
Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Act 1994, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 3.

ESTABLISHMENT OF NEW PRINCIPAL COUNCILS

The following is substituted for Schedule 5 to the 1972 Act—

“SCHEDULE 5

ESTABLISHMENT OF NEW PRINCIPAL COUNCILS

Election of councillors

- 1 The elections of councillors of the new principal councils which are to be held in 1995 shall be held on a date fixed by the Secretary of State by order.

Electoral divisions

- 2 (1) For the purpose of any election of such councillors, each principal area shall be divided into electoral divisions specified in an order made by the Secretary of State after carrying out (either before or after the passing of the Local Government (Wales) Act 1994) such consultations as he thinks appropriate.
 - (2) An order under this paragraph for any area shall specify the number of councillors to be returned for each electoral division.
 - (3) There shall be a separate election of councillors for each electoral division.
 - (4) An order under this paragraph may contain such incidental, consequential, transitional or supplemental provision as the Secretary of State considers appropriate.

First elections of new councils

- 3 (1) At the first elections of councillors for each new principal area, the returning officer shall be an officer of the council appointed by such county council or district council as the Secretary of State may by order designate and not a person appointed under section 35 of the Representation of the ^{M1}People Act 1983.
 - (2) Section 36(4) of the Act of 1983 shall not apply to any such election.
 - (3) All expenditure properly incurred by a returning officer or other officer in relation to the holding of the first elections of councillors for a new principal area shall be paid in the first instance by the council by whom the returning officer was appointed and shall be defrayed by the district councils in the area—
 - (a) in such proportions as may be agreed between them; or
 - (b) in default of such agreement, as may be determined by the Secretary of State.
 - (4) In relation to the first elections of councillors for a new principal area, “the appropriate officer”, in Parts II and III of the Representation of the People Act 1983, does not have

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the meaning given by section 67(7) of that Act but means the returning officer appointed under this paragraph.

Declarations of acceptance of office

- 4 (1) For the purpose of taking and receiving delivery of declarations of acceptance of the office of councillor of any new principal council before the first meeting of that council, the head of paid service of an authority designated by the appropriate transition committee—
- (a) shall be deemed to be and shall act as the proper officer of the new council; and
 - (b) shall transfer any such declaration which has been delivered to him to the custody of the proper officer of the new council on the appointment of the latter.
- (2) In this Schedule “head of paid service”, in relation to an authority, means the officer of that authority who is designated under section 4 of the ^{M2}Local Government and Housing Act 1989.

First meetings of new principal councils

- 5 (1) The first meeting of each new principal council shall be held within 21 days immediately following the day of election and shall be treated as the annual meeting of the council for 1995.
- (2) The meeting shall be convened by the head of paid service of an authority designated by the appropriate transition committee and shall be held at such place as he may appoint.
- (3) The notice of the meeting required by paragraph 4(2) of Schedule 12 to this Act shall be published at the place where the meeting is to be held and the summons to attend the meeting shall be signed by the person convening it.
- 6 (1) Until the completion of the election of a chairman at the first meeting of a new principal council, persons designated by the appropriate transition committee shall exercise any functions falling to be exercised by the chairman and vice-chairman of the council.
- (2) Any person so designated shall not vote in the first instance at the election of the chairman unless he is a councillor for the new area.
- (3) At the first meeting of a new principal council the head of paid service of an authority so designated shall exercise any functions falling to be exercised by the proper officer of the new council in relation to the meeting.
- (4) The standing orders for the regulation of the proceedings and business of an authority so designated shall apply at the first meeting of a new principal council.
- 7 If he is requested to do so, the Secretary of State may himself exercise a committee’s power of designation for the purposes of any provision of paragraph 4, 5 or 6 above on the ground that the committee is unlikely to exercise the power in time for that provision to operate.

Qualification for membership

- 8 For the purposes of section 79 above, in its application to a candidate for membership of a new principal council, the new principal areas shall be treated as having been established not less than 12 months before the day of his nomination as such a candidate

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or, in relation to an election not preceded by the nomination of candidates, before the day of election.

Suspension of elections

- 9 (1) In this paragraph “council” means a county or district council which ceases to exist on 1st April 1996 by virtue of the Local Government (Wales) Act 1994.
- (2) No election of councillors of a council shall be held after 31st December 1994, except—
- (a) to fill a casual vacancy in the office of councillor of that council where before 31st December 1994—
 - (i) the office has been declared to be vacant; or
 - (ii) notice of the vacancy has been given under section 89(1) of this Act; or
 - (b) where the number of casual vacancies in the office of councillor of a council occurring after 31st December 1994 exceeds half of the total number of such offices.
- (3) Any such councillor holding office immediately before 31st December 1994, or elected after that date to fill a casual vacancy, shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until 1st April 1996.
- (4) It shall not be necessary—
- (a) to fill any casual vacancy in the office of councillor of a council occurring after 31st December 1994; and accordingly section 89 of this Act shall have effect with the necessary modifications in relation to any such vacancy; or
 - (b) to fill any casual vacancy occurring during March 1996 in the office of chairman or vice-chairman of a council.

Appropriate transition committee

- 10 In this Schedule, “appropriate transition committee” means the committee established under section 46 of the Local Government (Wales) Act 1994 in relation to the new principal council in question.”

Marginal Citations

M1 1983 c. 2.

M2 1989 c. 42.

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