
STATUTORY INSTRUMENTS

1995 No. 852 (C.22)

LOCAL GOVERNMENT, ENGLAND AND WALES
WALES

The Local Government (Wales) Act 1994
(Commencement No. 4) Order 1995

Made - - - - *23rd March 1995*

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

Citation

1. This Order may be cited as the Local Government (Wales) Act 1994 (Commencement No. 4) Order 1995.

Interpretation

2. In this Order—

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

“the 1990 Act” means the Town and Country Planning Act 1990(3);

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

“old authority” means a county or district council which will cease to exist as a result of the 1994 Act.

Commencement of certain provisions of Part I of the 1994 Act

3.—(1) Subject to paragraphs (2) and (3) the provisions of Part I of, and Schedule 2 to, the 1994 Act which are specified in Schedule 1 to this Order shall come into force on 3rd April 1995.

(1) 1994 c. 19.
(2) 1972 c. 70.
(3) 1990 c. 8.

(2) The provisions of section 1(5), (6) and (8) of the 1994 Act(4) brought into force by this Order shall have effect for the interpretation of the 1972 Act only to such extent as provisions of that Act fall to be applied in consequence of the bringing into force of provisions of the 1994 Act.

(3) The provisions of sections 270(1) and 245A of the 1972 Act(5) in force immediately prior to the commencement of sections 1(5), (6) and (8), and 5 of the 1994 Act shall continue to have effect in relation to the administration of local government in Wales before 1st April 1996.

Commencement of certain provisions of Part II of the 1994 Act

4.—(1) Subject to paragraphs (2) to (6) the provisions of Part II of, and Schedules 6, 7 and 10 to, the 1994 Act which are specified in Schedule 2 to this Order shall come into force on 3rd April 1995.

(2) Until 1st April 1996 the provisions of section 18(1) to (6) of the 1994 Act brought into force by this Order shall have effect only for the purpose of any order made under section 2(1B) of the 1990 Act(6) or, as the case may be, paragraph 3A(1) of Schedule 17 to the 1972 Act(7).

(3) The provisions of section 1 of the 1990 Act in force immediately prior to the commencement of section 18(1) to (6) of the 1994 Act shall continue to have effect in relation to the exercise of local planning authority functions by each old authority.

(4) The provisions of paragraph 21A of Schedule 17 to the 1972 Act(8) in force immediately prior to the commencement of paragraph 12 of Schedule 6 to the 1994 Act shall continue to have effect in relation to the discharge of planning and countryside functions in national parks in Wales before 1st April 1996.

(5) The provisions of paragraph 1 of Schedule 7 to the 1994 Act brought into force by this Order shall have effect only for the interpretation of paragraph 18 of Schedule 17 to the 1994 Act and only to such extent as will allow action to be taken thereunder for the purpose of identifying the relevant highway authority in readiness for its assumption of full highway authority functions on 1st April 1996.

(6) The provisions of section 1 of the Highways Act 1980(9) in force immediately prior to the commencement of paragraph 1 of Schedule 7 to the 1994 Act shall continue to have effect in relation to the discharge of local highway authority functions in Wales before 1st April 1996.

Commencement of Part III of the 1994 Act

5. The provisions of Part III of the 1994 Act shall come into force on 3rd April 1995.

Commencement of Part IV of the 1994 Act

6.—(1) Subject to paragraphs (2) to (5) the provisions of Part IV of, and Schedule 12 to, the 1994 Act shall come into force on 3rd April 1995.

(2) The provisions of section 1(2) of the Local Government Finance Act 1992(10) in force immediately prior to the commencement of section 35 of the 1994 Act shall continue to have effect so far as is necessary for the purposes of section 35(3) of the 1994 Act.

(4) Section 1(5), (6) and (8) of the 1994 Act has already been brought partially into force by S.I. 1994/2790: the Local Government (Wales) Act 1994 (Commencement No. 2) Order 1994. In addition section 1(5) and (8) of the 1994 Act has been brought partially into force by S.I. 1995/546: the Local Government (Wales) Act 1994 (Commencement No. 3) Order 1995.

(5) Section 245A of the 1972 Act was inserted by section 160 of, and paragraph 6 of Schedule 8 to, the Local Government and Housing Act 1989 (c. 42).

(6) Section 2(1B) of the 1990 Act is inserted by section 19(1) of the 1994 Act.

