
STATUTORY INSTRUMENTS

1995 No. 546 (C.13)

LOCAL GOVERNMENT, ENGLAND AND WALES
WALES

The Local Government (Wales) Act 1994
(Commencement No. 3) Order 1995

Made - - - - 27th January 1995

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 63(5) and 66(3) of the Local Government (Wales) Act 1994⁽¹⁾, hereby makes the following Order:—

1. This Order may be cited as the Local Government (Wales) Act 1994 (Commencement No. 3) Order 1995.

2. In this Order—

“the 1972 Act” means the Local Government Act 1972⁽²⁾;

“the 1983 Act” means the Representation of the People Act 1983⁽³⁾;

“the 1994 Act” means the Local Government (Wales) Act 1994;

“the 1995 ordinary elections” means the ordinary elections of councillors for new principal areas and for communities to be held on 4th May 1995;

“existing council” means a county or district council which will cease to exist as a result of the 1994 Act;

“new principal area” means a county or county borough which is established by the 1994 Act;

“new principal council” means the council of a new principal area.

3. Subject to articles 4 to 8 the provisions of Parts I, II and VII of, and Schedules 15, 16, 17 and 18 to, the 1994 Act which are specified in the Schedule to this Order shall come into force on 20th March 1995.

4. The provisions of section 1(5) and (8) of the 1994 Act brought into force by this Order shall have effect only for the interpretation of sections 21, 25, 26, 79, 80 and 270(1) and (3) of the 1972 Act, and section 17 of the 1994 Act.

5. Subject to paragraph (4) of article 8, the provisions of section 17 of the 1994 Act brought into force by this Order shall have effect only in relation to the following legislative provisions—

(1) 1994 c. 19.

(2) 1972 c. 70.

(3) 1983 c. 2.

Regulation 97(5) of the Representation of the People Regulations 1986(4);

Rule 4 of the Local Elections (Principal Areas) Rules 1986(5), Rule 4 in and the appendix of Forms to Schedule 2 to those Rules, Schedule 3 to those Rules and paragraphs 8, 18 and 24 of Schedule 4 to those Rules(6);

Rule 4 of the Local Elections (Parishes and Communities) Rules 1986(7), paragraphs 4 and 20 of Schedule 3 to those Rules and paragraph 22 of Schedule 4 to those Rules;

Articles 2 and 4 of the Local Elections (Principal Areas) (Welsh Forms) Order 1987(8);

The Local Elections (Principal Areas) (Declaration of Acceptance of Office) Order 1990(9);

Article 2 of the Local Elections (Declaration of Acceptance of Office) (Welsh Forms) Order 1991(10) .

6. The provisions of sections 21, 25(2), 26 and 270(1) of the 1972 Act in force immediately prior to the commencement of sections 1(5), (8), 2 and 4 of the 1994 Act shall continue to have effect in relation to the administration of local government in Wales before 1st April 1996.

7. The provisions of sections 31(1), 35(1) and 36(3) of the 1983 Act in force immediately prior to the commencement of paragraph 68(6), (7) and (8) of Schedule 16 to the 1994 Act shall continue to have effect in relation to electoral matters concerning existing councils.

8.—(1) In relation to the commencement of paragraph 68(6) of Schedule 16 to the 1994 Act, the power contained in section 31(1A) of the 1983 Act for the division of an electoral division into polling districts shall, for the 1995 ordinary elections, be exercisable by the existing council which appointed the returning officer for the area in question(11).

(2) In relation to the commencement of paragraph 68(8) of Schedule 16 to the 1994 Act, the references in section 36(3AB) of the 1983 Act to elections to fill casual vacancies shall not apply in respect of casual vacancies occurring prior to 1st April 1996.

(3) In relation to the commencement of paragraph 68(16) of Schedule 16 to the 1994 Act—

(a) the provision in section 36(6) of the 1983 Act whereby a council for a local government area other than a community may be required to advance expenses in relation to an election shall, for the 1995 ordinary elections, apply to the existing council which appointed the returning officer for the area in question;

(b) the reference in regulation 96(2) of the Representation of the People Regulations 1986(12) to the proper officer of the local authority for which the election was held shall, in relation to the 1995 ordinary elections, be construed as a reference to the person who is deemed to be the proper officer of that authority under paragraph 4 of Schedule 5 to the 1972 Act(13) and any documents held by a person in accordance with this provision shall be transferred by him to the custody of the proper officer of the new principal council upon the appointment of that officer;

(4) S.I. 1986/1081.

