



Local Government (Interim Provisions) Act 1984

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Local Government (Interim Provisions) Act 1984

1984 CHAPTER 53

An Act to make provision for the composition of the Greater London Council and metropolitan county councils pending a decision by Parliament on their continued existence; to establish a commission for safeguarding the interests of local government staff employed by or in the areas of those authorities; to require those authorities and their officers to furnish information in connection with proposals for the abolition of those authorities and the transfer of their functions; to postpone the exercise of certain functions by or in relation to those authorities; to control the general expenditure powers of, and disposals of land and contracts made by, those authorities; and to confer rights in respect of the accounts and finances of those authorities on London borough councils, the Common Council and metropolitan district councils.

[31st July 1984]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

1.—(1) Part II of this Act shall not come into force until such day as may be appointed by an order made by the Secretary of State.

Commencement and termination of interim provisions.

PART I

(2) The Secretary of State may by order repeal Parts II to IV of this Act (other than sections 6(3) and 13(1)); and if such an order is made any enactment repealed by this Act shall revive on the coming into force of the order.

1972 c. 70.
1983 c. 2.

(3) An order under subsection (2) above may contain such transitional and supplementary provisions as the Secretary of State thinks necessary or expedient, including provisions modifying the Local Government Act 1972 (in this Act referred to as "the principal Act") or the Representation of the People Act 1983.

(4) The power to make orders under this section shall be exercisable by statutory instrument; and no such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

PART II

INTERIM COMPOSITION OF GREATER LONDON COUNCIL AND METROPOLITAN COUNTY COUNCILS

Suspension
of elections
and extension
of terms of
office.

2.—(1) No ordinary elections of councillors of the Greater London Council or for a metropolitan county shall be held after the coming into force of this Part of this Act; and any such councillor—

(a) whose term of office would, apart from this section, expire on 7th May 1985; or

(b) who is elected to fill a vacancy occurring after that date, shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until 1st April 1986.

(2) In section 7(2) of the principal Act (elections of metropolitan district councillors) the reference to a year of election of county councillors shall be construed as a reference to a year of election of councillors for a non-metropolitan county.

(3) In sections 89(3) and 90 of the principal Act (filling of casual vacancies) as they apply to the Greater London Council and a metropolitan county council references to the date on which a councillor or person would regularly have retired shall be construed in accordance with subsection (1) above; and in the said section 89(3) the words after the semi-colon shall not apply in relation to those councils.

(4) Section 8(2)(a) of the principal Act and paragraph 6(2) of Schedule 2 to that Act are hereby repealed.

Quorum for
council
meetings.

3.—(1) If the Secretary of State considers it necessary for the transaction of business at meetings of the Greater London Council or a metropolitan county council he may by order

prescribe for meetings of that council a quorum which is smaller than that specified in paragraph 6 of Schedule 12 to the principal Act.

PART II

(2) The power to make orders under subsection (1) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

PART III

STAFF COMMISSION

4.—(1) The Secretary of State, after consulting such bodies representative of relevant authorities or of staff employed by them as appear to him to be concerned, shall, not later than one month after the passing of this Act, establish a staff commission for the purpose of—

Establishment
and functions
of staff
commission.

(a) advising the Secretary of State on the steps necessary to safeguard the interests of the staff employed by relevant authorities ; and

(b) considering and keeping under review—

(i) the arrangements for the recruitment of staff by those authorities ; and

(ii) the arrangements for any transfer of staff employed by them in the event of Parliament approving any transfer of functions to which this section applies.

(2) The Secretary of State may give directions to the staff commission as to their procedure and to any relevant authority with respect to—

(a) the furnishing of any information requested, and the implementation of any advice given, by the commission ; and

(b) the payment by a relevant authority of any expenses incurred by the commission in doing anything requested by the authority ;

and it shall be the duty of the commission and of a relevant authority to comply with any direction given to it under this subsection.

(3) Any expenses incurred by the staff commission under this section and not recovered from a relevant authority shall be paid by the Secretary of State.

(4) The relevant authorities for the purposes of this section are—

(a) the Greater London Council, the London borough councils and the Common Council ;

(b) metropolitan county councils and metropolitan district councils ;

PART III and this section applies, in relation to authorities within paragraph (a) above, to any transfer of functions from the Greater London Council to the London borough councils, to the Common Council or to any other body and, in relation to authorities within paragraph (b) above, to any transfer of functions from metropolitan county councils to metropolitan district councils or to any other body.

