
STATUTORY INSTRUMENTS

1996 No. 2915

LOCAL GOVERNMENT, ENGLAND AND WALES

WALES

CHANGES IN LOCAL GOVERNMENT AREAS

The Bridgend and The Vale of Glamorgan (Areas) Order 1996

Made - - - - 9th December 1996

Laid before Parliament 11th December 1996

Coming into force

*For the purposes referred to
in article 1(2)(a) and (b) 1st January 1997*

For all other purposes 1st April 1997

The Secretary of State for Wales, in exercise of his powers under sections 58(2) and 67(4) and (5) of the Local Government Act 1972(1) and of all other powers enabling him in that behalf, hereby makes the following Order which gives effect to proposals submitted to him on 15th February 1996 under sections 54 and 58(1) of that Act(2) by the Local Government Boundary Commission for Wales:—

Citation and Commencement

- 1.—(1) This Order may be cited as the Bridgend and The Vale of Glamorgan (Areas) Order 1996.
(2) This Order shall come into force on:—
- (a) 1st January 1997 for any of the purposes set out in regulation 4(1) of the Regulations;
 - (b) 1st January 1997 for the purposes of articles 4(1) (so far as it relates to articles 4(2) and (7),) (2) and (7) and 5(1) (so far as it relates to article 5(7)) and (7) of this Order; and
 - (c) 1st April 1997 for all other purposes.

(1) 1972 c. 70; section 67(5) was amended by section 40(5) of the Police and Magistrates' Courts Act 1994 (c. 29), Schedule 15 paragraph 15 to the Local Government (Wales) Act 1994 (c. 19) and S.I.1977/1710.
(2) Section 54 of the Local Government Act 1972 was amended by Schedule 3 paragraph 12 to the Local Government Act 1992 (c. 19), Schedule 2 paragraph 4 and Schedule 15 paragraph 7 to the Local Government (Wales) Act 1994 and section 40(2) of the Police and Magistrates' Courts Act 1994. Section 58(1) of the Act of 1972 was amended by Schedule 15 paragraph 11(1) to the Local Government (Wales) Act 1994.

Interpretation

2. In this Order—

“the map” means the map prepared by the Welsh Office and marked “Map of the Bridgend and The Vale of Glamorgan (Areas) Order 1996”;

“the Regulations” means the Local Government Area Changes Regulations 1976(3).

“the transferred area” means the areas transferred under article 3.

Changes in areas etc.

3. Those parts of the county borough of The Vale of Glamorgan and of the preserved county of South Glamorgan(4) described in column (1) of Schedule 1 to this Order shall:

- (a) be transferred to the county borough of Bridgend;
- (b) be transferred to the preserved county of Mid Glamorgan; and
- (c) form part of such electoral divisions, communities, community wards, petty sessional divisions and coroners’ districts as are specified opposite thereto in columns (2) to (6) of the said Schedule.

County Borough Councillors

4.—(1) Regulation 8 of the Regulations (councillors) shall, in relation to the office of councillor for the county borough of Bridgend or The Vale of Glamorgan, have effect subject to the following provisions of this article.

(2) Any casual vacancy which exists at, or otherwise occurs after, 1st January 1997 in the office of county borough councillor for—

- (a) the existing Oldcastle electoral division of the county borough of Bridgend; or
- (b) the existing Llandow/Ewenny electoral division of the county borough of The Vale of Glamorgan,

shall (except where notice of the election has already been given before 1st January 1997) not be filled.

(3) Any person in office immediately before 1st April 1997 as county borough councillor for the existing Oldcastle or Llandow/Ewenny electoral division shall on and after 1st April 1997 represent the altered Oldcastle or, as the case may be, Llandow/Ewenny electoral division, but, in either case, shall (unless he previously resigns his office or it otherwise becomes vacant) retire from that office on 6th July 1997.

(4) Any casual vacancy which occurs before 6th July 1997 in either of the offices of county borough councillor provided for in paragraph (3) shall not be filled.

(5) First elections for two county borough councillors for the altered Oldcastle electoral division and for one county borough councillor for the altered Llandow/Ewenny electoral division shall be held on such day after 1st April 1997 and prior to 3rd July 1997 as the relevant returning officer shall appoint and the rules for the time being applying to elections to principal areas(5) shall apply to such elections with any necessary modifications.

