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STATUTORY INSTRUMENTS

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**1996 No. 183**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**WALES**

**The Local Government Reorganisation  
(Wales) (Charities) Order 1996**

*Made* - - - - *29th January 1996*

*Coming into force* - - *1st April 1996*

The Secretary of State for Wales, in exercise of the powers conferred upon him by sections 49(6) and 63(5)(a) of the Local Government (Wales) Act 1994<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation and commencement**

1. This Order may be cited as the Local Government Reorganisation (Wales) (Charities) Order 1996 and shall come into force on 1st April 1996.

**Supplemental provision to section 49 of the Local Government (Wales) Act 1994**

2.—(1) The following provisions shall have effect in relation to the application of section 49 of the Local Government (Wales) Act 1994 (Charities).

(2) Where, immediately before the commencement of section 49, any power with respect to a charity was vested in an old authority, that power shall vest in the appropriate council as determined in accordance with the provisions of section 49(4) or, where section 49(4) does not apply, in accordance with section 49(5).

(3) References in paragraph (2) and section 49(2) to a power with respect to a charity do not include any power vested in an old authority, proper officer or other office holder by virtue of being a trustee thereof.

(4) Where—

- (a) section 49(2) applies, but section 49(1) does not apply, or
- (b) section 49(3) applies,

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(1) 1994 c. 19; section 49 of the Local Government (Wales) Act 1994 is commenced on 1st April 1996 by S.I.1995/3198 (article 5 and Schedule 3).

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**Status:** This is the original version (as it was originally made).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

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the provisions of subsection (4) shall nevertheless apply if the property of the charity in question is held for the benefit of any area or persons as referred to in that subsection.

(5) Where there are more than two principal councils in whose areas fall—

(a) the specified area under section 49(4), or

(b) the area of the old authority in question under section 49(5),

the reference in each of those provisions to “the greater part” shall, in any such case, be construed as a reference to “the greatest part”.

(6) Any rights and liabilities of an old authority arising from that authority holding as trustee property to which section 49 applies shall transfer to the new principal council in which the property is vested.

Signed by authority of the Secretary of State for Wales

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

29th January 1996

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## EXPLANATORY NOTE

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

The Local Government (Wales) Act 1994 provides for the reorganisation of local government in Wales with effect from 1st April 1996. Section 49 makes specific provision for the transfer of charitable property and related powers from old authorities to new principal councils. This Order supplements that section so that provision is additionally made for—

- (a) the transfer of powers exercisable in relation to a charity where those powers are vested in an old authority rather than an office holder of an old authority;
- (b) the identity of transferee councils to be determined in accordance with the principles stated in section 49(4) and (5) in the above case and in accordance with section 49(4) in those cases where local authority officers have powers with respect to a charity whose property is not vested in an old authority, or where an old authority or any of its officers are included among the trustees of a charity;
- (c) references to “the greater part” in section 49(4) and (5) to be construed as references to “the greatest part” in those cases where there are more than two new principal councils whose areas comprise either the specified area under section 49(4) or the area of the old authority in question under section 49(5);
- (d) references in article 2(2) and section 49(2) to a power with respect to a charity not to include references to a power of an old authority or an office holder of an old authority by virtue of being a trustee of a charity;
- (e) the transfer of rights and liabilities in connection with charitable property held by an old authority as trustee to the new principal council in which the property is vested.