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

Information in connection with proposals for abolition of authorities.

5.—(1) This section has effect for the purpose of facilitating the formulation and, in the event of their being approved by Parliament, the implementation of proposals—

(a) for the abolition of the Greater London Council and the transfer of functions from that Council to the London borough councils, to the Common Council or to any other body ;

(b) for the abolition of the metropolitan county councils and the transfer of functions from those councils to metropolitan district councils or to any other body.

(2) The Greater London Council and its officers shall furnish the Secretary of State, any London borough council and the Common Council with all such information relating to the Greater London Council or its functions as the Secretary of State or that London borough council or the Common Council may request.

(3) Each metropolitan county council and its officers shall furnish the Secretary of State and the council of each metropolitan district comprised in the county with all such information relating to the metropolitan county council or its functions as the Secretary of State or the council of that metropolitan district may request.

Postponement of exercise of functions.

6.—(1) The Secretary of State need not at any time while this section is in force consider, or continue to consider, proposals submitted to him (whether before or after the passing of this Act) for the alteration of the Greater London development plan or of a structure plan for a metropolitan county.

(2) The Secretary of State need not at any time while this section is in force consider, or continue to consider, proposals submitted to him (whether before or after the passing of this Act) under section 25 of the Water Act 1973 (transfer of recreation and amenity functions to the Greater London Council).

(3) An order under section 29 of the Reservoirs Act 1975 may appoint different days for the coming into force of that Act (or any provision of that Act) in different areas and any such order may make such modifications in any provision of that Act as appear to the Secretary of State to be required in consequence of that Act or any of its provisions coming into force in accordance with an order made by virtue of this subsection. PART IV
1975 c. 23

7.—(1) Except with the consent of the Secretary of State neither the Greater London Council nor a metropolitan county council shall on or after 1st April 1985 incur any expenditure under section 137 of the principal Act (power to incur expenditure for purposes not otherwise authorised). Control of
general
expenditure
powers.

(2) The expenditure to which subsection (1) applies includes expenditure after the date mentioned in that subsection in respect of contractual liabilities entered into before that date but not earlier than 26th June 1984.

(3) The Secretary of State shall not give his consent under this section in respect of any expenditure unless he is satisfied that it is expedient for the council in question to incur it and, as respects expenditure under subsection (1) of the said section 137, that the expenditure is in the interests of the council's area or any part of it or of all or some of its inhabitants.

(4) Any consent under this section may be given either in respect of particular expenditure or in respect of expenditure of any class or description and either unconditionally or subject to conditions.

(5) Expenditure incurred in contravention of this section shall be treated as contrary to law for the purposes of section 19 of the Local Government Finance Act 1982 (powers of court in respect of unlawful expenditure by local authorities) but, save as aforesaid, this section shall not invalidate any payment, contract or other transaction. 1982 c. 32.

8.—(1) Neither the Greater London Council nor a metropolitan county council shall after the passing of this Act dispose of any land except with the consent of the Secretary of State. Control of
disposals of
land.

(2) Any consent under this section may be given either in respect of a particular disposal or in respect of disposals of any class or description and either unconditionally or subject to conditions.

(3) This section has effect notwithstanding anything in section 123 of the principal Act (general power to dispose of land) or in any other enactment; and the consent required by this section shall be in addition to any consent required by subsection (2) of that section or by any other enactment.

PART IV

(4) It is hereby declared that section 128(2) of the principal Act (protection of purchasers etc.) applies to any disposal of land to which this section applies.

(5) In this section references to disposing of land include references to—

- (a) granting or disposing of any interest in land ;
- (b) entering into a contract to dispose of land or to grant or dispose of any such interest ; and
- (c) granting an option to acquire any land or any such interest ;

and references in this subsection to an interest in land include references to any easement, right or charge in, to or over land and to a licence to occupy land.

Control of contracts.

