
STATUTORY INSTRUMENTS

1996 No. 1878

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Cambridgeshire (City of Peterborough) (Structural,
Boundary and Electoral Changes) Order 1996**

<i>Made</i>	- - - -	<i>18th July 1996</i>
<i>Coming into force</i>		
<i>For the purposes of articles 2(2), 6(1), (3) and (4) and 8 to 11</i>		<i>19th July 1996</i>
<i>For all other purposes</i>		<i>1st April 1998</i>

Whereas the Local Government Commission for England, acting pursuant to section 15(4) of the Local Government Act 1992⁽¹⁾, has submitted to the Secretary of State a report on its review of the districts of Huntingdonshire and Peterborough in the county of Cambridgeshire together with its recommendations:

And whereas the Secretary of State has decided to give effect to the recommendations in respect of the city of Peterborough:⁽²⁾

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 Cambridgeshire (City of Peterborough) (Structural, Boundary and Electoral Changes) Order 1996 and shall come into force for the purposes of articles 2(2), 6(1),

⁽¹⁾ 1992 c. 19.

⁽²⁾ The non-metropolitan district of Peterborough has the status of a city.

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

(3) and (4) and 8 to 11 on the day after the day on which it is made and for all other purposes on 1st April 1998.

Interpretation

2.—(1) In this Order —

“the Act” means the Local Government Act 1992;

“the 1972 Act” means the Local Government Act 1972;(4) ;

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

“electoral division” means an electoral division of Cambridgeshire constituted by the County of Cambridgeshire (Electoral Arrangements) Order 1984;(5)

“map” means the map prepared by the Department of the Environment, marked “Map of the Cambridgeshire (City of Peterborough) (Structural, Boundary and Electoral Changes) Order 1996” and deposited in accordance with regulation 27 of the Local Government Changes for England Regulations 1994;(6)

“Peterborough”(except in references to the county of Peterborough) means the city of Peterborough and “the Peterborough Council” means the council of that city;

“the relevant date” means 5th May 1997;

“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 1998; and

“subordinate legislation” has the same meaning as in section 21 of the Interpretation Act 1978.(7)

(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 PETERBOROUGH

Constitution of new county of Peterborough

3.—(1) Peterborough shall cease to form part of Cambridgeshire.

(2) A new county shall be constituted comprising the area of Peterborough and shall be named the county of Peterborough.

(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 Peterborough.

Transfer of areas

4.—(1) The area marked A1 on the map shall be transferred from —

(4) 1972 c. 70.

(5) S.I.1984/1944.

(6) S.I. 1994/867, to which there are amendments not relevant to this Order.

(7) 1978 c. 30.

- (a) Peterborough;
- (b) the Orton Waterville ward of that city; and
- (c) the parish of Orton Waterville;

to —

- (i) the district of Huntingdonshire;
- (ii) the Elton ward of that district;
- (iii) the Norman Cross electoral division; and
- (iv) the parish of Alwalton.

(2) The area marked C1 on the map shall be transferred from —

- (a) Peterborough;
- (b) the Stanground ward of that city; and
- (c) an unparished area;

to —

- (i) the district of Huntingdonshire;
- (ii) the Farcet ward of that district;
- (iii) the Norman Cross electoral division; and
- (iv) the parish of Farcet.

(3) The area marked B1 on the map shall be transferred from —

- (a) the district of Huntingdonshire;
- (b) the Farcet ward of that district; and
- (c) the parish of Farcet;

to —

- (i) Peterborough;
- (ii) the Fletton ward of Peterborough;

and shall become unparished.

(4) The area marked B2 on the map shall be transferred from —

- (a) the district of Huntingdonshire;
- (b) the Yaxley ward of that district; and
- (c) the parish of Yaxley;

to —

- (i) Peterborough;
- (ii) the Fletton ward of Peterborough;

and shall become unparished.

(5) The area marked B3 on the map shall be transferred from —

- (a) the district of Huntingdonshire;
- (b) the Elton ward of that district; and
- (c) the parish of Alwalton;

to —

- (i) Peterborough;
- (ii) the Fletton ward of Peterborough;

and shall become unparished.

PART III

LOCAL GOVERNMENT REORGANISATION IN PETERBOROUGH

Structural change

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

Fire services

6.—(1) In this article —

“the 1947 Act” means the Fire Services Act 1947;(8) and

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

(2) Peterborough 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 Cambridgeshire”; 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 Cambridgeshire”.

(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

7.—(1) The structure plan applying immediately before the reorganisation date to Cambridgeshire and any proposals prepared before that date for the alteration or replacement of that plan shall be treated as if they had been prepared jointly by the County Council and the Peterborough Council; and section 50 of the Town and Country Planning Act 1990(9) (“the 1990 Act”) shall apply accordingly.

