
STATUTORY INSTRUMENTS

1997 No. 1849

**LOCAL GOVERNMENT, ENGLAND AND WALES
POLICE**

**The Devon and Cornwall (Police
Area and Authority) Order 1997**

<i>Made</i>	- - - -	<i>28th July 1997</i>
<i>Laid before Parliament</i>		<i>5th August 1997</i>
<i>Coming into force</i>		
<i>Articles 1 and 2</i>		<i>1st October 1997</i>
<i>Article 3</i>		<i>1st April 1998</i>

The Secretary of State in exercise of the powers conferred on him by sections 17 and 26 of the Local Government Act 1992⁽¹⁾ hereby makes the following Order:

1.—(1) This Order may be cited as the Devon and Cornwall (Police Area and Authority) Order 1997.

(2) In this Order—

“1996 Act” means the Police Act 1996⁽²⁾;

“transferred areas” means the City of Plymouth and Borough of Torbay.

(3) This Order, except article 3, shall come into force on 1st October 1997 and article 3 shall come into force on 1st April 1998.

2.—(1) The functions to which this article applies are—

(a) all functions of the Devon and Cornwall police authority on or after 1st April 1998; and

(b) before that date (but on or after 1st October 1997), the functions of that police authority in respect of the financial year beginning on 1st April 1998 under—

(i) Chapter IV of Part I of the Local Government Finance Act 1992 (precepts)⁽³⁾, and

(ii) sections 7 (local policing objectives) and 8 (local policing plans) of the 1996 Act.

(1) 1992 c. 19.

(2) 1996 c. 16.

(3) 1992 c. 14; section 39(1)(b) of that Act was amended by section 27(1) of the Police and Magistrates' Courts Act 1994 (c. 29) and paragraph 1(2) of Schedule 7 to the 1996 Act.

- (2) For the purposes of the functions to which this article applies—
- (a) paragraph 26(1) of Schedule 2 to the 1996 Act (meaning of “relevant council”) shall have effect from 1st October 1997 as if the transferred areas had ceased to form part of the County of Devon on that date; and
 - (b) accordingly, the appointments which are required to be made to the Devon and Cornwall police authority 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 Councils of the Counties of Devon and Cornwall, the Isles of Scilly and the transferred areas (as relevant councils) in accordance with that provision.
- (3) For the purposes of the functions referred to in paragraph (1)(b) above—
- (a) section 19(2)(b) of the 1996 Act (approval of decisions about precepts) shall have effect as though the reference to the members of the police authority appointed under paragraph 2 of Schedule 2 to that Act was a reference to the members so appointed by virtue of paragraph (2) above; and
 - (b) the members of the Devon and Cornwall police authority appointed under paragraph 2 of that Schedule otherwise than under paragraph (2) above shall not participate in the discharge of those functions.
- (4) In the exercise of its powers, the joint committee referred to in paragraph (2)(b) above—
- (a) shall, for the purposes of paragraph 4(1)(b) of Schedule 2 to the 1996 Act, ignore any member of Devon County Council elected for an electoral division in the transferred areas, and
 - (b) shall not appoint any such member to the Devon and Cornwall police authority under paragraph 2(2) of that Schedule.
- (5) A member of the Devon and Cornwall police authority who was appointed under paragraph 2 of Schedule 2 to the 1996 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 that Authority on 1st April 1998.
- (6) In determining the period of a term of years for the purpose of paragraph 16 of Schedule 2 to the 1996 Act (term of appointment of members of a police authority), any period as a member of the Devon and Cornwall police authority prior to 1st April 1998 under an appointment made by virtue of paragraph (2) above shall be disregarded except where the person in question had been a member of that authority by virtue of an appointment under paragraph 2 of that Schedule prior to his appointment by virtue of paragraph (2) above.
- 3.** Schedule 1 to the 1996 Act (police areas) shall be amended by inserting after the word “Cornwall” in the right-hand column opposite the name of the Devon and Cornwall police area the words “, the non-metropolitan districts of Plymouth and Torbay”.

Home Office
28th July 1997

Alun Michael
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequential on the structural change effected by the Devon (City of Plymouth and Borough of Torbay) (Structural Change) Order 1996 (S.I.1996/1865). That Order removed the City of Plymouth and Borough of Torbay from the County of Devon.

Article 2 of this Order makes transitional provision relating to the proceedings of the Devon and Cornwall police authority. Article 3 amends the description of the Devon and Cornwall police area in Schedule 1 to the Police Act 1996 to take account of the structural change.