(3) S.I. 1976/246, amended by S.I. 1978/247.

(4) For the meaning of “preserved county”, see section 64(1) of the Local Government (Wales) Act 1994.

(5) See the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) amended by S.I. 1987/261, S.I. 1990/158, S.I. 1990/932 and S.I. 1995/1948.

(6) A person elected in accordance with paragraph (5) above shall come into office on 6th July 1997 and shall retire (unless he previously resigns his office or it otherwise becomes vacant) on the fourth day after the ordinary day of election for councillors in 1999(6).

(7) Except in the case of an election to which paragraph (2) above applies, in relation to the qualification of any person to be elected and to be a member of the Bridgend or The Vale of Glamorgan County Borough Council this Order shall be deemed, for the purposes of section 79 of the Local Government Act 1972(7), to have been in operation during the whole of the twelve months preceding the relevant day within the meaning of that section.

(8) In this article—

“altered”, in relation to an electoral division, means that division as existing on and after 1st April 1997; and

“existing”, in relation to an electoral division, means that division as existing immediately before 1st April 1997.

Community Councils

5.—(1) Regulation 8 of the Regulations shall, in relation to the office of councillor for any community the area of which is altered by this Order, have effect subject to the following provisions of this article.

(2) The number of councillors for the Oldcastle ward of the community of Bridgend shall be six.

(3) The additional councillor for the Oldcastle ward of the community of Bridgend as provided for in paragraph (2) above shall be elected on such day after 1st April 1997 and prior to 3rd July 1997 as the returning officer shall appoint and the rules for the time being applying to the election of community councillors(8) shall apply to such election with any necessary modifications.

(4) The person elected in accordance with paragraph (3) above shall come into office on 6th July 1997 and shall retire (unless he previously resigns his office or it otherwise becomes vacant) on the fourth day after the ordinary day of election of councillors in 1999.

(5) In relation to the community of Ewenny—

(a) any casual vacancy in the office of councillor for that community which exists at 1st April 1997 or occurs before the ordinary day of election of councillors in 1999 shall (except where notice of the election has already been given before 1st April 1997) be filled only to maintain the number of councillors for that community at seven; and

(b) subject to paragraph (6), as from the ordinary day of election of councillors in 1999 the number of councillors for the community of Ewenny shall be seven.

(6) Any person in office as a councillor for the community of Ewenny immediately before the date of the ordinary election of councillors in 1999 shall not, by reason only of the provisions of paragraph (5)(b) above, be required to retire from that office before the fourth day after the ordinary day of election of councillors in 1999.

(7) In relation to the qualification of any person to be elected and to be a member of the council of any community the area of which is altered by this Order, this Order shall be deemed, for the purposes of section 79 of the Local Government Act 1972, to have been in operation during the whole of the twelve months preceding the relevant day within the meaning of that section.

(6) For the meaning of “ordinary day of election of councillors”, see section 37 of the Representation of the People Act 1983 (c. 2) which was amended by section 18(2) of the Representation of the People Act 1985 (c. 50).

(7) Relevant amendments to section 79 were made by S.I. 1995/1948.

(8) See the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215) amended by S.I. 1987/260, S.I. 1990/157; S.I. 1990/2477 and S.I. 1995/1948.

Town and Country Planning

6.—(1) In this article, “provision” means a provision of a development plan (as defined in section 336(1) of the Town and Country Planning Act 1990⁽⁹⁾).

(2) Any provision applying to any part of the transferred area shall continue to apply to that part, notwithstanding the transfer, until replaced by a provision which so applies and which supersedes the provision so continued.

Sheriffs

7.—(1) In this article—

“transferee sheriff” means the high sheriff for the preserved county of Mid Glamorgan;

“transferor sheriff” means the high sheriff for the preserved county of South Glamorgan.

(2) Any person who, immediately before 1st April 1997, is qualified under section 4 of the Sheriffs Act 1887 (qualification of sheriffs)⁽¹⁰⁾ to be appointed High Sheriff for the preserved county of South Glamorgan by reason of holding land in the transferred area shall, for a period of two years from that date, continue to be qualified to be appointed High Sheriff for the preserved county of South Glamorgan.

