

SCHEDULES

SCHEDULE 3

Section 27.

AMENDMENTS CONSEQUENTIAL ON PART II

The Fire Services Act 1947 (c. 41)

- 1 In section 6 of the Fire Services Act 1947 (power of the Secretary of State to make combination schemes)—
- (a) in subsection (2), after the word “thereto” there shall be inserted the words “or subsection (2A) of this section applies”; and
 - (b) after that subsection there shall be inserted the following subsection—
 - “(2A) If, in a case where the authorities to whom notice of a proposed scheme has been given under subsection (2) of this section do not assent thereto—
 - (a) it appears to the Secretary of State that the proposed scheme contains only such provision as is appropriate in consequence of an order under Part II of the Local Government Act 1992 containing provision for giving effect to a structural change (within the meaning of that Part); and
 - (b) the period (if any) that has elapsed between the making of that order and the giving of that notice does not exceed twelve months,the Secretary of State shall be under a duty to consider any representations made by those authorities with respect to the proposed scheme within such period as may have been specified in the notice, but shall not be required under that subsection to cause a public local inquiry to be held.”
- 2 In section 10 of that Act (schemes for combination of fire areas in advance of alterations of local government areas)—
- (a) for the words from “constituting” to “a county” there shall be substituted the words “or Part II of the Local Government Act 1992 affecting any area”;
 - (b) for the words “that date” there shall be substituted the words “the date on which that order gives effect to any transfer of functions or alteration of boundaries in relation to that area”;
 - (c) for the words from “as if” onwards there shall be substituted the words “as if—
 - (a) references to the area of a fire authority included references to any area which (apart from any combination scheme under this section) would become such an area by virtue of such an order or which, in accordance with such an order, is to be treated, for the purposes of the making of

Status: This is the original version (as it was originally enacted).

- any combination scheme, as an area which would become the area of a fire authority by virtue of that order; and
- (b) references, in relation to such an area, to the fire authority were references to the fire authority for any area the whole or any part of which will be included in that area.”

The Police Act 1964 (c. 48)

- 3 (1) For paragraphs (a) and (b) of subsection (1) of section 23 of the Police Act 1964 there shall be substituted the words “with respect to any two or more prospective police areas”.
- (2) For subsection (1B) of that section there shall be substituted the following subsection—
- “(1B) In this section—
- “prospective police area” means any area which (apart from any amalgamation scheme) would become a police area by virtue of an order under Part II of the Local Government Act 1992 or Part IV of the Local Government Act 1972 or which, in accordance with such an order, is to be treated, for the purposes of the approval or making of any amalgamation scheme, as an area which would become a police area by virtue of that order; and
- “the relevant date”, in relation to a prospective police area, means the date on which the order in question gives effect to structural or boundary changes affecting the area comprised in the prospective police area;
- and in this subsection the reference to a structural or boundary change is a reference to any structural or boundary change within the meaning of Part II of that Act of 1992 or, in relation to an order under Part IV of that Act of 1972, to the constitution of a new county or the alteration of an existing county.”
- (3) In subsection (2) of that section (modifications for the purposes of an amalgamation scheme), for paragraphs (a) to (c) there shall be substituted the following paragraphs—
- “(a) any reference to a police area shall include a reference to a prospective police area;
- (b) any reference, in relation to a prospective police area, to a constituent authority shall be a reference to the police authority for any police area the whole or any part of which will be included in the prospective police area and the council of any county the whole or any part of which will be so included; and
- (c) any reference, in relation to a prospective police area, to the police authority (except a reference to which paragraph (b) above applies) shall be a reference to any constituent authority (within the meaning of that paragraph) other than the council for a county for which there is a separate police authority.”
- (4) For subsection (3) of that section there shall be substituted the following subsection—

Status: This is the original version (as it was originally enacted).

“(3) For the purposes of the approval or making of any amalgamation scheme with respect to any area, any steps required by this Act to be taken before an amalgamation scheme is approved or made may be taken at any time—

(a) after any report affecting that area, together with proposals or recommendations, has been submitted to the Secretary of State under Part II of the Local Government Act 1992 or Part IV of the Local Government Act 1972; and

(b) before an order is made to give effect to the proposals or recommendations,

if the Secretary of State has notified the general nature of the order he intends to make to give effect to the proposals or recommendations to every authority which for the purposes of sections 21 and 22 above (as modified by subsection (2) above) would be a constituent authority in relation to that scheme.”

4 In paragraph 7 of Schedule 1 to that Act—

(a) in sub-paragraph (a), for the words for “of the new” to the end of the sub-paragraph there shall be substituted the words “for any relevant area, that is to say, any area which under the order in question is (within the meaning of section 23 of this Act) a prospective police area and to which the scheme is to apply”; and

(b) in sub-paragraph (b), for the words from “each of the following” to the end of the sub-paragraph there shall be substituted the words “every council which is the council for a county the whole or any part of which is included in a relevant area.”

5 (1) In paragraph 3 of Schedule 3 to that Act (obligation to hold public inquiry before making amalgamation scheme if an objection is made), at the beginning there shall be inserted the words “Subject to paragraph 3A below”.

