
STATUTORY INSTRUMENTS

1997 No. 540

LOCAL GOVERNMENT, ENGLAND AND WALES

WALES

**The Residuary Body for Wales (Dyffryn
House and Gardens) Order 1997**

<i>Made</i>	- - - -	<i>6th March 1997</i>
<i>Laid before Parliament</i>		<i>6th March 1997</i>
<i>Coming into force</i>	- -	<i>1st April 1997</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 54(1) and (2)(c) and 63(5) of the Local Government (Wales) Act 1994⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Residuary Body for Wales (Dyffryn House and Gardens) Order 1997 and shall come into force on 1st April 1997.

Interpretation and general provisions

2.—(1) In this Order—

“contract for banking services” means a contract for the provision of services for the Residuary Body by an authorised institution; and “authorised institution” shall be construed in accordance with the Banking Act 1987⁽²⁾;

“contract of insurance” shall be construed in accordance with sections 95 and 96 of the Insurance Companies Act 1982⁽³⁾;

“the Council” means The Vale of Glamorgan County Borough Council;

“records” include material in whatever form or medium which conveys or is capable of conveying information;

“the Residuary Body” means the Residuary Body for Wales.

⁽¹⁾ 1994 c. 19.
⁽²⁾ 1987 c. 22.
⁽³⁾ 1982 c. 50.

(2) The reference to vesting of property in article 3(2) shall include a reference to the vesting of rights and liabilities of the Residuary Body in respect of any agreement for the hire or use by, or deposit with, that Body of any such property.

(3) Any reference in this Order to any rights or liabilities of the Residuary Body includes a reference to rights or liabilities acquired or incurred by any predecessor in title of that Body.

(4) Where land or other property or any rights or liabilities of the Residuary Body are vested, by virtue of this Order, in the Council, anything done by or in relation to the Residuary Body in connection with such land or other property or rights or liabilities shall be treated as if it had been done by or in relation to the Council.

Land property rights and liabilities transferred

3.—(1) The land vested in the Residuary Body which is described in the Schedule to this Order shall vest in the Council.

(2) Any property in or on that land being property held by the Residuary Body shall vest in the Council.

(3) In the preceding paragraph, the expression “property in or on that land” shall include vehicles and moveable property which are normally kept in or on such land when not in use.

(4) Any rights or liabilities of the Residuary Body in respect of the land or property transferred by this article shall vest in the Council.

Contractual rights and liabilities

4.—(1) Any rights or liabilities of the Residuary Body in relation to a contract for the provision of services for, or the delivery of goods to, the Residuary Body (including any rights and liabilities in relation to such contracts vested in the Residuary Body by virtue of article 22(2)(a) of the Local Government Reorganisation (Wales) (Property etc.) Order 1996(4)) where the contract relates exclusively to the land or property vested, by virtue of article 3, in the Council, shall vest in the Council.

(2) In the preceding paragraph, “contract” includes any enforceable undertaking but does not include a contract of insurance or a contract for banking services.

Contracts of Insurance

5. Any rights or liabilities of the Residuary Body in relation to a contract of insurance entered into by that Body where that contract relates to the land or property or any rights or liabilities vested in the Council by articles 3 or 4 shall, to the extent that such contract relates to such land or property or such rights or liabilities, vest in the Council.

Records

6.—(1) Any records vested in the Residuary Body which relate exclusively to the land or property or any rights or liabilities vested in the Council by articles 3 to 5 shall vest in the Council.

(2) In relation to any records vested in the Council by virtue of the preceding paragraph, the Residuary Body (acting through any authorised officer or agent) shall, upon giving reasonable notice, be entitled during ordinary office hours to inspect any such records and to take, or to be supplied with, copies of those records or any part of them.

(3) Paragraph (4) shall apply to any records vested in the Residuary Body which—

(4) S.I. 1996/532 to which there is an amendment not relevant to this Order.

(a) relate to any land or property or any rights or liabilities vested in the Council by articles 3 to 5; and

(b) are not vested in the Council under paragraph (1).

(4) Upon giving reasonable notice, the Council (acting through any authorised officer or agent) shall be entitled during ordinary office hours to inspect any records referred to in paragraph (3) and to take, or to be supplied with, copies of those records or any part of them.

(5) The rights conferred by paragraph (2) or (4) 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.

(6) The Residuary Body shall not be required to produce for inspection, copying or supplying with copies any records which they could not be compelled to give or produce in civil proceedings before the High Court.

Signed by authority of the Secretary of State for Wales

6th March 1997

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

THE SCHEDULE

Article 3

DESCRIPTION OF LAND

Leasehold interest in Dyffryn House and Gardens, St Nicholas as transferred to the Residuary Body by the Local Government Reorganisation (Wales) (Property etc.) Order 1996.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order makes provision for the transfer of a leasehold interest in Dyffryn House and Gardens, St Nicholas and associated property, rights and liabilities from the Residuary Body for Wales to The Vale of Glamorgan County Borough Council.

Prior to local government reorganisation in Wales, the said leasehold interest was vested jointly in Mid Glamorgan and South Glamorgan County Councils. On 1st April 1996 it was vested in the Residuary Body by virtue of the Local Government Reorganisation (Wales) (Property etc.) Order 1996 (S.I.1996/532) pending discussions as to the future use and ownership.