Sch. 13 para. 12 amended by S.I. 1989/1815, art. 2, Sch. 1 para. 2(g)

- 13 A residuary body shall be treated as a local authority for the purposes of—
- (a) the ^{M2}Landlord and Tenant Act 1954;
 - (b) the ^{M3}Local Government (Records) Act 1962;
 - (c) Part III of the ^{M4}Post Office Act 1969;
 - (d) [^{F2}section 252 of the Town and Country Planning Act 1990];
 - (e) section 13(7)(f) of the ^{M5}Employment Agencies Act 1973;
 - (f) section 28 of the ^{M6}Health and Safety at Work etc. Act 1974;
 - (g) sections 30, 38 and 41 of the ^{M7}Local Government (Miscellaneous Provisions) Act 1976;
 - (h) section 71 of the ^{M8}Race Relations Act 1976;
 - (i) section 64 of the Justices of the ^{M9}Peace Act 1979;
 - (j) section 41 of the ^{M10}Local Government (Miscellaneous Provisions) Act 1982;
 - (k) paragraph 7 of Schedule 1 to the ^{M11}Stock Transfer Act 1982; and
 - (l) section 60 of the ^{M12}County Courts Act 1984.

Textual Amendments

F2 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 69\(2\)\(a\)](#)

Modifications etc. (not altering text)

C12 Sch. 13 para. 13(g)(h)(i) amended by S.I. 1989/1815, art. 2, [Sch. 1 para. 2\(g\)](#)

Marginal Citations

M2 1954 c. 56.

M3 1962 c. 56.

M4 1969 c. 48.

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- M5** 1973 c. 35.
- M6** 1974 c. 37.
- M7** 1976 c. 57.
- M8** 1976 c. 74.
- M9** 1979 c. 55.
- M10** 1982 c. 30.
- M11** 1982 c. 41.
- M12** 1984 c. 28.

- 14 A residuary body shall be included among the authorities or bodies to which the following enactments apply—
- (a) section 11 of the ^{M13}Trustee Investments Act 1961;
 - [^{F3}(aa) paragraph 2 of Schedule 4A to the Leasehold Reform Act 1967;]
 - (b) section 3(1) of the ^{M14}Employer’s Liability (Compulsory Insurance) Act 1969; [^{F4}and]
 - (c) section 5(2) of the ^{M15}Rent (Agriculture) Act 1976; . . . ^{F5}
 - (d) ^{F5}

Textual Amendments

- F3** Sch. 13 para. 14(aa) inserted by Housing and Planning Act 1986 (c.63, SIF 81:1), s. 18, **Sch. 4 para. 9(2)**
- F4** Word inserted by Housing and Planning Act 1986 (c.63, SIF 81:1), s. 18, **Sch. 4 para. 9(2)**
- F5** Sch. 13 para. 14(d) repealed by Housing and Planning Act 1986 (c.63, SIF 81:1), ss. 18, 24(3), 39(4), 49(2), 53(2), Sch. 4 para. 9(2), **Sch. 12 Pt. I**

Modifications etc. (not altering text)

- C13** Sch. 13 para. 14(a) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 2(g)**
- C14** Sch. 13 para. 14(b) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 2(g)**

Marginal Citations

- M13** 1961 c. 62.
- M14** 1969 c. 57.
- M15** 1976 c. 80.

- 15 A residuary body shall be included among the bodies specified in section 99(4) of and Schedule 16 to the ^{M16}Local Government Planning and Land Act 1980.

Marginal Citations

- M16** 1980 c. 65.

- 16 The London Residuary Body shall be included among the authorities to which section 5(3) of the ^{M17}London Government Act 1963 applies.

Modifications etc. (not altering text)

- C15** Sch. 13 para. 16 amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 2(g)**

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Marginal Citations

M17 1963 c. 33.

- 17 A residuary body shall be included in the local authorities mentioned in section 28(5)(a) of the ^{M18}Leasehold Reform Act 1967 and sections 29(5) and 38(1) of that Act shall be construed accordingly.

Marginal Citations

M18 1967 c. 88.

- 18 Without prejudice to paragraph 8 above, a residuary body shall be treated as a local authority for the purposes of the ^{M19}Local Authorities (Goods and Services) Act 1970 and, for the purposes of that Act as it applies in relation to a residuary body, the Secretary of State shall be treated as a public body.

Marginal Citations

M19 1970 c. 39.

- 19 A residuary body shall be included among the councils mentioned in [^{F6}paragraph 1(3) of Schedule 14 to the Town and Country Planning Act 1990].

