
STATUTORY INSTRUMENTS

2017 No. 612

The Greater Manchester Combined Authority
(Functions and Amendment) Order 2017

PART 4

Waste Disposal

Abolition and transfer of functions

9.—(1) The functions of the GMWDA are functions of the GMCA that are exercisable in relation to the local government areas of the constituent councils other than the district council for the local government area of Wigan.

(2) The GMWDA is abolished and all property, rights and liabilities (including rights and liabilities in relation to contracts of employment) which immediately before 1st April 2018 were property, rights and liabilities of the GMWDA are to transfer to, and by virtue of this paragraph vest in, the GMCA on 1st April 2018.

(3) In this Part, “GMWDA area” means the local government areas of the constituent councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside and Trafford.

Adaptation of enactments

10.—(1) This article has effect in consequence of article 9.

(2) Subject to paragraph (3) and to the following provisions of this article—

- (a) any reference to the GMWDA,
- (b) any reference to a waste disposal authority, or
- (c) any reference which falls to be read as a reference to such an authority,

in any enactment (whenever passed or made) is to be treated, in its application to the GMWDA area, as if it were to the GMCA in respect of the functions conferred on the GMCA by article 9(1).

(3) Paragraph (2) does not apply to the following enactments—

- (a) section 2 of the Local Government (Records) Act 1962 (acquisition and deposit of records)(1);
- (b) Part 8 of the Local Government Finance Act 1988 (interpretation)(2);
- (c) section 74 (transfer of land and other property to housing) of and paragraph 12 of Schedule 1 (tenancies which cannot be assured tenancies) to the Housing Act 1988(3);

(1) 1962 c. 56. Section 2 was amended by paragraph 22 of Schedule 8 to the Local Government Act 1985 (c. 51). There are other amendments but none are relevant.

(2) 1988 c. 41.

(3) 1988 c. 50. Section 74 was amended by section 119 of, and paragraph 79 of Schedule 6 to, the 2009 Act. There are other amendments but none are relevant.

- (d) Part 1 and sections 150 (power to allow charges), 151 (power to amend provisions about charges) and 152 (interpretation, consultation and commencement of ss. 150 and 151) of the 1989 Act;
- (e) section 1 of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance)(4);
- (f) Part 2 of the Deregulation and Contracting Out Act 1994 (“Local authority”: England)(5);
- (g) section 3 of the Housing Grants, Construction and Regeneration Act 1996 (ineligible applicants)(6);
- (h) section 1 of the Local Government Act 1999 (best value authorities)(7);
- (i) paragraph 15 of Schedule 1 to the Freedom of Information Act 2000 (public authorities)(8);
- (j) Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007 (application of Chapter: partner authorities);
- (k) sections 34 (mutual insurance) and 35 of the 2009 Act (mutual insurance: supplementary)(9);
- (l) section 210 (reports on improving efficiency and sustainability of buildings owned by local authorities) and paragraph 11 of Schedule 20 to the Housing and Planning Act 2016 (authorities specified for purposes of section 210 (reports on improving efficiency and sustainability of buildings owned by local authorities))(10);
- (m) paragraph 4 of Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(11);
- (n) the Schedule to the Local Authorities (Exemption from Political Restrictions) (Designation) Regulations 2012(12);
- (o) paragraph 1 of the Schedule to the Whole of Government Accounts (Designation of Bodies) Order 2015(13); and
- (p) article 2 of the Audit Commission for Local Authorities and the National Health Service in England (Specified Organisations) (England) Order 2009(14).

Continuity

11.—(1) Nothing in articles 9 or 10 affects the validity of anything done by or in relation to the GMWDA before the commencement date of this Part as specified in article 1(4).

