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STATUTORY INSTRUMENTS

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**1995 No. 1779**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Staffordshire (City of Stoke-on-Trent)  
(Structural and Boundary Changes) Order 1995**

<i>Made</i>	- - - -	<i>11th July 1995</i>
<i>Coming into force</i>		
<i>For the purposes of articles 2(2), 6, 8(1), (3) and (4), 10 and 11</i>		<i>12th July 1995</i>
<i>For all other purposes</i>		<i>1st April 1997</i>

Whereas the Local Government Commission for England, acting pursuant to section 15(4) of the Local Government Act 1992<sup>(1)</sup>, has submitted to the Secretary of State a report on its review of the county of Staffordshire together with its recommendations:

And whereas the Secretary of State has decided to give effect, with modifications, to the recommendations in respect of the city of Stoke-on-Trent<sup>(2)</sup>:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 17(3), 18(3)(a) and 26 of the Local Government Act 1992, and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has been laid before, and approved by a resolution of, each House of Parliament:

**PART I  
GENERAL**

**Citation and commencement**

**1.** This Order may be cited as the Staffordshire (City of Stoke-on-Trent) (Structural and Boundary Changes) Order 1995 and shall come into force for the purposes of articles 6, 8(1), (3) and (4), 10 and 11 on the day after the day on which it is made and for all other purposes on 1st April 1997.

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(1) 1992 c. 19.

(2) The non-metropolitan district of Stoke-on-Trent has been granted the status of a city.

(3) Amended by section 39(4) and (5) of the Police and Magistrates' Courts Act 1994 (c. 29).

## Interpretation

### 2.—(1) In this Order—

“the Act” means the Local Government Act 1992;

“the 1972 Act” means the Local Government Act 1972<sup>(4)</sup>;

“the map” means the map prepared by the Department of the Environment, marked “Map of the Staffordshire (City of Stoke-on-Trent) (Structural Change) Order” and deposited in accordance with regulation 27 of the Local Government Changes for England Regulations 1994<sup>(5)</sup>;

“the relevant date” means 6th May 1996;

“relevant provision” means a provision in any subordinate legislation made under the Act or made, in connection with the Act or such provision, under any other enactment;

“the reorganisation date” means 1st April 1997;

“Staffordshire” means the non-metropolitan county of Staffordshire and “the County Council” means the council of that county;

“Stoke” means the city of Stoke-on-Trent and “the Stoke Council” means the council of that city; and

“subordinate legislation” has the same meaning as in section 21 of the Interpretation Act 1978<sup>(6)</sup>.

(2) The period beginning with the relevant date and ending immediately before the reorganisation date is specified as the preliminary period for the purposes of any statutory instrument made under the Act.

## PART II

### BOUNDARY CHANGES AFFECTING STOKE

#### Constitution of new county of Stoke-on-Trent

##### 3.—(1) Stoke shall cease to form part of Staffordshire.

(2) A new county shall be constituted comprising the area of Stoke and shall be named the county of Stoke-on-Trent.

(3) Section 2(1) of the 1972 Act (which provides that every county shall have a council) shall not apply in relation to the county of Stoke-on-Trent.

#### Transfer of areas

##### 4. Each area marked B1 and B2 on the map shall be transferred from—

- (a) Staffordshire;
- (b) the borough of Stafford;
- (c) the Barlaston ward of that borough;
- (d) the parish of Barlaston;

to—

- (i) the county of Stoke-on-Trent;

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<sup>(4)</sup> 1972 c. 70.

<sup>(5)</sup> S.I. 1994/867.

<sup>(6)</sup> 1978 c. 30.

- (ii) Stoke;
  - (iii) the Blurton ward of Stoke;
- and shall become unparished.

## PART III

### LOCAL GOVERNMENT REORGANISATION IN STOKE

#### Structural change

5. The functions of the County Council in relation to Stoke shall, subject to the following provisions of this Part to any other relevant provision, be transferred to the Stoke Council.

#### Staffordshire Policy Authority

- 6.—(1) In this article, “the 1964 Act” means the Police Act 1964(7).
- (2) For the purposes of the functions to which this article applies—
- (a) sub-paragraph (1) of paragraph 27 of Schedule 1B to the 1964 Act (meaning of “relevant council”)(8) shall have effect as from 1 October 1996 as if Stoke had ceased to form part of Staffordshire on that date; and
  - (b) accordingly, the appointments which are required to be made to the Staffordshire Policy Authority (as established under section 3 of the 1964 Act) (“the Authority”)(9) by paragraph 2(2) of that Schedule (appointments of members of police authority by joint committee appointed by relevant councils) shall be made, as soon as practicable after that date, by a joint committee appointed by the County Council and the Stoke Council (as relevant councils) in accordance with that provision.
- (3) The functions to which this article applies are—
- (a) on and after the reorganisation date, all functions of the Authority, and
  - (b) before that date (but on and after 1st October 1996), the following functions of the Authority in respect of the financial year beginning on the reorganisation date—
    - (i) functions under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts)(10), and
    - (ii) functions under sections 4A (local policing objectives) and 4B (local policing plans) of the 1964 Act(11).
- (4) For the purposes of the functions referred to in paragraph (3)(b) above—
- (a) section 28(2)(b) of the Police and Magistrates' Courts Act 1994 (approval of decisions about precepts) shall have effect as though the reference to the members of the police authority appointed under paragraph 2 of the Schedule 1B to the 1964 Act was a reference to the members so appointed by virtue of paragraph (2) above, and
  - (b) the members of the Authority appointed under paragraph 2 of that Schedule otherwise than by virtue of paragraph (2) above shall not participate in the discharge of those functions.
- (5) In the exercise of its powers, the joint committee referred to in paragraph (2)(b) above—

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(7) 1964 c. 48.

