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STATUTORY INSTRUMENTS

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**1995 No. 493**

**The Avon (Structural Change) Order 1995**

**PART V**

**LOCAL GOVERNMENT REORGANISATION IN AVON**

**Structural change**

**11.** The functions of the County Council in relation to each Avon district shall, subject to the following provisions of this Part and to any other relevant provision, be transferred to the transferee authority for that district.

**Avon and Somerset police authority**

**12.—(1)** In this article, “the 1964 Act” means the Police Act 1964<sup>(1)</sup>.

(2) For the purposes of the functions to which this article applies—

- (a) paragraph 27(1) of Schedule 1B to the 1964 Act (meaning of “relevant council”)<sup>(2)</sup> shall have effect as though articles 5 and 6 were in force on 1st October 1995, and
- (b) accordingly, the appointments which are required to be made to the Avon and Somerset Police Authority (as established under section 3 of the 1964 Act) (“the Authority”)<sup>(3)</sup> 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 transferee authorities and Somerset County Council (as relevant councils) in accordance with that provision.

(3) The functions to which this article applies are—

- (a) on and after the reorganisation date, all functions of the Authority; and
- (b) before that date (but on and after 1st October 1995), the following functions of the Authority in respect of the financial year beginning on 1st April 1996—
  - (i) functions under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts)<sup>(4)</sup>; and
  - (ii) functions under sections 4A (local policing objectives) and 4B (local policing plans) of the 1964 Act<sup>(5)</sup>.

(4) For the purposes of the functions referred to in paragraph (3)(b) above—

- (a) section 28(2)(b) of the Police and Magistrates' Courts Act 1994 (approval of decisions about precepts) shall have effect as though the reference to the members of the police

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(1) 1964 c. 48.

(2) Schedule 1B was inserted by section 3(2) of, and Schedule 2 to, the Police and Magistrates' Courts Act 1994 (c. 29) (“the 1994 Act”).

(3) Section 3 was substituted by section 2 of the 1994 Act.

(4) 1992 c. 14; section 39 of that Act was amended by section 27(1) of the 1994 Act.

(5) Sections 4A and 4B were inserted by section 4 of the 1994 Act.

authority appointed under paragraph 2 of Schedule 1B to the 1964 Act was a reference to the members so appointed by virtue of paragraph (2) above; and

- (b) the members of the Authority appointed under paragraph 2 of that Schedule otherwise than by virtue of paragraph (2) above shall not participate in the discharge of those functions.

(5) A member of the Authority who was appointed under paragraph 2 of Schedule 1B to the 1964 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 the Authority on the reorganisation date.

(6) In determining the period of a term of years for the purposes of paragraph 17 of Schedule 1B to the 1964 Act (term of appointment of members of a police authority), any period as a member of the Authority prior to the reorganisation date under an appointment made by virtue of paragraph (2) above shall be disregarded except where the person in question had been a member of the Authority by virtue of an appointment under paragraph 2 of that Schedule prior to his appointment by virtue of paragraph (2) above.

### **Amendment of Schedule 1A to the Police Act 1964**

**13.** Schedule 1A to the Police Act 1964(6) shall be amended by substituting for the words “The counties of Avon and Somerset” in the right-hand column opposite the name of the Avon and Somerset police area the words “The county of Somerset and the non-metropolitan districts of Bath and North East Somerset, Bristol, North West Somerset and South Gloucestershire”.

### **Fire Services**

**14.—**(1) The area of each transferee authority shall, subject to any combination scheme under the Fire Services Act 1947 (“the 1947 Act”)(7), become the area of a fire authority for the purposes of that Act.

(2) For the purposes of the making of a combination scheme with respect to the areas of the transferee authorities 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 the transferee authorities, 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 Avon”; 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 Avon”.

(3) Section 10 of the 1947 Act shall have effect, in relation to the transferee authorities, 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**

**15.—**(1) The structure plan prepared by the County Council and any proposals prepared by that council for the alteration or replacement of that plan shall be treated as if they had been prepared by the transferee authorities jointly and section 50 of the 1990 Act(8) shall apply accordingly.

(2) In relation to a transferee authority—

- (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;

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(6) 1964 c. 48.; Schedule 1A was inserted by Schedule 1 to the Police and Magistrates' Courts Act 1994 (c. 29.).

(7) 1947 c. 41.; section 10 of this Act is amended by paragraph 2 of Schedule 3 to the Local Government Act 1992.

(8) Section 50 was amended and sections 36 to 38 substituted by Schedule 4 to the Planning and Compensation Act 1991 (c. 34.).

- (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.”

### **Superannuation fund**

**16.** The superannuation fund maintained by the County Council under the Local Government Superannuation Regulations 1986<sup>(9)</sup> together with all rights and liabilities in respect of the fund shall vest in the council of the district of Bath and North East Somerset.

### **Designated authority**

**17.** The council of the City of Bristol is specified as the designated authority for the purposes of the Local Government Changes for England (Finance) Regulations 1994<sup>(10)</sup>.

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<sup>(9)</sup> S.I. 1986/24; relevant amending instruments are S.I. 1986/380 and 1987/293.

<sup>(10)</sup> S.I. 1994/2825.