
STATUTORY INSTRUMENTS

1996 No. 3071

LOCAL GOVERNMENT, ENGLAND AND WALES
WALES

**The Local Government Reorganisation (Wales)
(Consequential Amendments No. 3) Order 1996**

<i>Made</i>	- - - -	<i>11th December 1996</i>
<i>Laid before Parliament</i>		<i>17th December 1996</i>
<i>Coming into force</i>	- -	<i>7th January 1997</i>

The Secretary of State for Wales in exercise of the powers conferred on him by section 54(1) and (2)(e) of the Local Government (Wales) Act 1994(1), 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) (Consequential Amendments No. 3) Order 1996 and shall come into force on 7th January 1997.

Amendment of enactments

2. The enactments referred to in the Schedule are hereby amended in the manner indicated therein.

Signed by authority of the Secretary of State for Wales

Welsh Office
11th December 1996

Gwilym Jones
Parliamentary Under Secretary of State,

SCHEDULE

Article 2

The Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

1.—(1) In section 20(1) and (5) of the Local Government (Miscellaneous Provisions) Act 1976 (provision of sanitary appliances at places of entertainment), after “county council” insert, in each case, “in England”.

(2) In section 23(1) of that Act (power of local authorities to deal with dangerous trees), after “Common Council” insert “, or a county or county borough council in Wales”.

(3) In section 25 of that Act (power of certain councils with respect to dangerous excavations)—

(a) in subsection (1), after “Common Council” insert “, or a county or county borough council in Wales”; and

(b) in subsection (8), after “Common Council” insert “, or a county or county borough council in Wales.”.

(4) In section 29 of that Act (repayment of unclaimed compensation etc. paid into court), for subsection (4), substitute—

“(4) For the purposes of the preceding subsection—

(a) any land held by a parish council shall be treated as held by the district council whose area includes the area of the parish council, and

(b) any land held by a community council shall be treated as held by the county or county borough council whose area includes the area of the community council.”.

(5) In section 33(1) of that Act(2) (restoration or continuation of supply of water, gas or electricity), after “Common Council” insert “, or a county or county borough council in Wales.”.

(6) In section 35(1) of that Act(3) (removal of obstructions from private sewers), after “county council” insert “in England”.

(7) In section 44(1) of that Act (interpretation etc. of Part I), in the definition of “local authority”(4), after “county council,” insert “a county borough council.”.

(8) In section 80 of that Act (interpretation of Part II), at the end add—

“(4) In this Part of this Act, except where the context otherwise requires, references to a district council shall, in relation to Wales, be construed as references to a county council or county borough council.”.

The Local Government Finance Act 1988 (c. 41)

2.—(1) In section 64(7) of the Local Government Finance Act 1988 (hereditaments), after paragraph (a) insert—

“(aa) a county borough council.”.

(2) In paragraph 15(3) of Schedule 5 to that Act (non-domestic rating: exemption - parks), after paragraph (a) insert—

“(aa) a county borough council.”.

(2) Section 33(1) was amended by the Gas Act 1986 (c. 44), Schedule 7, paragraph 24.

(3) Section 35(1) was amended by the Local Government Act 1985 (c. 51), Schedule 17.

(4) The definition of “local authority” was substituted by the Local Government Act 1985, (Schedule 14, paragraph 53(b)) and was also amended by Schedule 17 to that Act. Further amendment has been made by the Education Reform Act 1988, (c.40), Schedule 13.

The Local Government and Housing Act 1989 (c. 42)

3.—(1) In section 9(11) of the Local Government and Housing Act 1989 (assistants for political groups), in paragraph (a) of the definition of “relevant authority”, after “county,” insert “county borough,”.

(2) In section 10(2) of that Act (limit on paid leave for local authority duties), in the definition of “relevant council”, after “county,” insert “county borough,”.

(3) In section 21(1) of that Act (interpretation of Part I), after paragraph (a) insert—

“(aa) a county borough council;”.

(4) In section 31(8) of that Act (National Code of Local Government Conduct), in paragraph (a) of the definition of “local authority”, after “county council,” insert “a county borough council,”.

(5) In section 33(5) of that Act (promotion of economic development), in the definition of “relevant authority”, after “county,” insert “county borough,”.

(6) In section 67(3) of that Act (application of, and orders under, Part V), after paragraph (a) insert—

“(aa) a county borough council;”.

(7) In section 152(2) of that Act (interpretation, consultation and commencement of ss.150 and 151), after paragraph (a) insert—

“(aa) a county borough council;”.

(8) In section 155(4) of that Act (emergency financial assistance to local authorities), after paragraph (a) insert—

“(aa) a county borough council;”.

(9) In section 157(6) of that Act (commutation of, and interest on, periodic payments of grants etc.), after paragraph (a) insert—

“(aa) a county borough council;”.

(10) Omit section 160 of that Act (Welsh language names for local authorities).

(11) Omit Schedule 8 to that Act (Welsh language names for local authorities).

Local Government Finance Act 1992 (c. 14)

4. In section 46 of the Local Government Finance Act 1992 (special items for purposes of section 45)—

(a) in subsection (2), omit paragraph (c);

(b) in subsection (3), omit paragraph (c); and

(c) in subsection (4), omit the definition of “library area”.

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)

The Local Government (Wales) Act 1994 created unitary authorities in Wales which have, as from 1 April 1996, carried out the functions of the former district and county councils. This Order makes amendments to primary legislation in consequence of this.

The repeals to the Local Government and Housing Act 1989 and the Local Government Finance Act 1992 are in consequence of the repealed provisions ceasing to have effect following provision made by the 1994 Act.

The other amendments made by this Order provide for the adaptation of local authority references to include specific reference to the new local authority structure in Wales. The inclusion of such references replaces the application of section 17 of the 1994 Act (references to the old local government structure to be construed as references to the new structure), essentially in enactments where that has already been partially provided for in other amendments.