(8) Schedule 1B was inserted by Schedule 2 to the Police and Magistrates' Courts Act 1994 (“the 1994 Act”).

(9) Section 3 was substituted by section 2 of the 1994 Act.

(10) 1992 c. 14; section 39 of that Act was amended by section 27(1) of the 1994 Act.

(11) Sections 4A and 4B were inserted by section 4 of the 1994 Act.

- (a) shall, for the purposes of paragraph 4(1)(b) of Schedule 1B to the 1964 Act, ignore any member of the County Council elected for an electoral division in Stoke<sup>(12)</sup>; and
- (b) shall not appoint any such member to the Authority under paragraph 2(2) of Schedule 1B to the 1964 Act.

(6) A member of the Authority who was appointed under paragraph 2 of Schedule 1B to the 1964 Act otherwise than by virtue of paragraph (2) above and who is not subsequently so appointed shall cease to hold office as a member of the Authority on the reorganisation date.

(7) In determining the period of a term of years for the purpose of paragraph 17 of Schedule 1B to the 1964 Act (term of appointment of members of a police authority), any period as a member of the Authority prior to the reorganisation date under an appointment made by virtue of paragraph (2) above shall be disregarded except where the person in question had been a member of the Authority by virtue of an appointment under paragraph 2 of that Schedule prior to his appointment by virtue of paragraph (2) above.

### **Amendment of Schedule 1A to Police Act 1964**

7. Schedule 1A to the Police Act 1964<sup>(13)</sup> shall be amended by inserting after the words “The county of Staffordshire” in the right-hand column opposite the name of the Staffordshire police area the words “and the non-metropolitan district of Stoke-on-Trent”.

### **Fire service**

8.—(1) In this article—

“the 1947 Act” means the Fire Services Act 1947<sup>(14)</sup>; and

“the relevant area” means the area comprising Staffordshire (as constituted on and after the reorganisation date) and Stoke (as so constituted).

(2) Stoke shall, subject to any combination scheme under the 1947 Act, become the area of a fire authority for the purposes of that Act.

(3) For the purposes of the making of a combination scheme with respect to the relevant area before the reorganisation date in accordance with section 10 of the 1947 Act (power to make schemes in advance of alterations to local government areas), section 5(2) of that Act shall have effect, in relation to that area, as if—

- (a) in paragraphs (a) and (d) of that subsection, for “the constituent authorities”, wherever those words occur, there were substituted “the council of the county of Staffordshire”; and
- (b) in paragraphs (e) and (f) of that subsection, for “any of the constituent authorities” there were substituted “the council of the county of Staffordshire”.

(4) Section 10 of the 1947 Act shall have effect, in relation to the relevant area, as if after the word “but” there were inserted the words “, except so far as it relates to the constitution of an authority as the fire authority for the combined area constituted by the scheme and the performance by that authority of any functions necessary for bringing the scheme into full operation on that date,”.

### **Planning functions**

9.—(1) The structure plan applying immediately before the reorganisation date to Staffordshire and any proposals prepared before that date for the alteration or replacement of that plan, shall

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<sup>(12)</sup> See article 11(2) of this Order.

<sup>(13)</sup> Schedule 1A was inserted by Schedule 1 to the 1994 Act.

<sup>(14)</sup> 1947 c. 41; section 10 of this Act is amended by paragraph 2 of Schedule 3 to the Local Government Act 1992.

be treated as if they had been prepared jointly by the County Council and the Stoke Council; and section 50 of the Town and Country Planning Act 1990(15) (“the 1990 Act”) shall apply accordingly.

(2) In relation to the Stoke Council—

- (a) section 36(5) of the 1990 Act (which provides that a local plan shall not contain policies in respect of minerals or waste) shall not apply;
- (b) subsection (1) of section 37 of that Act (minerals local plans) shall have effect as if, after the words “local plan”, there were added the words “or include in their local plan their detailed policies in respect of development consisting of the winning and working of minerals or involving the deposit of mineral waste”; and
- (c) subsection (2) of section 38 of that Act (waste policies) shall have effect as if, after paragraph (b), there were added the following—

“or

(c) include their waste policies in their local plan.”

(3) This article does not apply to any plan relating to the area of the Peak District National Park(16) or to any proposals for the alteration or replacement of such a plan.