(7) Paragraph 3A(1) of Schedule 17 to the 1972 Act is inserted by section 19(2) of the 1994 Act.

(8) Paragraph 21(A) of Schedule 17 to the 1972 Act was inserted by section 7 of, and paragraph 5(8) of Schedule 3 to, The Local Government Act 1985 (c. 51).

(9) 1980 c. 66.

(10) 1992 c. 14.

(3) Nothing in paragraph 1 of Schedule 12 to the 1994 Act shall affect the operation of section 148 of the 1972 Act in relation to an old authority.

(4) Nothing in paragraph 2 of Schedule 12 to the 1994 Act shall affect the operation of Part VI of the Local Government Finance Act 1988⁽¹¹⁾ in relation to an old authority.

(5) Nothing in paragraphs 4, 5, 6 and 8 of Schedule 12 shall affect the operation of sections 32, 33, 35 and 62 of the Local Government Finance Act 1992 in relation to an old authority.

Commencement of Part V of the 1994 Act

7. The provisions of Part V of the 1994 Act which are specified in Schedule 3 to this Order shall come into force on 3rd April 1995.

Commencement of certain provisions of Part VI of the 1994 Act

8. The provisions of Part VI of the 1994 Act which are specified in Schedule 4 to this Order shall come into force on 3rd April 1995.

Commencement of certain provisions of Part VII of the 1994 Act

9.—(1) Subject to paragraphs (2) to (5) the provisions of Part VII of, and Schedules 15, 16, 17 and 18 to, the 1994 Act which are specified in Schedule 5 to this Order shall come into force on 3rd April 1995.

(2) The provisions of sections 74, 101 and 249 of the 1972 Act in force immediately prior to the commencement of paragraphs 20, 26 and 55 of Schedule 15 to the 1994 Act shall continue to have effect in relation to an old authority.

(3) The provisions of section 20(1) of the Local Government, Planning and Land Act 1980⁽¹²⁾ in force immediately prior to the commencement of paragraph 57(3) of Schedule 16 shall continue to have effect in relation to an old authority.

(4) Until 1st April 1996 the provisions of paragraph 82(1), (2) and (3) of Schedule 16 to the 1994 Act brought into force by this Order shall have effect only for the purpose of any order made under section 4A of the Coroners Act 1988⁽¹³⁾.

(5) The provisions of sections 1, 2 and 4 of the Coroners Act 1988⁽¹⁴⁾ in force immediately prior to the commencement of paragraph 82(1), (2), (3) and (4) of Schedule 16 to the 1994 Act shall continue to have effect in relation to coroners in Wales before 1st April 1996.

Signed by authority of the Secretary of State for Wales

Gwilym Jones
Parliamentary Under Secretary of State Welsh
Office

23rd March 1995

⁽¹¹⁾ 1988 c. 41.

⁽¹²⁾ 1980 c. 65.

⁽¹³⁾ Section 4A of the Coroners Act 1988 is inserted by section 66(6) of, and paragraph 82(5) of Schedule 16 to, the 1994 Act.

⁽¹⁴⁾ 1988 c. 13.

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SCHEDULE 1

Article 3(1)

PROVISIONS OF PART I OF, AND SCHEDULE 2 TO, THE
1994 ACT COMING INTO FORCE ON 3RD APRIL 1995

<i>Provision of the 1994 Act</i>	<i>Subject Matter</i>
Section 1(5)	Definition of “local authority”.
Section 1(6)	Definition of “local government area”.
Section 1(8)	Definition of “principal area”.
Section 5	Change of status from county to county borough.
Section 14	Consultation with community councils.
Section 15	Elections of community councillors.
Paragraphs 8 and 9 of Schedule 2 and section 1(3) so far as it relates thereto	Meaning of “Wales”.