(2) In relation to the Peterborough 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;

(8) 1947 c. 41; section 10 of this Act is amended by paragraph 2 of Schedule 3 to the Local Government Act 1992.

(9) 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 of that Schedule.

- (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.”.

PART IV

ELECTORAL ARRANGEMENTS

Electoral areas in Peterborough

8.—(1) For the purposes of an election held on or after 1st May 1997, the existing wards of Peterborough shall be abolished and Peterborough shall be divided into eighteen wards as set out in the Schedule to this Order.

(2) The number of councillors to be elected for each ward shall be three.

Election of councillors in Peterborough in 1997 and subsequent years

9.—(1) Elections of all councillors for the Peterborough Council shall be held simultaneously on the ordinary day of election of councillors in 1997.**(10)**

(2) The councillors holding office for any ward in the city immediately before 5th May 1997 shall retire on that date and the newly elected councillors for any such ward shall come into office on that date.

(3) Subject to the provisions in this article, the election of councillors shall be by thirds.

(4) Of the councillors elected at the ordinary election of councillors in 1997 for any ward of the city —

- (a) one-third shall retire in 1999 being, subject to paragraphs (5) and (6) below, the councillor elected by the smallest number of votes;
- (b) one-third shall retire in 2000 being, subject as aforesaid, the councillor elected by the next smallest number of votes;
- (c) the remaining councillor shall retire in 2001.

(5) 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.

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

(7) 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.

(8) In each year in which a councillor for a ward in the city retires in accordance with paragraphs (4) to (7) above an election of a councillor for that ward shall be held on the ordinary day of election

(10) For the ordinary day of election of councillors of local government areas, see section 37 of the Representation of the People Act 1983 (c. 2), amended by section 18(2) of the Representation of the People Act 1985 (c. 50).

of councillors in that year; and the term of office of councillors elected at such an election shall be three years.

(9) 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 for the city in the year of retirement and the newly elected councillors shall come into office on the day on which their predecessors retire.

Elections in 1997

10.—(1) For the purposes of the election of councillors for the Fletton ward of Peterborough on the ordinary day of election of councillors in 1997, 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, B2 and B3 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.

(2) For the purposes of the election of councillors for the Norman Cross electoral division at the ordinary elections in 1997, and the filling of any casual vacancy occurring in the office of councillor for that division after those elections and before the reorganisation date, the areas marked A1 and C1 on the map shall be treated as if they had been transferred to that electoral division on the day after the day on which this Order is made.

Suspension of elections and retirement of councillors

11.—(1) The ordinary election of councillors in 1997 for the electoral divisions comprised in Peterborough shall not take place; and any councillor for such a division holding office immediately before the relevant date who would, but for this paragraph, have retired on that date shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until the reorganisation date.

(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 Peterborough Council before 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.

(3) The electoral divisions comprised in Peterborough shall cease to be electoral divisions on the reorganisation date.

Signed by authority of the Secretary of State

Department of the Environment
18th July 1996

David Curry
Minister of State,

SCHEDULE

Article 8(1)

ELECTORAL AREAS IN PETERBOROUGH

<i>Name of new ward</i>	<i>Description of area of new ward</i>
Bretton	The area of the electoral division of Bretton
Dogsthorpe	The area of the electoral division of Dogsthorpe
Fletton	The area of the electoral division of Fletton
Orton Longueville	The area of the electoral division of Orton Longueville
Orton Waterville	The area of the electoral division of Orton Waterville
Park	The area of the electoral division of Park
Paston	The area of the electoral division of Paston
Peterborough Central	The area of the electoral division of Peterborough Central
Peterborough East	The area of the electoral division of Peterborough East
Peterborough North	The area of the electoral division of Peterborough North
Peterborough Rural West	The area of the electoral division of Peterborough Rural West
Peterborough West	The area of the electoral division of Peterborough West
Ravensthorpe	The area of the electoral division of Ravensthorpe
South Bretton	The area of the electoral division of South Bretton
Stanground	The area of the electoral division of Stanground
Thorney	The area of the electoral division of Thorney
Walton	The area of the electoral division of Walton
Werrington	The area of the electoral division of Werrington

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

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 Peterborough (“Peterborough”).

Article 3 provides for Peterborough to cease to form part of Cambridgeshire on 1st April 1998 and for a new county of Peterborough to be constituted on that date (but without a county council).

Article 4 makes certain changes to the boundary between Peterborough and the district of Huntingdonshire on 1st April 1998. The map forming part of this Note shows, as a general guide only, the areas which are transferred. Prints of the detailed map (described in article 2) may be inspected at all reasonable times at the offices of the county council, the city council and the district 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 1998, of the functions of Cambridgeshire County Council in relation to Peterborough to the council of that city.

Article 6 makes provision for the purposes of subordinate legislation which may be made under the Fire Services Act 1947 in respect of fire services.

