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STATUTORY INSTRUMENTS

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**1995 No. 2490 (C.49)**

**LOCAL GOVERNMENT, ENGLAND AND WALES**  
**WALES**

**The Local Government (Wales) Act 1994**  
**(Commencement No. 5) Order 1995**

*Made - - - - 26th September 1995*

The Secretary of State for Wales, in exercise of the powers conferred upon him by sections 63(5) and 66(3) of the Local Government (Wales) Act 1994<sup>(1)</sup>, hereby makes the following Order:—

**Citation**

1. This Order may be cited as the Local Government (Wales) Act 1994 (Commencement No. 5) Order 1995.

**Interpretation**

2. In this Order—

“the 1972 Act” means the Local Government Act 1972<sup>(2)</sup>;

“the 1982 Act” means the Local Government Finance Act 1982<sup>(3)</sup>;

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

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

3.—(1) Subject to paragraphs (2) to (4) 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 1st October 1995.

(2) The provisions of section 1(5) of the 1994 Act brought into force by this Order shall have effect only for the interpretation of “local authority” in Part III of the 1982 Act<sup>(4)</sup>.

(3) Until 1st April 1996 “local authority” in Part III of the 1982 Act shall be interpreted as including the district and county councils in Wales created as a result of the 1972 Act, as originally enacted.

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(1) 1994 c. 19.

(2) 1972 c. 70.

(3) 1982 c. 32.

(4) By virtue of section 36(2) of the 1982 Act, section 270 of the 1972 Act (general interpretation, which includes the definition of “local authority”, is applied for the interpretation of Part III of the 1982 Act (sections 11-36).

(4) The provisions of section 1(8) of the 1994 Act brought into force by this Order shall have effect only for the interpretation of section 65(4) of, and paragraph 2 of Schedule 7 to, the Environment Act 1995<sup>(5)</sup>.

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

4.—(1) Subject to paragraphs (2) and (3) the provisions of Part II of, and Schedules 6, 7 and 8 to, the 1994 Act which are specified in Schedule 2 to this Order shall come into force on 1st October 1995.

(2) Until 1st April 1996 the amendments made by paragraph 3(2) of Schedule 8 to the 1994 Act shall have effect only for the purposes of enabling a scheme to be made under section 63 of the Rent Act 1977<sup>(6)</sup> (schemes for appointment of rent officers) in relation to the new local government structure provided for by the 1994 Act.

(3) The provisions of section 62 of the Rent Act 1977 as in force immediately before the commencement of paragraph 3(2) of Schedule 8 to the 1994 Act shall continue to have effect in relation to the provision of the rent officer service in Wales until 1st April 1996.

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

5.—(1) Subject to paragraphs (2) to (6) the provisions of Part VII of, and Schedules 15, 16 and 18 to, the 1994 Act which are specified in Schedule 3 to this Order shall come into force on 1st October 1995.

(2) Until 1st April 1996 the amendments made by paragraph 12 of Schedule 16 to the 1994 Act shall have effect only for the purposes of enabling a local scheme to be made under section 14 of the Registration Service Act 1953<sup>(7)</sup> (preparation, submission and approval of local schemes) in relation to the new local government structure provided for by the 1994 Act.

(3) The provisions of section 21 of the Registration Service Act 1953 as in force immediately before the commencement of paragraph 12 of Schedule 16 to the 1994 Act shall continue to have effect in relation to the provision of the registration service in Wales until 1st April 1996.

(4) Until 1st April 1996 the amendments made by paragraph 26 of Schedule 16 shall have effect only for the purposes of enabling an order to be made under section 1 of the Sea Fisheries Regulation Act 1966<sup>(8)</sup> (sea fisheries districts and committees) in relation to the new local government structure provided for by the 1994 Act.

(5) The provision of the Sea Fisheries Regulation Act 1966 as in force immediately before the commencement of paragraph 26 of Schedule 16 to the 1994 Act shall continue to have effect in respect of any existing sea fisheries district and local fisheries committee in Wales until 1st April 1996.

(6) The amendments made by paragraph 98 of Schedule 16 to the 1994 Act shall have effect only in relation to any financial year beginning on or after 1st April 1996.

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<sup>(5)</sup> 1995 c. 25; by virtue of section 79(1) of that Act “principal area” has the same meaning as in the 1972 Act.

<sup>(6)</sup> 1977 c. 42.

<sup>(7)</sup> 1953 c. 37.

<sup>(8)</sup> 1966 c. 38.

Signed by authority of the Secretary of State for Wales

26th September 1995

*Gwilym Jones*  
Parliamentary Under Secretary of State Welsh  
Office

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## SCHEDULE 1

Article 3(1)

PROVISIONS OF PART I OF, AND SCHEDULE 2 TO, THE  
1994 ACT COMING INTO FORCE ON 1ST OCTOBER 1995

Provision of the 1994 Act	Subject Matter
Section 1(5)	Definition of “local authority”.
Section 1(8)	Definition of “principal area”.
Paragraph 13 of Schedule 2 and section 1(3) so far as it relates thereto	Definition of “county” for the purposes of the Parliamentary Constituencies Act 1986(9).