(3) The transferor sheriff shall, on or as soon as reasonably practicable after 1st April 1997,—

(a) perform (so far as they relate to persons or things in the transferred area) all the duties which are required by section 28(1) of the Act of 1887 (outgoing sheriff to turn over prisoners and process to incoming sheriff) to be performed at the expiration of a sheriff’s term of office; and

(b) transfer to the custody of the transferee sheriff all documents of whatever description relating to the transferred area.

(4) In section 28(1) and (2) of the Act of 1887 the references to an “incoming sheriff” shall, so far as they apply by virtue of the preceding paragraphs, be construed from 1st April 1997 as including a reference to the transferee sheriff.

Deputy Lieutenants

8.—(1) In this article—

“transferor deputy lieutenant” means a deputy lieutenant for the preserved county of South Glamorgan.

(2) Any person who, immediately before 1st April 1997, is qualified under section 133(2)(a) of the Reserve Forces Act 1980⁽¹¹⁾ to be appointed as a deputy lieutenant for the preserved county of South Glamorgan by reason of having a place of residence within the transferred area, or within seven miles from the relevant boundary thereof, shall, for a period of two years from that date, continue to be qualified to be appointed as a deputy lieutenant for the preserved county of South Glamorgan.

Justices

9. The provisions of Part I of Schedule 2 to this Order shall apply in relation to any petty sessional district altered by article 3.

(9) 1990 c. 8; this definition was amended by Schedule 4 paragraph 34 to the Planning and Compensation Act 1991 (c. 34) and Schedule 6 paragraph 24(13)(b) to the Local Government (Wales) Act 1994.

(10) 1887 c. 55; certain words in section 4 were repealed by Schedule 30 to the Local Government Act 1972.

(11) 1980 c. 9; the reference to “county” in section 133(2)(a) of the Act of 1980 means, in relation to Wales, a preserved county, *see* section 130(4) of that Act as added by section 61(1) of the Local Government (Wales) Act 1994.

Coroners' districts

10. As from 1st April 1997 article 2(2) of the Coroners' District (Wales) Order 1996(12) shall have effect in relation to the following coroners' districts—

- (a) Bridgend and Glamorgan Valleys; and
- (b) Cardiff and The Vale of Glamorgan,

as if the reference to the local government areas described in column (2) of the Schedule to that Order opposite the names of those respective districts were a reference to those local government areas as altered by this Order.

Registration Service

11. References in the schemes made under the Local Government (Registration Service in Wales) Order 1995(13) by—

- (a) Bridgend County Borough Council; and
- (b) The Vale of Glamorgan County Borough Council

to the county borough of Bridgend or, as the case may be, the county borough of The Vale of Glamorgan shall be read as a reference to such county borough as altered by this Order.

Family health services

12. In relation to the provision of family health services in the transferred area, the provisions of Part II of Schedule 2 to this Order shall apply in place of regulation 28 of and Schedule 2 to the Regulations.

9th December 1996

William Hague
Secretary of State for Wales

(12) S.I. 1996/661.

(13) S.I. 1995/3106.

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SCHEDULE 1

Article 3

<i>(1)</i> <i>Description</i> <i>of parts</i> <i>transferred</i>	<i>(2)</i> <i>Electoral</i> <i>Division</i>	<i>(3)</i> <i>Community</i>	<i>(4)</i> <i>Community</i> <i>ward (if any)</i>	<i>(5)</i> <i>Petty</i> <i>sessional</i> <i>division</i>	<i>(6)</i> <i>Coroner's</i> <i>district</i>
That part of the community of Ewenny which is shown hatched in black and numbered 1 on the map.	Oldcastle	Bridgend	Oldcastle	Newcastle and Ogmores	Bridgend and Glamorgan Valleys
Those parts of the community of Ewenny which are shown stippled in black and numbered 2 on the map.	Coychurch Lower	Coychurch Lower	—	Newcastle and Ogmores	Bridgend and Glamorgan Valleys
That part of the community of Llangan which is shown hatched in black and numbered 3 on the map.	Coychurch Lower	Coychurch Lower	—	Newcastle and Ogmores	Bridgend and Glamorgan Valleys

SCHEDULE 2

Articles 9 and 12

PART I

PETTY SESSIONS AREAS

1. Part I of Schedule 1 to the Regulations (petty sessions areas)(14) shall have effect, in relation to the transferred area, as if—

(a) in paragraph 1 of that Part—

(14) Part I of Schedule 1 to the Regulations was amended by S.I. 1978/247. The petty sessional districts altered by this Order are petty session areas within the meaning of section 4(1) and (1A) of the Justices of the Peace Act 1979 (c. 55); sub-section (1A) was added by paragraph 10(2) of Schedule 2 to the Local Government (Wales) Act 1994 and amended by S.I. 1996/674.