9.—(1) Except with the consent of the Secretary of State neither the Greater London Council nor a metropolitan county council shall after the passing of this Act enter into a contract which (with or without other matters) provides for—

- (a) the carrying out by or for the council of building or engineering works in respect of which the consideration exceeds £250,000 ;
- (b) the carrying out by or for the council of maintenance works in respect of which the consideration exceeds £100,000 ;
- (c) the supply by or to the council of goods in respect of which the consideration exceeds £100,000 ;
- (d) the provision by or to the council of administrative, professional or technical services in respect of which the consideration exceeds £100,000 ; or
- (e) the use by another person of any vehicle, plant or apparatus of the council, or the use by the council of any vehicle, plant or apparatus of another person, in respect of which the consideration exceeds £100,000.

(2) Where the consideration or any of the consideration under a contract is not in money, the limits specified in subsection (1) above shall apply to the value of the consideration ; and any necessary apportionment shall be made of consideration which is referable to two or more of the matters mentioned in that subsection or to any of them and other matters.

(3) For the purpose of determining whether a limit specified in subsection (1) above is exceeded in the case of any contract, there shall be taken into account the consideration under any other contract or contracts entered into by the council in the previous twelve months (but not earlier than the passing of this

Act) so far as relating, in a case within paragraph (a) or (b) of that subsection, to works of the same or a similar description to be carried out on the same or adjacent land or, in a case within paragraph (c), (d) or (e) of that subsection, to goods, services, vehicles, plant or apparatus of the same or a similar description.

(4) Any consent under this section may be given either in respect of a particular contract or in respect of contracts of any class or description and either unconditionally or subject to conditions.

(5) A contract shall not be void by reason only that it has been entered into in contravention of this section and a person entering into a contract with a council to which this section applies shall not be concerned to enquire whether any consent required by this section has been given or complied with.

(6) In this section—

“building or engineering works” includes any work involved in the laying out of land, the improvement of land or buildings, the construction or improvement of a highway and any work of demolition ;

“maintenance works” includes work for the maintenance or repair of land, buildings or highways, the gritting of a highway and the clearing of snow from a highway.

10.—(1) If, on the application of a constituent council or a local government elector for the area of a constituent council, it appears to the High Court that the Greater London Council or a metropolitan county council has made a disposal in contravention of section 8 above or entered into a contract in contravention of section 9 above, the court may order any person responsible for authorising the disposal or contract who is, or was at the time of the conduct in question, a member of the council to be disqualified for being a member of that council and to be disqualified for a specified period for being a member of any other local authority.

Dis-qualification for contravention of sections 8 and 9.

(2) In sections 80(1)(e), 86(b) and 87(1)(d) of the principal Act references to Part III of the Local Government Finance Act 1982 shall include references to this section.

11.—(1) Each of the constituent councils shall, in respect of the accounts of the Greater London Council or, as the case may be, of the relevant metropolitan county council, have the same rights as those conferred on a local government elector for Greater London or that county by sections 17, 19 and 20 of the Local Government Finance Act 1982 (right to question auditor, to make objections and to appeal to the court).

Accounts and financial consultation.

PART IV

(2) The Greater London Council and each metropolitan county council shall consult its constituent councils about its proposals for expenditure and the financing of expenditure in the financial year beginning on 1st April 1985 and about any other proposal that would involve expenditure in a subsequent financial year.

(3) The Greater London Council and each metropolitan county council shall—

1967 c. 9.

(a) comply with the duty imposed by subsection (2) above before it determines for the purposes of section 11 of the General Rate Act 1967 the amount of its total estimated expenditure for the financial year beginning on 1st April 1985 ;

(b) have regard, in performing that duty, to any guidance given by the Secretary of State as to the timing and manner of consultation ; and

(c) make available to its constituent councils such information concerning its past and proposed expenditure and financing of expenditure as may be prescribed by regulations made by the Secretary of State.

(4) The power to make regulations under subsection (3)(c) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Expenses.

12. Any expenses incurred by the Secretary of State under this Act shall be defrayed out of moneys provided by Parliament.

Short title and interpretation.

13.—(1) This Act may be cited as the Local Government (Interim Provisions) Act 1984.

(2) For the purposes of this Act the constituent councils are—

(a) in relation to the Greater London Council, 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.

1972 c. 70.

(3) In this Act “ the principal Act ” means the Local Government Act 1972.

(4) Any expression used in this Act which is also used in the principal Act has the same meaning as in that Act.

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