## SCHEDULE 2

Article 4(1)

PROVISIONS OF PART II OF, AND SCHEDULES 6, 7 AND 8 TO,  
THE 1994 ACT COMING INTO FORCE ON 1ST OCTOBER 1995

Provision of the 1994 Act	Subject Matter
Paragraph 24(10)(b) and (17)(a) of Schedule 6 and section 20(4) so far as it relates thereto	Minor and consequential amendments of the Town and Country Planning Act 1990(10).
Paragraph 27(4) of Schedule 7 and section 22(1) so far as it relates thereto	Highways.
Paragraph 3(2) of Schedule 8 and section 22(2) so far as it relates thereto	Registration areas for registration of rents.

## SCHEDULE 3

Article 5(1)

PROVISIONS OF PART VII OF, AND SCHEDULES 15, 16 AND 18  
TO, THE 1994 ACT COMING INTO FORCE ON 1ST OCTOBER 1995

Provision of the 1994 Act	Subject Matter
Paragraphs 10(1), 52 and 58 to 61 of Schedule 15 and section 66(5) so far as it relates thereto	Minor and consequential amendments of the 1972 Act.
Paragraphs 12, 26, and 98 of Schedule 16 and section 66(6) so far as it relates thereto	Consequential amendments to the Registration Service Act 1953, the Sea Fisheries Regulation Act 1966 and the Local Government Finance Act 1992(11).
In Schedule 18 the repeals of Part IV of Schedule 4 and Schedule 10 to the 1972 Act, and the repeals to paragraph 8 of Schedule 8 and paragraph 3(2)(b) and (c) of Schedule 11	Consequential repeals.

(9) 1986 c. 56.

(10) 1990 c. 8.

(11) 1992 c. 14.

Provision of the 1994 Act	Subject Matter
to that Act; and section 66(8) so far as it relates thereto	

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st October 1995 various provisions of the Local Government (Wales) Act 1994.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Local Government (Wales) Act 1994 have been brought into force by commencement order made before the date of this Order:

Provision	Date of Commencement	S.I. No.
Section 1(3) (partially) and paragraphs 4 and 5 of Schedule 2	24.10.1994	1994/2790
Section 1(3) (partially) and paragraphs 8 and 9 of Schedule 2	03.04.1995	1995/852
Section 1(4)	24.10.1994	1994/2790
Section 1(5) (6) and (8) (partially)	24.10.1994	1994/2790
Section 1(5) and (8) (partially)	20.03.1995	1995/546
Section 1(5) (6) and (8) (partially)	03.04.1995	1995/852
Sections 2 and 4	20.03.1995	1995/546
Sections 5, 14 and 15	03.04.1995	1995/852
Section 17 (partially)	20.03.1995	1995/546 (amended by 1995/851)
Sections 18(1) to (6) and 19	03.04.1995	1995/852
Section 20(4) (partially) and paragraphs 2 to 4, 11, 12, 21, 23 and 24(1)(b) of Schedule 6	03.04.1995	1995/852

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Provision	Date of Commencement	S.I. No.
Section 22(1) (partially) and paragraph 1 of Schedule 7 (partially)	03.04.1995	1995/852
Section 22(4) (partially) and paragraph 14 of Schedule 10	03.04.1995	1995/852
Sections 23(2) to (6), 25 to 38 and Schedule 12	03.04.1995	1995/852
Section 41	15.08.1994	1994/2109
Sections 42, 44, 45 and 51	03.04.1995	1995/852
Section 52	15.08.1994	1994/2109
Sections 53 and 56 to 60	03.04.1995	1995/852
Section 65	15.08.1994	1994/2109
Section 66(5) (partially) and paragraphs 1, 7, 8(5), 9(4)(b), 11(2), 12(b), 18, 19 and 57 of Schedule 15	24.10.1994	1994/2790
Section 66(5) (partially) and paragraph 6 of Schedule 15	20.03.1995	1995/546
Section 66(5) (partially) and paragraphs 3, 20, 23, 26 and 55 of Schedule 15	03.04.1995	1995/852
Section 66(6) (partially) and paragraph 68(6), (7) (partially), (8), (9), (13) to (16) and (19) of Schedule 16	20.03.1995	1995/546
Section 66(6) (partially) and paragraphs 57(1) to (5), 82(1) to (4), 82(5) (partially), 84 to 86, 88, 96, 97 and 106 of Schedule 16	03.04.1995	1995/852
Section 66(7) (partially) and paragraphs 7 and 8 of Schedule 17	20.03.1995	1995/546
Section 66(7) (partially) and paragraphs 2, 3, 5, 10 to 14, and 18 to 23 of Schedule 17	03.04.1995	1995/852
Section 66(8) (partially) and in Schedule 18 the repeals to sections 55(5)(a), 59(2) and 72(2) of the Local Government Act 1972	24.10.1994	1994/2790
Section 66(8) (partially) and in Schedule 18 the repeals to	20.03.1995	1995/546

Provision	Date of Commencement	S.I. No.
sections 35(1) and 36(3)(b) of the Representation of the People Act 1983		
Section 66(8) (partially) and in Schedule 18 the repeals to section 74(3) and (4) of the Local Government Act 1972, sections 4(7) and 20(1) (a) of the Local Government Planning and Land Act 1980, and sections 1(3) and 2(1) of the Town and Country Planning Act 1990	03.04.1995	1995/852