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- (i) before the definition of “community service order” there were inserted the following—
 - “combination order” means an order made under section 11 of the Criminal Justice Act 1991(15); and
- (ii) in the definition of “supervision order” for “section 17(1)(a) or 36(3)(b) of the Children Act 1975” there were substituted the following—
 - “section 31(1)(b) of the Children Act 1989(16), including any order deemed to be a supervision order made under the said section 31 by virtue of paragraph 25(2) of Schedule 14 to that Act”;
- (b) in paragraph 3, after “Licensing Act 1964” there were inserted “or the Licensing (Occasional Permissions) Act 1983(17)”;
- (c) in paragraph 5, for “section 52 of the Magistrates’ Courts Act 1952”, there were substituted “section 59 of the Magistrates’ Courts Act 1980(18)”;
- (d) for paragraph 6, there were substituted the following—
 - “6. Where on the appointed day a combination order, community service order, probation order or supervision order is in force and the offender, probationer or person under supervision is residing in the transferred area, the transferor justices may amend the order in regard to the division named as if the offender, probationer or person under supervision, as the case may be, had changed his residence.”.

PART II

FAMILY HEALTH SERVICES

2. In this Part,

“family health services” means general medical services, general dental services, general ophthalmic services and pharmaceutical services provided pursuant to arrangements made under Part II of the National Health Service Act 1977(19);

“local representative committee” means a local medical committee, local dental committee, local optical committee or local pharmaceutical committee within the meaning of section 44 of the National Health Service Act 1977;

“the Secretary of State” means the Secretary of State for Wales;

“the transferee Health Authority” means Morgannwg Health Authority(20); and

“the transferor Health Authority” means Bro Taf Health Authority(20)

3. Subject to the following paragraphs—

- (a) all arrangements for the provision of family health services made by the transferor Health Authority shall, so far as they relate to the transferred area, remain of full force and effect as if made by the transferee Health Authority;

(15) 1991 c. 53.

(16) 1989 c. 41.

(17) 1983 c. 24.

(18) 1980 c. 43; section 59 of the Act of 1980 was substituted by section 2 of the Maintenance Enforcement Act 1991 (c. 2) and amended by S.I. 1992/709 and S.I. 1994/731.

(19) 1977 c. 49.

(20) See the Health Authorities (Wales) Establishment Order 1996 (S.I. 1996/146). For the meaning of “health authority”, see section 8 of the National Health Service Act 1977 as substituted by section 1(1) of the Health Authorities Act 1995 (c. 17).

(20) See the Health Authorities (Wales) Establishment Order 1996 (S.I. 1996/146). For the meaning of “health authority”, see section 8 of the National Health Service Act 1977 as substituted by section 1(1) of the Health Authorities Act 1995 (c. 17).

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- (b) any decision given before 1st April 1997 by a local representative for the area of the transferor Health Authority shall, in so far as it relates to the transferred area, have effect as if it had been given by the corresponding committee for the area of the transferee Health Authority; and
- (c) any reference in any instrument to a local representative committee for the area of the transferor Health Authority shall, in so far as it relates to the transferred area, have effect as if it had been a reference to the corresponding committee for the area of the transferee Health Authority.

4. Any services provided as part of family health services which have been commenced in the transferred area but not completed before 1st April 1997, and any matters arising in consequence of such services completed before that day, may be continued with the substitution for the transferor Health Authority, as regards any responsibility for the administration (including payment) of those services, of the transferee Health Authority.

5. Any proceedings under Part II of the National Health Service (Service Committees and Tribunal) Regulations 1992(21) in relation to family health services provided before 1st April 1997 in the transferred area may be instituted and carried on, or as the case may be, continued in all respects as if this Order had not been made. Any direction for the withholding of remuneration following such proceedings may be given to such Health Authority as the Secretary of State may think fit.

