
STATUTORY INSTRUMENTS

1995 No. 2563

LOCAL GOVERNMENT, ENGLAND AND WALES
WALES

**The Local Government Reorganisation (Wales)
(Transitional Provisions No. 4) Order 1995**

<i>Made</i>	- - - -	<i>5th October 1995</i>
<i>Laid before Parliament</i>		<i>10th October 1995</i>
<i>Coming into force</i>	- -	<i>31st October 1995</i>

The Secretary of State for Wales, in exercise of the powers conferred upon him by section 54(1) and (2)(e) of the Local Government (Wales) Act 1994⁽¹⁾ and section 64(8) of the Environment Act 1995⁽²⁾, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Local Government Reorganisation (Wales) (Transitional Provisions No. 4) Order 1995 and shall come into force on 31st October 1995.

Interpretation

2. In this Order—

“the 1972 Act” means the Local Government Act 1972⁽³⁾;

“the 1994 Act” means the Local Government (Wales) Act 1994;

“existing authority” means a county or district council which will cease to exist as a result of the 1994 Act;

“new authority” means a county or county borough council established under the 1994 Act or a National Park authority in Wales established under Part III of the Environment Act 1995.

Assistance to new authorities

3.—(1) During the period beginning with the coming into force of this Order and ending on 31st March 1997 each new authority shall provide to any other new authority such information

(1) 1994 c. 19.
(2) 1995 c. 25.
(3) 1972 c. 70.

and assistance as the second mentioned new authority may reasonably request for the purpose of discharging any of its functions.

(2) Paragraph (1) is without prejudice to the discharge of any other obligation imposed upon a new authority in respect of another new authority.

Public access to documents

4. References to “the offices of the council” in sections 100C(1) (inspection of minutes and other documents after meetings) and 100D(1) (inspection of background papers) of the 1972 Act(4) shall, in relation to any document or list of an existing authority which is required to be open to inspection for a period continuing after 31st March 1996, be construed as references to the offices of the new authority which then has custody of such document or list.

Accountability of officers

5.—(1) Where an officer employed by an existing authority ceases to be so employed within the period of three months immediately prior to 1st April 1996, all obligations arising under section 115 of the 1972 Act (accountability of officers) shall, as from 1st April 1996, be obligations arising in relation to the successor authority and the powers of direction arising under that section shall be vested in the successor authority.

(2) In this article “successor authority” means any new authority or any fire authority constituted by a combination scheme under the Fire Services Act 1947(5), which exercises functions formerly exercisable by an existing authority, being functions in connection with which the officer in question was employed or involved in any capacity.

Data Protection Act 1984

6.—(1) In this article—

“the 1984 Act” means the Data Protection Act 1984(6);

“the register” means the register maintained under section 4 of the 1984 Act (registration of data users and computer bureaux);

“the relevant period” means the period beginning with 1st November 1995 and ending on 31st March 1996.

(2) Any entry in the register in respect of an existing authority which would, during the relevant period, be required to be removed in accordance with the provisions of section 8(1) of the 1984 Act shall not be required to be removed until the expiration of the relevant period.

Signed by authority of the Secretary of State for Wales

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

5th October 1995

(4) Sections 100C and 100D of the 1972 Act were inserted by section 1 of the Local Government (Access to Information) Act 1985 (c. 43).

(5) 1947 c. 41.

(6) 1984 c. 35.

EXPLANATORY NOTE

(This note is not part of the Order)

On 1st April 1996 by virtue of the Local Government (Wales) Act 1994 the county and county borough councils created as a result of the 1994 Act will take over responsibility for the discharge of functions relating to local government in Wales from the county and district councils created as a result of the Local Government Act 1972. The new councils came into existence following their election on 4th May 1995 and, until the abolition of the existing councils on 1st April 1996, are preparing to take on their full functions. This Order makes miscellaneous transitional provision in respect of Welsh local government reorganisation.

The Order also makes provision, akin to that applicable to new councils, with respect to National Park authorities in Wales created as a result of the Environment Act 1995.

Article 3 imposes an obligation until 31st March 1997 on each new council and National Park authority to provide information and assistance to any other new council or National Park authority where such information and assistance is required to enable the new body requesting it to discharge its functions.

Article 4 makes provision with respect to public access to documents held by existing authorities where there is a continuing obligation for such documents to be held by a new council, or National Park authority, and to be available for inspection.

Article 5 makes provision with respect to section 115 of the Local Government Act 1972 (accountability of officers) to enable directions to be given by new councils, National Park authorities and combined fire authorities for the purposes of that section where an officer leaves the employment of an existing authority within the three month period immediately before 1st April 1996.

Article 6 makes provision with respect to the Data Protection Act 1984. Where a registration held by an existing council in the register, maintained under section 4 of the 1984 Act, expires during the period beginning with 1st November 1995 and ending on 31st March 1996, that registration shall not be required to be removed from the register until 1st April 1996.