(2) After that paragraph there shall be inserted the following paragraph—

“3A If, in a case where a notice of objection with respect to any proposed scheme is received by the Secretary of State as mentioned in paragraph 3 above—

(a) it appears to the Secretary of State that the proposed scheme contains only such provision as is appropriate in consequence of an order under Part II of the Local Government Act 1992 containing provision for giving effect to a structural change (within the meaning of that Part); and

(b) the period (if any) that has elapsed between the making of that order and the giving of the notice which is required to be given under paragraph 1 above in relation to that scheme does not exceed twelve months,

the Secretary of State shall be under a duty to consider that objection but shall not be required to cause a local inquiry to be held in respect of it.”

The Local Government Act 1972 (c. 70)

6 In section 6(2)(c) of the 1972 Act (term of office and retirement of councillors), for the words “Part IV of this Act” there shall be substituted the words “Part II of the Local Government Act 1992”.

Status: This is the original version (as it was originally enacted).

- 7 (1) In subsection (6) of section 7 of the 1972 Act (election of councillors), for the words “section 51 below” there shall be substituted the words “section 17 of the Local Government Act 1992”.
- (2) In subsection (7) of that section—
- (a) for the words “ask the English Commission to make proposals” there shall be substituted the words “direct the Local Government Commission for England to conduct a review and make recommendations”; and
- (b) for the words following paragraph (b) there shall be substituted the words—
- “and the provisions of Part II of the Local Government Act 1992 shall apply accordingly”.
- 8 In section 9(4) of the 1972 Act (parish meetings and councils), for the words “section 10 or 11 or Part IV below” there shall be substituted the words “section 10 or 11 below or Part II of the Local Government Act 1992”.
- 9 In section 11(5)(a) of the 1972 Act (orders for grouping parishes, dissolving groups and separating parishes from groups), for the words “Part IV below” there shall be substituted the words “Part II of the Local Government Act 1992”.
- 10 In subsection (2) of section 12 of the 1972 Act (provision supplementary to sections 9 to 11 of that Act), for the words from “section 68 below” to the end of the subsection there shall be substituted the words “section 20 of the Local Government Act 1992 shall apply as if the order were made under Part II of that Act”.
- 11 In section 30(1)(b) and (3) of the 1972 Act (restriction on community applications during and after reviews under Part IV of that Act), for the words “the Commission or Commissions”, in each place where they occur, there shall be substituted the words “the Welsh Commission”.
- 12 In section 54(1)(e) of the 1972 Act (proposals for change in local government areas in Wales), for the words “a substantive change” there shall be substituted the words “a change (hereafter in this Part referred to as a substantive change) which is independent of any change in local government areas so proposed”.
- 13 (1) In subsection (1) of section 60 of the 1972 Act (procedure for reviews), for the words “A Commission or” there shall be substituted the words “The Welsh Commission or a”.
- (2) In subsections (2) to (7) of that section, for the words “a Commission”, in each place where they occur, there shall be substituted the words “the Welsh Commission”.
- 14 In section 61(1) of the 1972 Act (local inquiries), for the words “A Commission or” there shall be substituted the words “The Welsh Commission or a”.
- 15 (1) In subsection (1) of section 65 of the 1972 Act (delegation of functions), for the words “A Commission” there shall be substituted the words “The Welsh Commission”.
- (2) In subsection (2) of that section, for the words “a Commission” there shall be substituted the words “the Welsh Commission”.
- 16 (1) In subsection (1) of section 71 of the 1972 Act (modification of seaward boundaries of local government areas), for the words “A Commission” there shall be substituted the words “The Welsh Commission”.
- (2) In subsection (2) of that section, for the words “a Commission”, in each place where they occur, there shall be substituted the words “the Welsh Commission”.

Status: This is the original version (as it was originally enacted).

- 17 In section 73(2) of the 1972 Act (alteration of local boundaries consequent on alteration of water course), for the words “the English Commission” there shall be substituted the words “the Local Government Commission for England”.
- 18 (1) In subsection (1) of section 78 of the 1972 Act (supplementary), in the definition of “substantive change” for the words “section 47(1)(i)” there shall be substituted the words “section 54(1)(e)”.
- (2) In subsection (2) of that section, for the words “each of the Commissions” there shall be substituted the words “the Welsh Commission”.
- 19 (1) In paragraph 7(1)(b) of Schedule 2 to the 1972 Act (constitution of London borough councils), for the words “Part IV of this Act” there shall be substituted the words “Part II of the Local Government Act 1992”.
- (2) In paragraph 7(2) of that Schedule, for the words “Part IV of this Act”, in the first place where they occur, there shall be substituted the words “Part II of the Local Government Act 1992”.
- 20 In paragraph 10 of Schedule 3 to the 1972 Act (establishment of local authorities in England), for the words “Part IV of this Act”, in each place where they occur, there shall be substituted the words “Part II of the Local Government Act 1992”.

The Interpretation Act 1978 (c. 30)

- 21 In Schedule 1 to the Interpretation Act 1978, in the definition of “London borough” after the words “the Local Government Act 1972” there shall be inserted the words “or Part II of the Local Government Act 1992”.

The Banking Act 1987 (c. 22)

- 22 In section 103(6)(b) of the Banking Act 1987 (effect of change of local government area on connection between local authority and municipal banks), for the words “or Part II” there shall be substituted the words “or Part II of the Local Government Act 1992 or under Part II”.