Textual Amendments

F6 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 69(2)(b)**

- 20 A residuary body shall be included among the bodies specified in [^{F7}section 144(2)(a) of the Road Traffic Act 1988].

Textual Amendments

F7 Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c.54, SIF 107:1\)](#), s. 4, **Sch. 3 para. 30**

- 21 A residuary body shall be included among the bodies to which section 14 of the ^{M20}Rent Act 1977 applies . . . ^{F8}

Textual Amendments

F8 Words repealed by [Housing Act 1988 \(c.50, SIF 61\)](#), s. 140(2), **Sch. 18** (the repeal being subject to a saving in [S.I. 1988/2152, Sch. 2 para. 6](#))

Marginal Citations

M20 1977 c. 42.

- [^{F9}22 A residuary body shall be treated as a local authority for the purposes of the following provisions of the Housing Act 1985—

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sections 43 and 44 (consent required for certain disposals of houses),
sections 45 to 51 (restrictions on recovery of service charges after disposal of house),
Parts IV and V (secure tenancies and the right to buy),
sections 442 (so far as relates to agreements within subsection (1)(b)), 443, 444, [F10 450A to 450C,] 452 and 453 (provision in connection with local authority mortgages), and
Part XVI (assistance for owners of defective premises disposed of by local authorities and others).

Textual Amendments

- F9** Sch. 13 paras. 22—24 substituted for paras. 22 and 23 by [Housing \(Consequential Provisions\) Act 1985](#) (c.71, SIF 61), s. 4, [Sch. 2 para. 61](#)
- F10** Words in Sch. 13 para. 22 inserted (17.8.1992) by [Housing and Planning Act 1986](#) (c. 63, SIF 81:1), s. 24(1)(2), [Sch. 5 para. 19](#); S.I. 1992/1753, [art. 2\(2\)](#)

- 23 A residuary body shall be treated as a local authority for the purposes of sections 84(5)(b) and 85(4) of the Housing Associations Act 1985 (consultation on forms of agreement and meaning of “relevant advance”).

Textual Amendments

- F9** Sch. 13 paras. 22—24 substituted for paras. 22 and 23 by [Housing \(Consequential Provisions\) Act 1985](#) (c.71, SIF 61), s. 4, [Sch. 2 para. 61](#)

- 24 A residuary body shall be treated as a local authority for the purposes of the following provisions of the Landlord and Tenant Act 1985—
section 14(4) (exclusion of implied repairing obligations) . . . ^{F11}
sections 18 to 30 (service charges) [^{F12}, and paragraph 9(1) of the Schedule.]

Textual Amendments

- F9** Sch. 13 paras. 22—24 substituted for paras. 22 and 23 by [Housing \(Consequential Provisions\) Act 1985](#) (c.71, SIF 61), s. 4, [Sch. 2 para. 61](#)
- F11** Word repealed by [Landlord and Tenant Act 1987](#) (c.31, SIF 75:1), s. 61(1), [Sch. 4 para. 3\(a\)\(i\)](#)
- F12** Words added by [Landlord and Tenant Act 1987](#) (c.31, SIF 75:1), s. 61(1), [Sch. 4 para. 3\(a\)\(ii\)](#)

- [^{F13} 25 A residuary body shall be treated as a local authority for the purposes of Part III of the Local Government Act 1986 (transfer of local authority mortgages).

Textual Amendments

- F9** Sch. 13 paras. 22—24 substituted for paras. 22 and 23 by [Housing \(Consequential Provisions\) Act 1985](#) (c.71, SIF 61), s. 4, [Sch. 2 para. 61](#)

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F13 Sch. 13 paras. 25, 26 added by Local Government Act 1986 (c.10, SIF 81:1, 2), s. 9(3), and by Landlord and Tenant Act 1987 (c.31, SIF 75:1), s. 61(1), **Sch. 4 para. 3(b)**

26 A residuary body shall be included among the bodies specified in section 58(1) of the Landlord and Tenant Act 1987.]]

Textual Amendments

F9 Sch. 13 paras. 22—24 substituted for paras. 22 and 23 by Housing (Consequential Provisions) Act 1985 (c.71, SIF 61), s. 4, **Sch. 2 para. 61**

F13 Sch. 13 paras. 25, 26 added by Local Government Act 1986 (c.10, SIF 81:1, 2), s. 9(3), and by Landlord and Tenant Act 1987 (c.31, SIF 75:1), s. 61(1), **Sch. 4 para. 3(b)**

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