SCHEDULE 2

Article 4(1)

PROVISIONS OF PART II OF, AND SCHEDULES 6, 7 AND 10
TO, THE 1994 ACT COMING INTO FORCE ON 3RD APRIL 1995

<i>Provision of the 1994 Act</i>	<i>Subject Matter</i>
Section 18(1) to (6)	New principal councils to be local planning authorities in Wales.
Section 19	Joint and special planning boards in Wales.
Section 23(2) to (6)	Fire services.
Section 25	Provision of services by one new principal council for another.
Section 26	Service delivery plans.
Paragraphs 2, 3, 4, 11, 12, 21, 23 and 24(1) (b) of Schedule 6 and section 20(4) so far as it relates thereto	Miscellaneous amendments relating to provision for joint and special planning boards.
Paragraph 1 of Schedule 7 and section 22(1) so far as it relates thereto	General provision for determining the highway authority.
Paragraph 14 of Schedule 10 and section 22(4) so far as it relates thereto	Local authority plans for community care services.

SCHEDULE 3

Article 7

PROVISIONS OF PART V OF THE 1994 ACT COMING INTO FORCE ON 3RD APRIL 1995

<i>Provision of the 1994 Act</i>	<i>Subject Matter</i>
Section 42	Transfers of staff.
Section 44	Redundancy payments.
Section 45	Other compensation payments.

SCHEDULE 4

Article 8

PROVISIONS OF PART VI OF THE 1994 ACT COMING INTO FORCE ON 3RD APRIL 1995

<i>Provision of the 1994 Act</i>	<i>Subject Matter</i>
Section 51	Control of disposals and contracts.
Section 53	Continuity of exercise of functions.
Section 56	Transitional agreements as to property and finance.
Section 57	Local Acts and instruments.
Section 58	Modification etc. of local Acts and instruments.
Section 59	Existing joint boards and committees and port health districts.

SCHEDULE 5

Article 9(1)

PROVISIONS OF PART VII OF, AND SCHEDULES 15, 16, 17 AND 18 TO, THE 1994 ACT COMING INTO FORCE ON 3RD APRIL 1995

<i>Provision of the 1994 Act</i>	<i>Subject Matter</i>
Section 60	Records.
Paragraphs 3, 20, 23, 26 and 55 of Schedule 15 and section 66(5) so far as it relates thereto	Minor and consequential amendments of the 1972 Act.
Paragraphs 57(1) to (5), 82(1) to (4), 82(5) (but only in respect of subsections (1), (2), (7), (9) and (10) of the new section 4A of the Coroners Act 1988), 84, 85, 86, 88, 96, 97 and 106 of Schedule 16 and section 66(6) so far as it relates thereto	Other consequential amendments.
Paragraphs 2, 3, 5, 10 to 14 and 18 to 23 of Schedule 17 and section 66(7) so far as it relates thereto	Savings and transitional provisions.

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<i>Provision of the 1994 Act</i>	<i>Subject Matter</i>
In Schedule 18 the repeals to section 74(3) and (4) of the 1972 Act, sections 4(7) and 20(1)(a) of the Local Government, Planning and Land Act 1980, and sections 1(3) and 2(1) of the 1990 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 on 3rd April 1995 various provisions of the Local Government (Wales) Act 1994.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Local Government (Wales) Act 1994 have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 1(3) (partially) and paragraphs 4 and 5 of Schedule 2	24.10.1994	1994/2790
Section 1(4)	24.10.1994	1994/2790
Section 1(5), (6) and (8) (partially)	24.10.1994	1994/2790
Section 1(5) and (8) (partially)	20.03.1995	1995/546
Section 2	20.03.1995	1995/546
Section 4	20.03.1995	1995/546
Section 17 (partially)	20.03.1995	1995/546 (Amended by 1995/851)
Section 41	15.08.1994	1994/2109
Section 52	15.08.1994	1994/2109
Section 65	15.08.1994	1994/2109
Section 66(5) (partially) and paragraphs 1, 7, 8(5), 9(4)(b), 11(2), 12(b), 18, 19 and 57 of Schedule 15	24.10.1994	1994/2790

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 66(5) (partially) and paragraph 6 of Schedule 15	20.03.1995	1995/546
Section 66(6) (partially) and paragraph 68(6), (7) (partially), (8), (9), (13) to (16) and (19) of Schedule 16	20.03.1995	1995/546
Section 66(7) (partially) and paragraphs 7 and 8 of Schedule 17	20.03.1995	1995/546
Section 66(8) (partially) and the repeals to sections 55(5)(a), 59(2) and 72(2) of the Local Government Act 1972	24.10.1994	1994/2790
Section 66(8) (partially) and the repeals to sections 35(1) and 36(3)(b) of the Representation of the People Act 1983	20.03.1995	1995/546