



# Local Government (Wales) Act 1994

## 1994 CHAPTER 19

### PART I

#### LOCAL GOVERNMENT AREAS IN WALES

##### *The new areas and their councils*

#### **1 The local government areas.**

(1) For section 20 of the <sup>M1</sup>Local Government Act 1972 (“the 1972 Act”) substitute—

##### **“20 New principal local government areas in Wales.**

- (1) For the administration of local government on and after 1st April 1996, the local government areas in Wales shall be—
  - (a) the new principal areas; and
  - (b) the communities.
- (2) The new principal areas (determined by reference to areas which, immediately before the passing of the Local Government (Wales) Act 1994, are local government areas) are set out in Parts I and II of Schedule 4 to this Act.
- (3) Each of the new principal areas shall have the name given to it in Schedule 4.
- (4) The new principal areas set out in Part I of Schedule 4 shall be counties and those set out in Part II of that Schedule shall be county boroughs.
- (5) In this Act “principal area”, in relation to Wales, means a county or county borough.
- (6) The counties which were created by this Act, as originally enacted, as counties in Wales, and the districts within them, shall cease to exist on 1st April 1996 except that the preserved counties shall continue in existence (with, in some cases, modified boundaries) for certain purposes.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Act 1994, Cross Heading: The new areas and their councils. (See end of Document for details)*

- (7) The councils of the counties and districts mentioned in subsection (6) above shall cease to exist on 1st April 1996.
- (8) The areas of the preserved counties are set out in Part III of Schedule 4 and are determined by reference to local government areas in existence immediately before the passing of the Local Government (Wales) Act 1994.
- (9) The Secretary of State may by order change the name by which any of the preserved counties is for the time being known.
- (10) Any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) The Welsh name of each of the new principal areas is shown in Schedule 4 immediately after its English name.”
- (2) Schedule 1 substitutes new Parts I, II and III in Schedule 4 to the 1972 Act.
- (3) Schedule 2 provides for the application of certain enactments in relation to the preserved counties.
- (4) Section 270(1) of the 1972 Act (definitions) is amended as follows.
- (5) In the definition of “local authority” for “or community council” substitute “ council but, in relation to Wales, means a county council, county borough council or community council; ”.
- (6) In the definition of “local government area”, for paragraph (b), substitute—  
“in relation to Wales, a county, county borough or community;”.
- (7) After the definition of “prescribed” insert—  
““preserved county” means any county created by this Act as a county in Wales, as it stood immediately before the passing of the Local Government (Wales) Act 1994 but subject to any provision of the Act of 1994, or any provision made under this Act, redrawing its boundaries;”.
- (8) In the definition of “principal area” insert at the end “ but, in relation to Wales, means a county or county borough. ”

#### Commencement Information

- II** S. 1 wholly in force at 1.4.1996; s. 1(1)(2)(7) in force at 5.7.1994 see s. 66(2); s. 1(4) in force at 24.10.1994 and s. 1(5)(6)(8) in force for certain purposes at 24.10.1994 by S.I. 1994/2790, art. 2(1), Sch. 1 (subject to art. 2(2)(3)); s. 1(5)(8) in force for certain purposes at 20.3.1995 by S.I. 1995/546, art. 3, Sch. (subject to arts. 4-8 (as amended by S.I. 1995/851)); s. 1(3)(5)(6)(8) in force at 3.4.1995 for certain purposes by S.I. 1995/852, art. 3(1), Sch. 1 (subject to art. 3(2)(3)); s. 1(3)(5)(8) in force for certain purposes at 1.10.1995 by S.I. 1995/2490, art. 3(1), Sch. 1 (subject to art. 3(2)-(4)); s. 1(3)(5)(6)(8) in force for certain purposes at 1.4.1996 by S.I. 1995/3198, art. 3, Sch. 1

#### Marginal Citations

- M1** 1972 c. 70.

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## 2 Constitution of new principal councils in Wales.

