
STATUTORY INSTRUMENTS

1995 No. 610

The North Yorkshire (District of York)
(Structural and Boundary Changes) Order 1995

PART I
GENERAL

Citation and commencement

1. This Order may be cited as the North Yorkshire (District of York) (Structural and Boundary Changes) Order 1995 and shall come into force for the purposes of articles 3, 6 to 9, 11, 13(1), (3) and (4) and 15 to 18 on the day after the day on which it is made and for all other purposes on 1st April 1996.

Interpretation

2. In this Order—

“the Act” means the Local Government Act 1992;

“the 1972 Act” means the Local Government Act 1972(1);

“existing”, in relation to an area or an authority, means that area or authority as it exists on the date this Order is made;

“North Yorkshire” means the non-metropolitan county of North Yorkshire and “the County Council” means the council of that county;

“the preliminary period” means the period beginning with 8th May 1995 and ending immediately before the reorganisation date;

“relevant provision” means a provision in any subordinate legislation made under the Act or made, in connection with the Act or such provision, under any other enactment;

“the reorganisation date” means 1st April 1996; and

“subordinate legislation” has the same meaning as in section 21 of the Interpretation Act 1978(2).

(1) 1972 c. 70.
(2) 1978 c. 30.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART II

THE NEW DISTRICT AND COUNTY OF YORK

Constitution of new district of York

3. A new district of York shall be constituted and shall comprise the existing local government areas shown in column (2) of the following Table—

TABLE

(1)	(2)
	The city of York ⁽³⁾
The borough of Harrogate	The parishes of Hessay, Nether Poppleton, Rufforth and Upper Poppleton
The district of Ryedale	The parishes of Clifton Without, Earswick, Haxby, Heworth Without, Holtby, Huntington, Murton, New Earswick, Osbaldwick, Rawcliffe, Skelton, Stockton-on-the-Forest, Strensall, Towthorpe and Wigginton
The district of Selby	The parishes of Acaster Malbis, Askham Bryan, Askham Richard, Bishopthorpe, Copmanthorpe, Deighton, Dunnington, Elvington, Fulford, Heslington, Kexby, Naburn and Wheldrake

Constitution of new county of York

4.—(1) A new county of York shall be constituted and shall comprise the existing local government areas shown in column (2) of the Table in article 3.

(2) Section 2(1) of the 1972 Act (which provides that every county shall have a council) shall not apply in relation to the county of York.

Existing local government areas

5.—(1) The new district of York shall cease to form part of North Yorkshire.

(2) The existing city of York shall be abolished and the council of that city shall be wound up and dissolved.

(3) The parishes shown in column (2) of the Table in article 3 shall cease to form part of the corresponding district shown in column (1) of that Table.

(3) The existing non-metropolitan district of York has the status of a city.

PART III

ELECTORAL ARRANGEMENTS

Electoral areas in York

6.—(1) The new district of York shall be divided into 29 wards which shall bear the names set out in column (1) of Schedule 1.

(2) The wards shall comprise the areas respectively described (by reference to existing wards of the city of York⁽⁴⁾ or, as the case may be, parishes shown in the Table in article 3) in column (2) of that Schedule and the number of councillors to be elected for each ward shall be the number specified in respect of the ward in column (3) of that Schedule.

Election of councillors in York

7.—(1) The ordinary election of councillors of the council of the new district of York (“the York Council”) shall be held in 1995 and every fourth year after 1995.

(2) The term of office of every such councillor shall be four years.

(3) The councillors elected at the ordinary election in 1995 shall come into office on the fourth day after that election.

(4) On the fourth day after an ordinary election after 1995—

- (a) the persons who were councillors immediately before the election shall retire; and
- (b) the newly elected councillors shall come into office.

First elections in York

8.—(1) At the ordinary election of councillors of the York Council in 1995, the returning officer shall be the returning officer appointed under section 35 of the Representation of the People Act 1983⁽⁵⁾ (“the 1983 Act”) by the council of the existing city of York.

(2) Section 36(4) of the 1983 Act (payment of election expenses) shall not apply to that election.

