STATUTORY INSTRUMENTS

1989 No. 62

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Reorganisation (Compensation) (West Yorkshire) Order 1989

Made - - - -	*17th January 1989*
Laid before Parliament	*24th January 1989*
Coming into force	*30th March 1989*

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 67(3) of the Local Government Act 1985(a), and of all other powers enabling him in that behalf, to effect transfers proposed to him under section 67(1)(a) of that Act, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government Reorganisation (Compensation) (West Yorkshire) Order 1989 and shall come into force on 30th March 1989.

(2) In this Order

"Bradford" means the City of Bradford Metropolitan Council;

"expenditure" means the expenditure and administrative expenses properly incurred by Bradford in the exercise of the functions and discharge of the liabilities transferred by article 2 of this Order; and

"the Residuary Body" means the West Yorkshire Residuary Body.

Transfer of compensation functions

2. On 31st March 1989 the functions and liabilities of the Residuary Body under Part III of the Local Government Reorganisation (Compensation) Regulations 1986(b) (loss or diminution of emoluments) shall become functions and liabilities of Bradford.

Payment by the Residuary Body

3.—(1) On 30th March 1989 the Residuary Body shall set aside from their revenue balances the sum of £1 million.

(2) On 31st March 1989 the Residuary Body shall transfer that sum to Bradford; and Bradford shall credit it to a fund established by them under paragraph 16 of Schedule 13 to the Local Government Act 1972(c) which, subject to article 5, shall be applied only for defraying expenditure.

Reimbursement

4.—(1) The expenditure incurred by Bradford in any financial year shall, to the extent that it is not met from the fund established as mentioned in article 3(2), be apportioned among all the district councils in the county of West Yorkshire; and the appropriate proportion shall be recoverable by Bradford from each of the other district councils.

(a) 1985 c.51.
(b) S.I. 1986/151.
(c) 1972 c.70.

(2) For the purposes of paragraph (1)—

(a) the appropriate proportion in relation to any council is the proportion equal to that which the population of the area of that council bears to the population of the county; and

(b) the population of an area shall be taken to be the number estimated by the Registrar General and certified by him to the Secretary of State by reference to the 30th June which falls 21 months before the beginning of the financial year in which the recovery is made.

(3) Regulation 12 (apportionment of certain costs) of the Regulations mentioned in article 2 shall not apply to any costs which are met by virtue of any provision of this Order.

(4) In the event of a dispute between Bradford and another council as to the amount which is to be recoverable by Bradford pursuant to paragraph (1), the matter shall be referred to an arbitrator appointed by the Secretary of State; and section 31 of the Arbitration Act 1950**(a)** shall have effect in relation to that arbitration as if it were an arbitration to which that section applied.

Distribution of surplus

5.—(1) If the defraying of expenditure does not exhaust the fund established as mentioned in article 3(2), Bradford shall apportion the amount of any balance among all the district councils in the county; and shall pay the appropriate proportion to each of the other district councils.

(2) For the purposes of paragraph (1), "the appropriate proportion" shall be construed in accordance with article 4(2) as if, in paragraph (2)(b), there were substituted the word "payment" for the word "recovery".

Continuity of the exercise of functions

6.—(1) Anything done by or in relation to (or having effect as if done by or in relation to) the Residuary Body in the exercise of or in connection with the functions and liabilities transferred by article 2 shall, so far as is required for continuing its effect on or after 31st March 1989, have effect as if done by or in relation to Bradford.

(2) Without prejudice to the generality of paragraph (1), that paragraph applies to the making of any application, claim, decision or determination; to the giving of any notice, and to the bringing of any action or proceeding; but it shall not be construed as transferring any employee of the Residuary Body to the employment of Bradford.

(3) Any pending action or proceeding may be amended in such manner as may be necessary or proper in consequence of this Order.

Nicholas Ridley
Secretary of State
for the Environment

17th January 1989

(a) 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).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to proposals made by the West Yorkshire Residuary Body for the transfer to Bradford City Council on 31st March 1989 of the Body's functions and liabilities in connection with the payment of compensation for loss or diminution of emoluments (article 2).

The Residuary Body are required to pay Bradford the sum of £1 million which Bradford are to use to meet expenditure attributable to the transferred functions and liabilities (article 3). Any expenditure which is not met from that sum is to be apportioned among the councils of the districts in West Yorkshire (article 4). Any part of that sum which is not required for meeting Bradford's expenditure is to be apportioned among the district councils (article 5). Article 6 makes supplementary and transitional provision for the continuity of the exercise of the transferred functions and liabilities.