Article 7 makes provision in relation to the Cambridgeshire structure plan and to enable the local plan prepared by the council of Peterborough under the Town and Country Planning Act 1990 to contain minerals and waste policies.

Article 8 and the Schedule make provision for new electoral areas for Peterborough for the purposes of an election held on or after 1st May 1997.

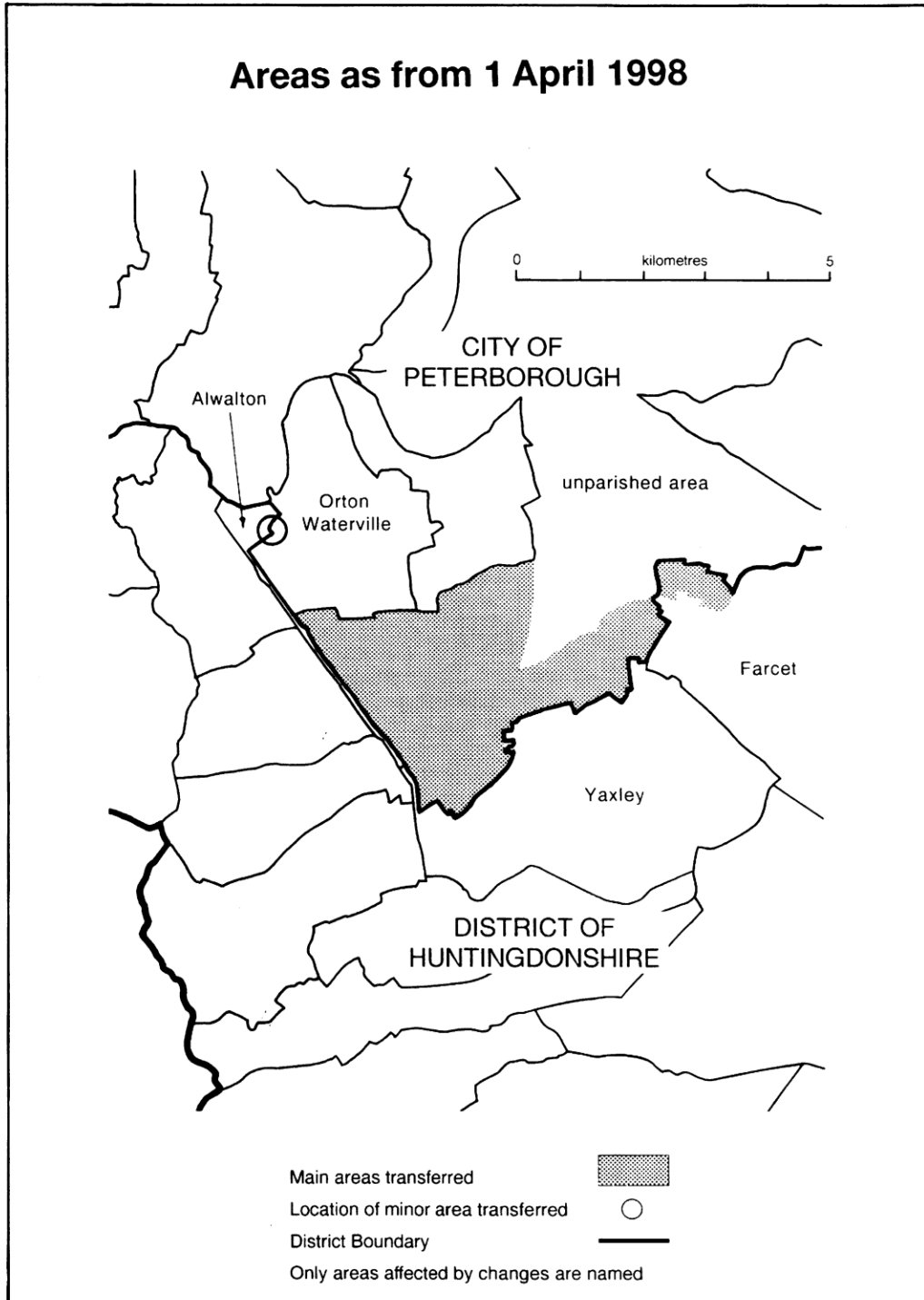
Article 9 makes provision for a whole council election in Peterborough in 1997 and for reversion to election by thirds in subsequent years, including a transitional period during which elections will be held after three years instead of the usual four.

Article 10 makes further transitional provision about elections in 1997.

Article 11 makes provision for the suspension of county council elections in 1997 in electoral divisions in Peterborough and extends the term of office of councillors for such divisions until 1st April 1998. It also provides in respect of casual vacancies in the office of councillor of the Peterborough City Council and the electoral divisions of Cambridgeshire County Council affected by this Order.

Map
Map

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Based on the Ordnance Survey map

DOE/DDP Services 1996