6. Any proceedings the transferor Health Authority instituted before 1st April 1997 for determining whether the replacement or repair of an appliance is necessitated—

- (a) in the case of an optical appliance, by lack of care on the part of the person supplied; or
- (b) in the case of a dental appliance, by an act or omission of the person supplied or (if it occurred when such person was under 16 years of age) of him or of the person having charge of him when it occurred,

shall, where the practice premises given on the application for the replacement or repair of the appliance are situated in the transferred area, be continued with the substitution for the transferor Health Authority of the transferee Health Authority.

7. Any medical practitioner who immediately before 1st April 1997 is included in the medical list of the transferor Health Authority and who at that date—

- (a) has a surgery in the transferred area, or
- (b) has on his list any patient permanently residing in such area,

shall be entitled to be included in the medical list of the transferee Health Authority for the provision of services in those parts of the transferred area in which he was entitled to provide services immediately before that date.

8. Any practitioner who immediately before 1st April 1997 is providing general dental services, general ophthalmic services or pharmaceutical services from premises within the transferred area shall be included in the dental, ophthalmic or pharmaceutical list, as appropriate, of the transferee Health Authority.

9. Anything duly done by, and any application duly made, or direction, authorisation or notice duly given to—

- (a) the Secretary of State;
- (b) the transferor Health Authority;
- (c) the Welsh Health Common Services Authority;
- (d) the Dental Practice Board; or
- (e) any other body dealing with family health services,

(21) S.I. 1992/664 to which relevant amendments were made by S.I. 1993/2972; S.I. 1994/634; S.I. 1996/703 and S.I. 1996/704.

in connection with the exercise, by such body, of any function exercisable by a Health Authority, shall, in so far as it relates to the transferred area, be deemed to have been duly done by, or made or given to, the body exercising such function on 1st April 1997 in place of the body by which such thing was done or to which such application was made or such direction, authorisation or notice was given.

10. Any instrument made by any of the bodies specified in paragraph 9, in so far as it was made in the exercise of any function referred to in that paragraph, shall continue in force until it is varied or revoked by the body exercising such function in place of the body by which such instrument was made.

11. Any form supplied by any of the bodies specified in paragraph 9 in the exercise, by such body, of a function exercisable by a Health Authority shall continue to be a valid form in connection with the exercise of any function until it is cancelled or withdrawn by the Secretary of State or by the body exercising the function in place of the body by which the form was supplied, and as if any reference contained in such a form to a body by which the function was exercisable before 1st April 1997 was a reference to the body exercising that function on and after that date.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order makes changes in the boundary between the county borough of The Vale of Glamorgan and the county borough of Bridgend following a review by the Local Government Boundary Commission for Wales. The boundary changes take effect from 1st April 1997 although for certain purposes the Order has effect from 1st January 1997.

Article 3 and Schedule 1 transfer parts of the county borough of The Vale of Glamorgan (parts of the communities of Ewenny and Llangan) to the county borough of Bridgend (to the communities of Bridgend and Coychurch Lower).

The areas transferred have in total an area of about 437 hectares and a population of about 700.

Consequential changes are made by the Order to preserved counties, local government electoral areas, petty sessional divisions and coroners' districts.

Article 4 provides for the holding of elections in the Oldcastle and Llandow/Ewenny electoral divisions of, respectively, the county boroughs of Bridgend and of The Vale of Glamorgan. Article 5 makes provision for reduction in the number of councillors for the community council of Ewenny from eight to seven and for increase in the number of councillors for the Oldcastle ward of the community council of Bridgend from five to six.

Article 6 makes transitional provision concerning development plans under the Town and Country Planning Act 1990 for the areas transferred.

Articles 7 and 8 make transitional provision in relation to, respectively, High Sheriffs and Deputy Lieutenants.

Article 9 and Part I of Schedule 2 make transitional provision in relation to Justices (Petty Sessions Areas).

Article 10 makes consequential provision in respect of the Coroners' Districts (Wales) Order 1996.

