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STATUTORY INSTRUMENTS

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**1996 No. 532**

**The Local Government Reorganisation  
(Wales) (Property etc.) Order 1996**

**PART IV**

**VESTING OF MISCELLANEOUS PROPERTY, RIGHTS AND LIABILITIES**

**Specific transfers**

**16.**—(1) Any property described in column 2 of Part I of Schedule 3 of an old authority named in column 1 shall vest in the body specified in that respect in column 3.

(2) Any property, rights or liabilities described in column 2 of Part II of Schedule 3 of an old authority or body named in column 1 shall vest in the new authority specified in that respect in column 3.

(3) Where, by virtue of paragraph (1), land vests in a body (“the transferee body”), any property in or on that land, being property vested in the old authority in whom the land was vested, shall, subject to articles 17, 20 and 21, vest in the transferee body.

(4) For the purposes of paragraph (3) the expression “property in or on that land” shall be construed in accordance with article 7(2) save that it shall not include property consisting of cash or investments and the expression “the transferee body” shall not include the Residuary Body.

(5) Any rights or liabilities in respect of land or property transferred by paragraphs (1), (2) or (3) save for rights or liabilities in respect of money borrowed by an old authority shall, subject to articles 9, 10 and 22, vest in the body in which the land or, as the case may be, the property is vested.

**Property etc. relating to National Parks**

**17.**—(1) Any property of an old authority which is used wholly in, and any rights or liabilities of an old authority arising out of, the discharge of functions by the authority in relation to a National Park through a National Park Committee, shall, subject to articles 14 and 15, vest in the National Park authority by which those functions become exercisable by virtue of the National Park Authorities (Wales) Order 1995(1).

(2) Paragraph (1) shall not apply to—

- (a) land vested by virtue of article 16,
- (b) property consisting of cash or investments, or
- (c) rights or liabilities in respect of money borrowed by an old authority.

**Land vested in different bodies**

**18.**—(1) This paragraph applies to any land parts of which are, by virtue of this Order, vested in different bodies.

(2) Where any easement or other right over one part (“the servient part”) of any land to which paragraph (1) applies is required to enable another such part (“the dominant part”) to be used, or to enable the full benefit of that part to be enjoyed, the body in which the dominant part is vested may serve notice (“the initial notice”) on the body in which the servient part is vested specifying the easement or other right required and demanding that it be granted on the terms specified in the notice (“the specified terms”).

(3) The body on which the initial notice is served shall grant the required easement or other right on the specified terms unless within 3 months of receiving the initial notice it serves a counter-notice stating that it does not agree that the easement or other right is so required or that it does not accept the specified terms.

(4) Any question as to whether an easement or other right is so required or as to the specified terms shall be determined by a person agreed on by the parties concerned or, in default of agreement, appointed by the Secretary of State.

(5) Section 31 of the Arbitration Act 1950(2) shall have effect for the purposes of a determination under paragraph (4) as if such a determination were an arbitration under any other Act within the meaning of that section.

## Coroners

**19.** All rights and liabilities of an old authority in its capacity as a relevant council for the purposes of the Coroners Act 1988(3) for coroners in a coroner’s district specified in column 1 of Schedule 4 to this Order, shall, subject to article 15, vest in the new authority specified in column 2 in relation to that district.

## Archives

**20.—**(1) Subject to paragraph (2), all records of an old authority which is a county council shall vest in, or, as the case may be, transfer to the custody of, the successor authorities in relation to that council.

(2) The records of Powys County Council and Swansea City Council, which exist immediately before 1st April 1996, shall vest in, or, as the case may be, transfer to the custody of, the councils of Powys and Swansea established under the 1994 Act respectively.

(3) Rights and liabilities of an old authority in respect of records shall vest in the authorities in which such records are vested, or, as the case may be, to which custody of such records is transferred by virtue of paragraph (1) or (2).

(4) In this article, “records” has the same meaning as in section 60 of the 1994 Act.

## Records

**21.—**(1) Where by virtue of this Order land or property vests in a body, any records which relate exclusively to that land or property shall vest in the body.

(2) Where—

- (a) by virtue of this Order records are vested in a body, and
- (b) the property, rights, liabilities or functions to which they relate are vested in or are exercisable by another body on or after 1st April 1996,

that other body shall be entitled during ordinary office hours, through any person authorised in that behalf, to inspect those records and to take, or be supplied with, copies.

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(2) 1950 c. 27; section 31 was repealed in part by the Arbitration Act 1975 (c. 3), section 8(2), and amended by the Arbitration Act 1979 (c. 42), section 7(1).

(3) 1988 c. 13.

(3) The rights conferred by paragraph (2) above include the right to require any record which is not in legible form to be made available in legible form for the purposes of inspection or copying or being supplied with copies.

### **Contractual rights and liabilities**

**22.**—(1) This paragraph applies to any rights or liabilities of an old authority in relation to a contract for the provision of services for, or the delivery of goods to, that authority.

(2) Any rights or liabilities to which paragraph (1) applies shall vest—

- (a) where the contract relates exclusively to land or other property vested, by virtue of this Order, in one new authority, in that authority;
- (b) where the contract relates exclusively to the area of one new authority, in that authority;
- (c) where the contract relates to land or other property which is vested, by virtue of this Order, in two or more new authorities, in those authorities jointly and severally;
- (d) where the contract relates to the area of two or more new authorities, in those authorities jointly and severally.

(3) For the purposes of paragraph (2)(a) and (c) the expressions “new authority” and “new authorities” shall include bodies in which property is vested by virtue of article 16 and Schedule 3 or, as the case may be, article 17.

(4) In this article “contract” includes any enforceable undertaking but does not include a contract of insurance or a contract for banking services.