(3) All expenditure properly incurred by the returning officer in relation to the holding of that election shall be paid in the first instance by the council of the existing city of York and shall be defrayed by that council and the councils of the borough of Harrogate and the districts of Ryedale and Selby in such proportions as may be agreed between them or, failing such agreement, as may be determined by the Secretary of State.

(4) In relation to that election “the appropriate officer”, in Parts II and III of the 1983 Act does not have the meaning given by section 67(7) of that Act but means the returning officer for that election.

Suspension of elections and retirement of councillors

9.—(1) The ordinary election of councillors in 1995 for any ward described in Schedule 2 shall not take place; and any councillor for such a ward holding office immediately before 8th May 1995 who would, but for this paragraph, have retired on that date shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until the reorganisation date.

(2) The councillor for the Upper Poppleton ward of the borough of Harrogate who would, but for this paragraph, have retired on 6th May 1996 shall, unless he resigns his office or it otherwise becomes vacant, retire on the reorganisation date.

(4) For the limits of the existing wards of the city of York, see the City of York (Electoral Arrangements) Order 1976 (S.I. 1976/1968).

(5) 1983 c. 2.

(3) The electoral divisions of North Yorkshire described in Schedule 3 shall cease to be electoral divisions on the reorganisation date; and any person holding office, immediately before that date, as a councillor for such a division shall retire on that date.

(4) Section 89 of the 1972 Act (filling of casual vacancies in case of councillors) shall have effect, in relation to a casual vacancy occurring in the office of councillor for any relevant electoral area, as if the reference in subsection (3) of that section to the day on which the councillor whose office is vacant would regularly have retired were a reference to the reorganisation date; and, for this purpose, “relevant electoral area” means a ward described in Schedule 2, the Upper Poppleton ward of the borough of Harrogate or an electoral division described in Schedule 3.

PART IV

LOCAL GOVERNMENT REORGANISATION IN NORTH YORKSHIRE

Structural change

10. The functions of the County Council in relation to the new district of York shall, subject to the following provisions of this Part and to any other relevant provision, be transferred to the York Council.

North Yorkshire Police Authority

11.—(1) In this article, “the 1964 Act” means the Police Act 1964⁽⁶⁾.

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

(a) sub-paragraph (1) of paragraph 27 of Schedule 1B to the 1964 Act (meaning of “relevant council”)⁽⁷⁾ shall have effect as from 1st October 1995 as if—

- (i) the new district of York had ceased to form part of North Yorkshire on that date, and
- (ii) any existing district council for an area wholly or partly within the new district of York were, in relation to the North Yorkshire Police Authority (as established under section 3 of the 1964 Act) (“the Authority”)⁽⁸⁾, not a council falling within paragraph (b) of that sub-paragraph; and

(b) accordingly, the appointments which are required to be made to the 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 County Council and the York 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 the reorganisation date—
 - (i) functions under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts)⁽⁹⁾, and

⁽⁶⁾ 1964 c. 48.

⁽⁷⁾ 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”).

⁽⁸⁾ Section 3 was substituted by section 2 of the 1994 Act.

⁽⁹⁾ 1992 c. 14.; section 39 of that Act was amended by section 27(1) of the 1994 Act.

- (ii) functions under sections 4A (local policing objectives) and 4B (local policing plans) of the 1964 Act⁽¹⁰⁾.
- (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 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) 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 1B to the 1964 Act, ignore any member of the County Council elected for an electoral division described in Schedule 3; and
- (b) shall not appoint any such member to the Authority under paragraph 2(2) of Schedule 1B to the 1964 Act.
- (6) 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.
- (7) In determining the period of a term of years for the purpose 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

12. Schedule 1A to the Police Act 1964⁽¹¹⁾ shall be amended by inserting after the words “The county of North Yorkshire” in the right-hand column opposite the name of the North Yorkshire police area the words “and the non-metropolitan district of York”.