(5) S.I. 1986/2214. Rule 4 was substituted by the Local Elections (Principal Areas) (Amendment) Rules 1990 S.I. 1990/158.

(6) Schedules 2, 3 and 4 were amended by the Local Elections (Principal Areas) (Amendment) Rules 1987 S.I. 1987/ 261 and by S.I. 1990/158 referred to above.

(7) S.I. 1986/2215.

(8) S.I. 1987/562.

(9) S.I. 1990/932.

(10) S.I. 1991/1169.

(11) See S.I. 1995/151: the Returning Officers (Principal Areas: Wales) Order 1995 which designates certain existing councils to appoint returning officers for the 1995 ordinary elections of councillors for the new principal areas.

(12) Regulation 96(2) was amended by S.I. 1990/520: the Representation of the People (Amendment) Regulations 1990.

(13) Schedule 5 to the 1972 Act was substituted by Section 3 of, and Schedule 3 to, the 1994 Act.

(c) the references in Parts IV and V of Schedule 2 to the Local Elections (Principal Areas) Rules 1986(14) to the proper officer of the council for which the election is held shall, in relation to the 1995 ordinary elections and until such officer is duly appointed, be construed as references to the person who is deemed to be the proper officer of that council under paragraph 4 of Schedule 5 to the 1972 Act, and any documents held by a person in accordance with this provision shall be transferred by him to the custody of the proper officer of the new principal council upon the appointment of that officer.

(4) In relation to the commencement of section 17 of the 1994 Act, the provision in paragraph (1) of rule 4 in Schedule 2 to the Local Elections (Principal Areas) Rules 1986, whereby nomination papers are to be delivered at the offices of the council of the district in which the electoral area wholly or mainly lies shall, for the 1995 ordinary elections, be construed as requiring such nomination papers to be delivered at the offices of the existing council which nominated the returning officer for the new principal area.

Signed by authority of the Secretary of State

Gwilym Jones
Parliamentary Under Secretary of State Welsh
Office

27th February 1995

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

SCHEDULE

Article 3

PROVISIONS OF PARTS I, II AND VII OF, AND SCHEDULES 15, 16, 17
and 18 TO, THE 1994 ACT COMING INTO FORCE ON 20TH MARCH 1995.

<i>Provision of the 1994 Act</i>	<i>Subject matter</i>
Section 1(5)	Definition of “local authority”.
Section 1(8)	Definition of “principal area”.
Section 2	Constitution of new principal councils in Wales.
Section 4	Election of councillors.
Section 17	General provision for transfer of functions.
Paragraph 6 of Schedule 15 and section 66(5) so far as it relates thereto	Minor and consequential amendments of the 1972 Act.
Paragraph 68(6), (7) (but not in respect of paragraph (b) of the new section 35(1A) of the 1983 Act), (8), (9), (13) to (16) and (19) of Schedule 16 and section 66(6) so far as it relates thereto	Consequential amendments to the 1983 Act.
Paragraphs 7 and 8 of Schedule 17 and section 66(7) so far as it relates thereto	Transitional provisions.
In Schedule 18 the repeals to sections 35(1) and 36(3)(b) of the 1983 Act, and section 66(8) so far as it relates thereto	Consequential repeals.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force those provisions of the Local Government (Wales) Act 1994 specified in the Schedule to the Order. These provisions relate to—

- (a) the ordinary elections of councillors for the new Welsh county and county borough councils;
- (b) the combination of polls at such elections with the ordinary elections of councillors for communities;
- (c) the filling of casual vacancies occurring in the new Welsh counties and county boroughs after 4 May 1995.

Saving and transitional provisions are made in consequence of the bringing into force of the above provisions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 1994 Act have been brought into force by the Local Government (Wales) Act 1994 (Commencement No. 1) Order 1994 ([S.I. 1994/2109](#))—

Section 41;

Section 52; and

Section 65.

The following provisions of the 1994 Act have been brought into force by the Local Government (Wales) Act 1994 (Commencement No. 2) Order 1994 ([S.I. 1994/2790](#))—

Section 1(4);

Section 1(5), (6) and (8) for limited purposes;

Paragraphs 4 and 5 of Schedule 2 and section 1(3) so far as it relates thereto;

Paragraphs 1, 7, 8(5), 9(4)(b), 11(2), 12(b), 18, 19 and 57 of Schedule 15 and section 66(5) so far as it relates thereto; and

In Schedule 18, the repeals to sections 55(5)(a) 59(2) and 72(2) of the 1972 Act and section 66(8) so far as it relates thereto.