## PART IV

### TRANSITIONAL PROVISION

#### **Election of councillors in 1996 and subsequent years**

**10.**—(1) The City of Stoke-on-Trent (Electoral Arrangements) Order 1976(17) shall be amended by the substitution of the following article for article 9—

“**9.**—(1) The whole number of councillors shall be elected at the ordinary elections of councillors in 1996.

(2) The councillors holding office for any ward in the city immediately before 6th May 1996 shall retire on that date and the newly elected councillors for any such ward shall come into office on that date.

(3) Of the councillors elected at the ordinary election of councillors in 1996 for any ward of the city—

- (a) one shall retire in 1998 being, subject to paragraphs (3) and (4) below, the councillor elected by the smallest number of votes;
- (b) one shall retire in 1999 being, subject as aforesaid, the councillor elected by the smallest number of votes;
- (c) the remaining councillor shall retire in 2000.

(4) In the case of an equality of votes between any persons elected which makes it uncertain which of them is to retire in any such year, the person to retire in that year shall be determined by lot.

(5) If an election of councillors for any ward is not contested, the person to retire in each such year shall be determined by lot.

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(15) 1990 c. 8. In this Act, sections 36 to 38 were substituted by paragraph 17 of Schedule 4 to the Planning and Compensation Act 1991 (c. 34) and section 50 was amended by paragraph 24 to that Act.

(16) The Peak Park Joint Planning Board, reconstituted by the Peak Park Joint Planning Board Order 1973 (S.I. 1973/2061), discharges functions within the area of the Park.

(17) S.I. 1976/1820.

(6) Where under this article any question is to be determined by lot, the lot shall be drawn at the next practicable meeting of the council after the question has arisen, and the drawing shall be conducted under the direction of the person presiding at the meeting.

(7) Except as otherwise provided in the foregoing paragraphs of this article, the term of office of councillors shall be four years and all councillors shall retire on the fourth day after the ordinary day of election of councillors of the city in the year of retirement, and the newly elected councillors shall come into office on the day on which their predecessors retire.”.

(2) For the purposes of the election of councillors for the Blurton ward of Stoke at the ordinary elections in 1996, and the filling of any casual vacancy occurring in the office of councillor for that ward after those elections and before the reorganisation date, the areas marked B1 and B2 on the map shall be treated as if they had been transferred to that ward on the day after the day on which this order is made.

### **Retirement of councillors and casual vacancies**

**11.**—(1) The electoral divisions of Staffordshire comprised in Stoke shall cease to be electoral divisions on the reorganisation date; and any person holding office, immediately before that date, as a councillor for such a division shall retire on that date<sup>(18)</sup>.

(2) Section 89 of the 1972 Act (filling of casual vacancies in case of councillors) shall have effect—

- (a) in the case of a casual vacancy occurring in the office of councillor of the Stoke Council during the period beginning with the date on which this article comes into force and ending with the relevant date, as if the reference in subsection (3) of that section to the day on which the councillor whose office is vacant would regularly have retired were a reference to the relevant date; and
- (b) in the case of a casual vacancy occurring in the office of councillor for any electoral division referred to in paragraph (1) above, as if that reference in that subsection were a reference to the reorganisation date.

Signed by the authority of the Secretary of State

11th July 1995

*David Curry*  
Minister of State  
Department of the Environment

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<sup>(18)</sup> The electoral divisions of Staffordshire are those described in the Schedule to the County of Staffordshire (Electoral Arrangements) Order 1980 (S.I. 1980/1702).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order gives effect to recommendations by the Local Government Commission for England in respect of the structure of local government in the city of Stoke-on-Trent (“Stoke”).

Article 3 provides for Stoke to cease to form part of the county of Staffordshire on 1st April 1997 and for a new county of Stoke-on-Trent to be constituted on that date (but without a county council).

Article 4 makes a small change in the boundary between Stoke and the borough of Stafford on 1st April 1997. The map forming part of this Note shows, as a general guide only, the areas which are transferred to Stoke. Prints of the detailed order map (described in article 2) may be inspected at all reasonable times at the offices of the county council, the city council and the borough council concerned and, additionally, at the offices of the Secretary of State for the Environment located at 2 Marsham Street, London SW1P 3EB.

Article 5 effects the structural change by providing for the transfer, on 1st April, 1997, of the functions of Staffordshire County Council in relation to Stoke to the council of that city.

Articles 6 and 7 make provision in respect of the Staffordshire Police Authority.

Article 8 makes provision for the purposes of subordinate legislation which may be made under the Fire Services Act 1947 in respect of fire services.

Article 9 makes provision in relation to the structure plan applying to Staffordshire. It also makes provision to enable the local plan prepared by the council of Stoke under the Town and Country Planning Act 1990 to contain minerals and waste policies.

Article 10 makes provision for a whole council election in Stoke in 1996 and for reversion to election by thirds in subsequent years.

Article 11 provides for the retirement, on 6th May 1996, of existing city councillors of Stoke and, on 1st April 1997, of existing county councillors elected for divisions in Stoke. It also makes provision in respect of casual vacancies in the office of a councillor who, by virtue of the Order, would retire before the day he would regularly have retired.

Areas transferred as from 1 April 1997

Areas transferred as from 1 April 1997

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

# חוק המערכת הבריאות



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