
STATUTORY INSTRUMENTS

1994 No. 1210

The Isle of Wight (Structural Change) Order 1994

PART I
GENERAL

Citation and commencement

- 1.—(1) This Order may be cited as the Isle of Wight (Structural Change) Order 1994.
- (2) This Order shall come into force on the day after the day on which it is made.

Interpretation

- 2.—(1) In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990(1);

“borough councillor” means a councillor of the borough of Medina or of the borough of South Wight;

“the Island” means the county of Isle of Wight, and “old electoral division” means an electoral division of that county established by the County of Isle of Wight (Electoral Arrangements) Order 1980(2);

“the Island council” means the Isle of Wight County Council (renamed the Isle of Wight Council as from 1st April 1995) and “Island councillor” means a councillor of the Island council;

“the maps” means the 10 maps prepared by the Department of the Environment, and marked “Maps of the Isle of Wight (Structural Change) Order 1994”;

“Medina” means the borough of Medina, “the Medina council” means the Medina Borough Council, and “old Medina ward” means a ward of that borough established by the Borough of Medina (Electoral Arrangements) Order 1976(3); and

“South Wight” means the borough of South Wight, “the South Wight council” means the South Wight Borough Council, and “old South Wight ward” means a ward of that borough established by the Borough of South Wight (Electoral Arrangements) Order 1976(4).

- (2) For the purposes of this Order(5)—

“the preliminary date” means 3rd May 1994;

“the electoral date” means 4th May 1995;

(1) 1990 c. 8, as amended by the Planning and Compensation Act 1991 c. 34.

(2) S.I.1980/1572 as amended by S.I. 1984/116, S.I. 1985/180, S.I. 1985/402, and S.I. 1985/1753.

(3) S.I. 1976/1693 as amended by S.I. 1984/116, S.I. 1985/180, S.I. 1985/402, and S.I. 1985/1753.

(4) S.I. 1976/1695 as amended by S.I. 1984/116, S.I. 1985/180, S.I. 1985/402, and S.I. 1985/1753.

(5) The Local Government Changes for England Regulations 1994/ make incidental, consequential, transitional and supplementary provision in respect of orders under section 17 of the Local Government Act 1992, and refer to the terms used in this paragraph.

“the establishment date” means 8th May 1995;

“the shadow period” means the period commencing on the preliminary date, and terminating immediately prior to 1st April 1995; and

“the reorganisation date” means 1st April 1995.

PART II

LOCAL GOVERNMENT REORGANISATION ON THE ISLAND

Abolition of the borough councils, and transfer of their functions to the Island council

3. On the reorganisation date—

- (a) the Medina council and the South Wight council shall be abolished;
- (b) any person in office as a borough councillor shall cease to hold that office;
- (c) the old Medina wards and the old South Wight wards shall cease to exist;
- (d) all functions of each abolished council other than functions under Chapter II of Part II of the 1990 Act(6) shall be transferred to the Island council; and
- (e) the Island council shall be the sole principal council for the Island(7).

Name of the Island council

4. As from the reorganisation date, the Island council shall be renamed the Isle of Wight Council.

New elections for the Island council

5.—(1) As from the establishment date, the Island council shall consist of 48 Island councillors.

(2) New elections for Island councillors shall be held on the electoral date(8).

(3) For the purposes of those new elections and of subsequent elections for the Island council—

- (a) the old electoral divisions of the Island shall cease to exist; and
- (b) the Island shall be divided into 48 new electoral divisions as shown on the maps and described in Schedule 1 to this Order, each new division being represented by one Island councillor.

(4) Any Island councillor in office immediately prior to the establishment date who is not re-elected as such on the electoral date shall cease to hold office on the establishment date.

(5) Island councillors elected on the electoral date shall come into office on the establishment date, and retire on 11th May 1998.

(6) The next elections for Island councillors shall be held on 7th May 1998. The councillors then elected shall come into office on 11th May 1998, and retire on the fourth day after the ordinary day of election of councillors in 2001.

(6) In relation to town and country planning, provision is made in Part III of this Order.

(7) The term “principal council” is defined in section 270 of the Local Government Act 1972 c. 70.

(8) County council elections are held in accordance with Part I of the Representation of the People Act 1983 (c. 2) as amended, and the Local Elections (Principal Areas) Rules S.I. 1986/2214.

PART III

TOWN AND COUNTRY PLANNING

Island council as planning authority

6.—(1) As from the reorganisation date, the Island council shall cease to exercise functions under Chapter II of Part II of the 1990 Act.

(2) As from the reorganisation date, the Island council is to be treated as an authority to which Chapter I of Part II of the 1990 Act applies, and for this purpose, as if it were an area within a metropolitan county, and references to the local planning authority shall be construed accordingly.

Modifications to the 1990 Act

7.—(1) In section 27 of the 1990 Act, delete the words, “for any district in Greater London or a metropolitan county (whether the whole or part of the area of a local planning authority)” and insert “for any area in the Isle of Wight (whether the whole or part of the area of the Island council)”.

(2) Nothing in section 28 of the 1990 Act shall apply in the area of the Isle of Wight.

(3) Until a unitary development plan becomes operative for the area of the Island council (or where parts of such a plan become operative on different dates until every part of such a plan has become operative) Part I of Schedule 2 to the 1990 Act (which provides for existing plans to continue in force) shall apply to that area, and Part III of that Schedule shall apply in relation to it for the purposes of making continuing provision for the transitional matters for which provision was made immediately before the commencement of the 1990 Act by Schedule 7 to the Town and Country Planning Act 1971⁽⁹⁾ (old development plans, etc.).

(4) In the application of Part I of Schedule 2 to the 1990 Act to the Island council, for the words “the commencement of this Act”, there shall be substituted “the commencement of this Order”.

PART IV

THE SHADOW PERIOD

Preparations by Island council for assumption of abolished councils' functions

8. During the shadow period, the Island council shall have the following additional functions—

- (a) it shall prepare for the assumption on the reorganisation date of all functions transferred by article 3 or conferred by Part III of this Order;
- (b) it shall prepare any budgets and plans which will be required when those functions are assumed; and
- (c) it shall liaise with the Medina council and the South Wight council for the purpose of ensuring continuity of public service delivery on and after that date.

Powers during the shadow period

9. For the purposes of discharge of the functions mentioned in article 8:

(9) 1971 c. 78, repealed by the Planning (Consequential Provisions) Act 1990 c. 11.

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

- (a) paragraphs (3) to (7) (inclusive) of regulation 11 (Functions and powers of the shadow authority) of the Local Government Changes for England Regulations 1994⁽¹⁰⁾ shall apply to the Island council as to a shadow authority; and
- (b) regulation 12 (Duty of transferor authority to assist the shadow authority) of those Regulations shall apply to the Medina council and the South Wight council in relation to the Island council as it applies in relation to a shadow authority.

⁽¹⁰⁾ S.I. 1994/.