(2) There may be continued by or in relation to the GMCA anything (including legal proceedings) which—

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- (4) [1993 c. 25](#). Section 1 was amended by section 119 of, and paragraph 83 of Schedule 6 to, the 2009 Act. There are other amendments but none are relevant.
 - (5) [1994 c. 40](#).
 - (6) [1996 c. 53](#). Section 3 was amended by section 119 of, and paragraph 88 of Schedule 6 to, the 2009 Act. There are other amendments but none are relevant.
 - (7) [1999 c. 24](#). Section 1 was amended by section 119 of, and paragraph 91 of Schedule 6 to, the 2009 Act; and by section 23 of, and paragraph 15 of Schedule 5 to, the 2016 Act. There are other amendments but none are relevant.
 - (8) [2000 c. 36](#). Schedule 1 was amended by section 119 of, and paragraph 94 of Schedule 6 to, the 2009 Act. There are other amendments but none are relevant.
 - (9) Section 35 was amended by section 99 of, and paragraph 376 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 237 of, and paragraph 1 of Part 32 of Schedule 25 to, the 2011 Act; and by section 59 of, and paragraph 6 of Schedule 13 to, the Deregulation Act 2015.
 - (10) [2016 c. 22](#).
 - (11) [S.I. 1999/2277](#).
 - (12) [S.I. 2012/1644](#).
 - (13) [S.I. 2015/1655](#).
 - (14) [S.I. 2009/1360](#).

- (a) relates to any of the functions conferred by article 9(1);
 - (b) relates to the property, rights or liabilities transferred to the GMCA; and
 - (c) is in the process of being done by or in relation to the GMWDA immediately before the commencement date.
- (3) Anything which—
- (a) was made or done by or in relation to the GMWDA for the purposes of or otherwise in connection with any of the functions conferred by article 9(1) or the property, rights or liabilities transferred by that article; and
 - (b) is in effect immediately before article 9(1) comes into force,
- has effect as if made or done by or in relation to the GMCA.
- (4) The GMCA is to be substituted for the GMWDA, in any instruments, contracts or legal proceedings which—
- (a) relate to any of the functions conferred by article 9(1) or to the property, rights or liabilities transferred by that article; and
 - (b) are made or commenced before the transfer takes effect.
- (5) A reference in this article to anything made or done by or in relation to the GMWDA includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the GMWDA.
- (6) Without prejudice to the generality of this article a levy issued by the GMWDA under section 74 of the Local Government Finance Act 1988 (levies)(**15**) and in accordance with the Joint Waste Disposal Authorities (Levies) (England) Regulations 2006(**16**) to the councils within the GMWDA area in respect of the financial year beginning 1st April 2018 is to have effect for that year as if it had been so issued by the GMCA.
- (7) The property, rights and liabilities of the GMWDA are to be transferred by this Order, notwithstanding that they may be or include—
- (a) property, rights and liabilities that would not otherwise be capable of being transferred; or
 - (b) rights and liabilities under enactments.
- (8) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become exercisable as a result of any transfer of land or other property by virtue of this Order (whether or not any consent required to the transfer has been obtained).
- (9) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document, is to operate or become exercisable or be contravened, by reason of the transfer made by this Order.
- (10) Paragraphs (7) to (9) above have effect in relation to—
- (a) the grant or creation of an estate or interest in, or right over, any land or other property; or
 - (b) the doing of any other thing in relation to land or other property,

(15) Section 74 was amended by section 117 of, and paragraph 72 of Schedule 13 to, the Local Government Finance Act 1992 (c. 14); section 20 of, and paragraph 21 of Schedule 6 to, the Local Government (Wales) Act 1994 (c. 19); section 120 of, and paragraph 1 of Schedule 24 to, the Environment Act 1995; section 105 of the 1999 Act; section 109 of, and paragraph 305(a) of Schedule 8 to, the Courts Act 2003 (c. 39); section 53 of, and paragraph 68 of Schedule 1 to, the Fire and Rescue Services Act 2004 (c. 21); section 22 of, and paragraph 16 of Part 2 of Schedule 1 to, the Local Government and Involvement in Public Health Act 2007; sections 119 and 146 of, and paragraphs 74 and 75 of Schedule 6 and Part 4 of Schedule 7 to, the 2009 Act; section 99 of, and paragraphs 181 and 182 of Schedule 16 to the Police Reform and Social Responsibility Act 2011; section 79 of, and paragraphs 1 and 2 of Schedule 7 to, the 2011 Act; section 9(1)(a), (b) and (2) of, and paragraphs 9 and 10 of Schedule 5 to, the 2016 Act; and by S.I. 1994/2825.

(16) S.I. 2006/248.

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as they have effect in relation to the transfer made by this Order of land or other property.

(11) In this article, “relevant document” means—

- (a) any enactment, other than an enactment contained in the 2009 Act;
- (b) any subordinate legislation made otherwise than under that Act; or
- (c) any deed or other instrument.