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STATUTORY INSTRUMENTS

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**1995 No. 852**

**The Local Government (Wales) Act 1994  
(Commencement No. 4) Order 1995**

**Citation**

1. This Order may be cited as the Local Government (Wales) Act 1994 (Commencement No. 4) Order 1995.

**Interpretation**

2. In this Order—

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

“the 1990 Act” means the Town and Country Planning Act 1990(2);

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

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

**Commencement of certain provisions of Part I of the 1994 Act**

3.—(1) Subject to paragraphs (2) and (3) the provisions of Part I of, and Schedule 2 to, the 1994 Act which are specified in Schedule 1 to this Order shall come into force on 3rd April 1995.

(2) The provisions of section 1(5), (6) and (8) of the 1994 Act(3) brought into force by this Order shall have effect for the interpretation of the 1972 Act only to such extent as provisions of that Act fall to be applied in consequence of the bringing into force of provisions of the 1994 Act.

(3) The provisions of sections 270(1) and 245A of the 1972 Act(4) in force immediately prior to the commencement of sections 1(5), (6) and (8), and 5 of the 1994 Act shall continue to have effect in relation to the administration of local government in Wales before 1st April 1996.

**Commencement of certain provisions of Part II of the 1994 Act**

4.—(1) Subject to paragraphs (2) to (6) the provisions of Part II of, and Schedules 6, 7 and 10 to, the 1994 Act which are specified in Schedule 2 to this Order shall come into force on 3rd April 1995.

(2) Until 1st April 1996 the provisions of section 18(1) to (6) of the 1994 Act brought into force by this Order shall have effect only for the purpose of any order made under section 2(1B) of the 1990 Act(5) or, as the case may be, paragraph 3A(1) of Schedule 17 to the 1972 Act(6).

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(1) 1972 c. 70.

(2) 1990 c. 8.

(3) Section 1(5), (6) and (8) of the 1994 Act has already been brought partially into force by S.I. 1994/2790: the Local Government (Wales) Act 1994 (Commencement No. 2) Order 1994. In addition section 1(5) and (8) of the 1994 Act has been brought partially into force by S.I. 1995/546: the Local Government (Wales) Act 1994 (Commencement No. 3) Order 1995.

(4) Section 245A of the 1972 Act was inserted by section 160 of, and paragraph 6 of Schedule 8 to, the Local Government and Housing Act 1989 (c. 42).

(5) Section 2(1B) of the 1990 Act is inserted by section 19(1) of the 1994 Act.

(6) Paragraph 3A(1) of Schedule 17 to the 1972 Act is inserted by section 19(2) of the 1994 Act.

(3) The provisions of section 1 of the 1990 Act in force immediately prior to the commencement of section 18(1) to (6) of the 1994 Act shall continue to have effect in relation to the exercise of local planning authority functions by each old authority.

(4) The provisions of paragraph 21A of Schedule 17 to the 1972 Act<sup>(7)</sup> in force immediately prior to the commencement of paragraph 12 of Schedule 6 to the 1994 Act shall continue to have effect in relation to the discharge of planning and countryside functions in national parks in Wales before 1st April 1996.

(5) The provisions of paragraph 1 of Schedule 7 to the 1994 Act brought into force by this Order shall have effect only for the interpretation of paragraph 18 of Schedule 17 to the 1994 Act and only to such extent as will allow action to be taken thereunder for the purpose of identifying the relevant highway authority in readiness for its assumption of full highway authority functions on 1st April 1996.

(6) The provisions of section 1 of the Highways Act 1980<sup>(8)</sup> in force immediately prior to the commencement of paragraph 1 of Schedule 7 to the 1994 Act shall continue to have effect in relation to the discharge of local highway authority functions in Wales before 1st April 1996.

#### **Commencement of Part III of the 1994 Act**

5. The provisions of Part III of the 1994 Act shall come into force on 3rd April 1995.

#### **Commencement of Part IV of the 1994 Act**

6.—(1) Subject to paragraphs (2) to (5) the provisions of Part IV of, and Schedule 12 to, the 1994 Act shall come into force on 3rd April 1995.

(2) The provisions of section 1(2) of the Local Government Finance Act 1992<sup>(9)</sup> in force immediately prior to the commencement of section 35 of the 1994 Act shall continue to have effect so far as is necessary for the purposes of section 35(3) of the 1994 Act.

(3) Nothing in paragraph 1 of Schedule 12 to the 1994 Act shall affect the operation of section 148 of the 1972 Act in relation to an old authority.

(4) Nothing in paragraph 2 of Schedule 12 to the 1994 Act shall affect the operation of Part VI of the Local Government Finance Act 1988<sup>(10)</sup> in relation to an old authority.

(5) Nothing in paragraphs 4, 5, 6 and 8 of Schedule 12 shall affect the operation of sections 32, 33, 35 and 62 of the Local Government Finance Act 1992 in relation to an old authority.

#### **Commencement of Part V of the 1994 Act**

7. The provisions of Part V of the 1994 Act which are specified in Schedule 3 to this Order shall come into force on 3rd April 1995.

#### **Commencement of certain provisions of Part VI of the 1994 Act**

8. The provisions of Part VI of the 1994 Act which are specified in Schedule 4 to this Order shall come into force on 3rd April 1995.

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(7) Paragraph 21(A) of Schedule 17 to the 1972 Act was inserted by section 7 of, and paragraph 5(8) of Schedule 3 to, The Local Government Act 1985 (c. 51).

(8) 1980 c. 66.

(9) 1992 c. 14.

(10) 1988 c. 41.

### Commencement of certain provisions of Part VII of the 1994 Act

9.—(1) Subject to paragraphs (2) to (5) the provisions of Part VII of, and Schedules 15, 16, 17 and 18 to, the 1994 Act which are specified in Schedule 5 to this Order shall come into force on 3rd April 1995.

(2) The provisions of sections 74, 101 and 249 of the 1972 Act in force immediately prior to the commencement of paragraphs 20, 26 and 55 of Schedule 15 to the 1994 Act shall continue to have effect in relation to an old authority.

(3) The provisions of section 20(1) of the Local Government, Planning and Land Act 1980<sup>(11)</sup> in force immediately prior to the commencement of paragraph 57(3) of Schedule 16 shall continue to have effect in relation to an old authority.

(4) Until 1st April 1996 the provisions of paragraph 82(1), (2) and (3) of Schedule 16 to the 1994 Act brought into force by this Order shall have effect only for the purpose of any order made under section 4A of the Coroners Act 1988<sup>(12)</sup>.

(5) The provisions of sections 1, 2 and 4 of the Coroners Act 1988<sup>(13)</sup> in force immediately prior to the commencement of paragraph 82(1), (2), (3) and (4) of Schedule 16 to the 1994 Act shall continue to have effect in relation to coroners in Wales before 1st April 1996.

Signed by authority of the Secretary of State for Wales

*Gwilym Jones*  
Parliamentary Under Secretary of State Welsh  
Office

23rd March 1995

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<sup>(11)</sup> 1980 c. 65.

<sup>(12)</sup> Section 4A of the Coroners Act 1988 is inserted by section 66(6) of, and paragraph 82(5) of Schedule 16 to, the 1994 Act.

<sup>(13)</sup> 1988 c. 13.