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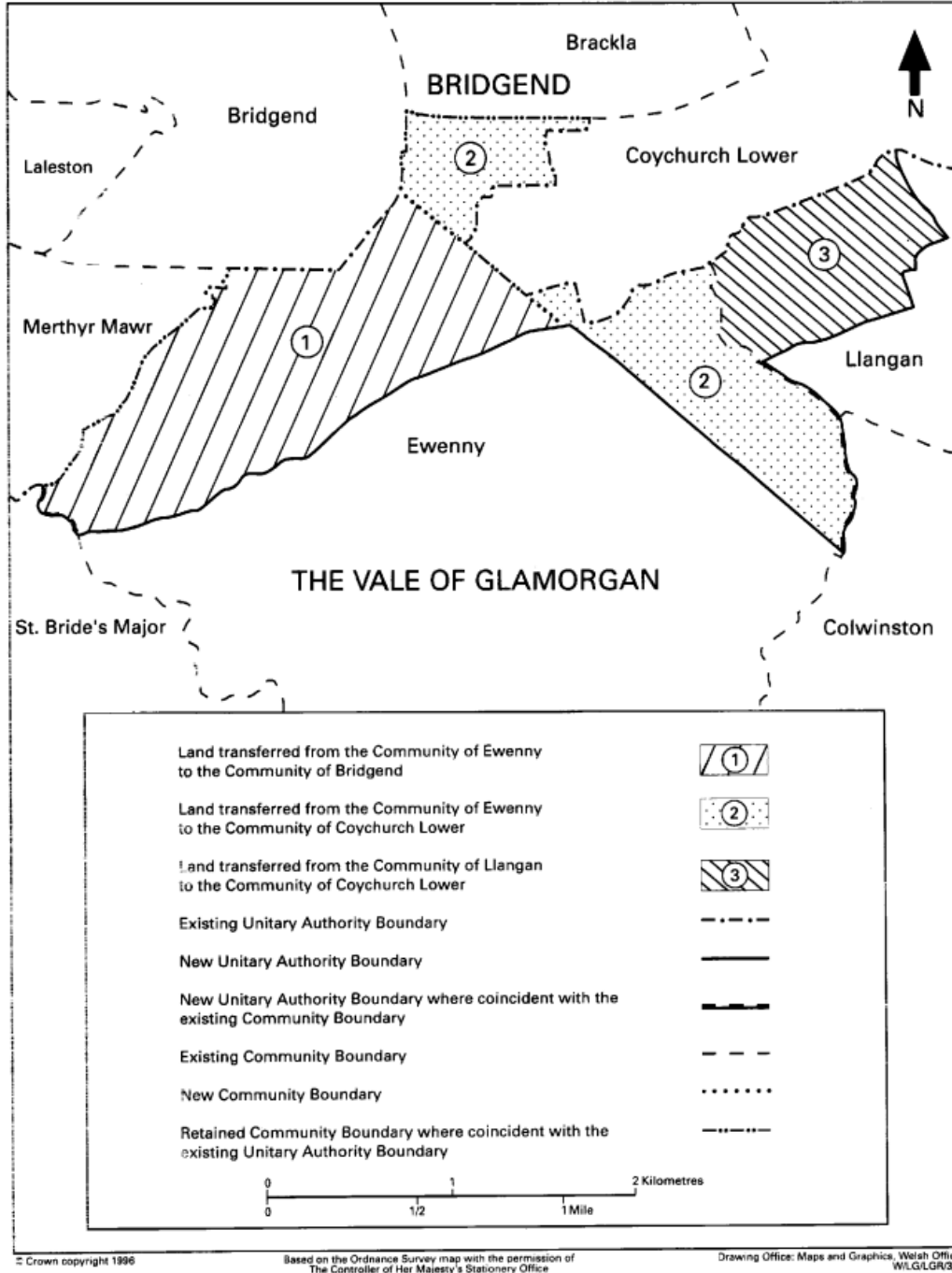
Article 11 makes consequential provision in relation to the respective Registration Service schemes made by the county borough councils of Bridgend and of The Vale of Glamorgan.

Article 12 and Part II of Schedule 2 make transitional provision in relation to family health services.

The map forming part of this note gives a general indication of the areas transferred. Prints of the map referred to in article 2 of the Order are deposited and may be inspected during normal office hours at the offices of The Vale of Glamorgan County Borough Council, Holton Road, Barry; Bridgend County Borough Council, Angel Street, Bridgend and at the offices of the Secretary of State for Wales at Cathays Park, Cardiff.

The Local Government Area Changes Regulations 1976 contain general provisions regarding the effect of orders such as this one.

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