For section 21 of the 1972 Act substitute—

### “21 Constitution of principal councils in Wales.

- (1) For every principal area in Wales there shall be a council consisting of a chairman and councillors.
- (2) Each such council shall be a body corporate and shall have the functions given to them by this Act or otherwise.
- (3) Each council for a county in Wales shall have the name of the county with the addition—
  - (a) in the case of their English name, of the words “County Council” or the word “Council” (as in “Cardiganshire County Council” or “Cardiganshire Council”); and
  - (b) in the case of their Welsh name, of the word “Cyngor” (as in “Cyngor Sir Aberteifi”).
- (4) Each council for a county borough in Wales shall have the name of the county borough with the addition—
  - (a) in the case of their English name, of the words “County Borough Council” or the word “Council” (as in “Caerphilly County Borough Council” or “Caerphilly Council”); and
  - (b) in the case of their Welsh name, of the words “Cyngor Bwrdeistref Sirol” or the word “Cyngor” (as in “Cyngor Bwrdeistref Sirol Caerffili” or “Cyngor Caerffili”).
- (5) In the case of Abertawe, Caerdydd and Powys subsection (3)(b) above shall have effect as if it required the addition of the words “Cyngor Sir”.”

#### Commencement Information

**I2** S. 2 in force at 20.3.1995, see s. 66 and S.I. 1995/546, art. 3, Sch. (subject to arts. 4-8 (as amended by S.I. 1995/851))

## 3 Establishment of new principal councils.

Schedule 3 makes provision (by substituting a new Schedule for Schedule 5 to the 1972 Act) with respect to the establishment of the new principal councils, on a date in 1995 to be fixed by the Secretary of State, and the election of their members.

## 4 Elections of councillors.

(1) For section 25(2) of the 1972 Act (electoral divisions) substitute—

“(2) For the purpose of the election of councillors, every principal area in Wales shall be divided into electoral divisions, each returning such number of councillors as may be provided by an order under paragraph 2 of Schedule 5 to this Act or under or by virtue of the provisions of Part IV of this Act.

(3) There shall be a separate election for each electoral division.”

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(2) For section 26 of the 1972 Act substitute—

**“26 Elections of councillors.**

- (1) The ordinary elections of councillors of the new principal councils shall take place in 1995 and in every fourth year after 1995.
- (2) The term of office of every such councillor shall be four years.
- (3) On the fourth day after any such ordinary election—
  - (a) the persons who were councillors immediately before the election shall retire; and
  - (b) the newly elected councillors shall assume office.”

**Commencement Information**

**I3** S. 4 in force at 20.3.1995, see s. 66 and S.I. 1995/546, art. 3, Sch. (subject to arts. 4-8 (as amended by S.I. 1995/851))

**5 Change of status from county to county borough.**

For section 245A of the 1972 Act substitute—

**“245A Change of status of Welsh county to county borough.**

- (1) Where a petition is presented to Her Majesty by the council of a county in Wales praying for the grant of a charter under this section, Her Majesty, on the advice of Her Privy Council, may by charter confer on that county the status of a county borough.
- (2) No such petition shall be presented unless a resolution of the council has been passed by not less than two-thirds of the members voting at a meeting of the council specially convened for the purpose.
- (3) No charter under this section shall take effect before 1st April 1996.
- (4) A county borough which has acquired that status by a charter under this section—
  - (a) shall be a county borough; but
  - (b) shall not be treated as a borough for the purposes of any Act passed before 1st April 1974.
- (5) This section shall have effect subject to any provision made by a grant under Her Majesty’s prerogative and, in particular, to any provision granting the status of a royal borough or conferring any style on any person.”

**Commencement Information**

**I4** S. 5 in force at 3.4.1995, see s. 66 and S.I. 1995/852, art. 3(1), Sch. 1 (subject to art. 3(2)(3))

**Status:**

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**Changes to legislation:**

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