Fire services

- 13.—**(1) In this article—
- “the 1947 Act” means the Fire Services Act 1947⁽¹²⁾; and
- “the relevant area” means the area comprising North Yorkshire (as constituted on and after the reorganisation date) and the new district of York.
- (2) The new district of York shall, subject to any combination scheme under the 1947 Act, become the area of a fire authority for the purposes of that Act.
- (3) For the purposes of the making of a combination scheme with respect to the relevant area 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 that area, as if—

⁽¹⁰⁾ Sections 4A and 4B were inserted by section 4 of the 1994 Act.

⁽¹¹⁾ Schedule 1A was inserted by Schedule 1 to the 1994 Act.

⁽¹²⁾ 1947 c. 41; section 10 of this Act is amended by paragraph 2 of Schedule 3 to the Local Government Act 1992.

- (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 North Yorkshire”; 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 North Yorkshire”.
- (4) Section 10 of the 1947 Act shall have effect, in relation to the relevant area, 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

14.—(1) The structure plan applying immediately before the reorganisation date to North Yorkshire and any proposals prepared before that date for the alteration or replacement of that plan shall be treated as if they had been prepared jointly by the County Council and the York Council; and section 50 of the Town and Country Planning Act 1990(**13**) (“the 1990 Act”) shall apply accordingly.

(2) In relation to the York Council—

- (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;
- (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.”.

PART V

TRANSITIONAL PROVISION

York Council as shadow authority

15. During the preliminary period—

- (a) the York Council shall not be a local authority for the purposes of the 1972 Act and, in relation to that council, section 2(2) of that Act shall have effect as if the words from “and the council” to the end of that subsection were omitted; and
- (b) the York Council shall be a shadow authority for the purposes of the Local Government Changes for England Regulations 1994(**14**).

(13) 1990 c. 8. In this Act, sections 36 to 38 were substituted by paragraph 17 of Schedule 4 to the Planning and Compensation Act 1991 (c. 34) and section 50 was amended by paragraph 24 of that Schedule.

(14) S.I. 1994/867; see, in particular, Part 3 of the Regulations.

Co-operation and information

16.—(1) The relevant authorities and their officers shall co-operate with each other, and generally exercise their functions, so as to facilitate the implementation of this Order and any other relevant provision.

(2) A relevant authority, other than the York Council, shall furnish that council with all such information relating to the authority or its functions as that council may reasonably request for the purpose of implementing this Order or any other relevant provision.

(3) In this article and article 18, “relevant authority” means the County Council, the York Council and the councils of the borough of Harrogate, the districts of Ryedale and Selby and the city of York.

Preparations for transfer of functions

17.—(1) During the preliminary period, the York Council—

- (a) may take such steps as appear to it to be necessary for the purpose of preparing for the transfer and exercise of functions which will, on and after the reorganisation date, be exercisable by it by virtue of this Order or any other relevant provision;
- (b) shall, in relation to those functions, make such arrangements for organisation and management and such appointments of officers as are necessary to secure the proper performance of those functions on and after the reorganisation date;
- (c) shall, at a meeting of the council, consider a report by the head of its paid service as to whether any such functions could with advantage be discharged in pursuance of arrangements made under section 101 of the 1972 Act (arrangements for discharge of functions) or under any other enactment; and
- (d) if of that opinion, shall promote the making of such arrangements.

(2) In paragraph (1) above, the reference to the head of a council’s paid service is a reference to the officer designated as such under section 4(1) of the Local Government and Housing Act 1989⁽¹⁵⁾; and nothing in section 101 of the 1972 Act shall apply to the duty imposed by virtue of sub-paragraph (b) of that paragraph.

Activities preliminary to the exercise of functions

18. Where, during the preliminary period, a relevant authority (other than the York Council) is required by virtue of any enactment to prepare any budgets or plans, or to consult any person, for purposes connected with the exercise, on and after the reorganisation date, of any functions in relation to any part of the new district of York which, on and after that date, are exercisable by the York Council, the requirement in question shall, subject to any other relevant provision, cease to have effect during that period in relation to that authority; and any such requirement shall instead have effect, during that period and for those purposes, in relation to the York Council.

(15) 1989 c. 42.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State

7th March 1995

Robert Jones
Parliamentary Under Secretary of State,
Department of the Environment