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STATUTORY INSTRUMENTS

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**1996 No. 2914**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**WALES**

**CHANGES IN LOCAL GOVERNMENT AREAS**

**The Denbighshire and Wrexham (Areas) Order 1996**

*Made - - - - 9th December 1996*

*Laid before Parliament 11th December 1996*

*Coming into force*

*For the purposes referred to  
in article 1(2)(a) and (b) 1st January 1997*

*For all other purposes 1st April 1997*

The Secretary of State for Wales, in exercise of his powers under sections 58(2) and 67(4) and (5) of the Local Government Act 1972<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order which gives effect to proposals submitted to him on 15th February 1996 under sections 54 and 58(1) of that Act<sup>(2)</sup> by the Local Government Boundary Commission for Wales:—

**Citation and Commencement**

- 1.—(1) This Order may be cited as the Denbighshire and Wrexham (Areas) Order 1996.
- (2) This Order shall come into force on:—
  - (a) 1st January 1997 for any of the purposes set out in regulation 4(1) (coming into operation of Order) of the Regulations except the purpose referred to in paragraph (3) below;
  - (b) 1st January 1997 for the purposes of articles 5(1) (in so far as it relates to articles 5(2) and (8)) (2) and (8), 6(1) (in so far as it relates to articles 6(2) and (8)) (2) and (8) and 10 of this Order; and
  - (c) 1st April 1997 for all other purposes.

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(1) 1972 c. 70; section 67(5) was amended by section 40(5) of the Police and Magistrates' Courts Act 1994 (c. 29), Schedule 15 paragraph 15 to the Local Government (Wales) Act 1994 (c. 19) and S.I.1977/1710.

(2) Section 54 of the Local Government Act 1972 was amended by Schedule 3 paragraph 12 to the Local Government Act 1992 (c. 19), Schedule 2 paragraph 4 and Schedule 15 paragraph 7 to the Local Government (Wales) Act 1994 and section 40(2) of the Police and Magistrates' Courts Act 1994. Section 58(1) of the Act of 1972 was amended by Schedule 15 paragraph 11(1) to the Local Government (Wales) Act 1994.

(3) In the said regulation 4(1), item (e) shall not apply in relation to the constitution of the council of the new community of Llangollen Rural established under article 6(3).

## **Interpretation**

### **2. In this Order—**

“altered”, in relation to an electoral division, means that division as it exists on and after 1st April 1997;

“existing”, in relation to a local government or electoral area, means that area as it exists immediately before 1st April 1997;

“the map” means the map prepared by the Welsh Office and marked “Map of the Denbighshire and Wrexham (Areas) Order 1996”;

“new”, in relation to a local government or electoral area, means that area as established by this Order;

“the Regulations” means the Local Government Area Changes Regulations 1976(3).

## **Changes in areas**

**3.—(1)** In the county of Denbighshire, the existing community of Llangollen Rural shall be abolished.

(2) That part of the existing community of Llangollen Rural which is shown hatched in black and numbered 1 on the map shall be transferred to the community of Llangollen in the county of Denbighshire.

(3) The remainder of the area of the existing community of Llangollen Rural which is shown stippled in black and numbered 2 on the map shall—

- (a) be transferred to the county borough of Wrexham;
- (b) constitute a new community to be known in English by the name of Llangollen Rural and in Welsh by the name of Llangollen Wledig; and
- (c) form part of the North East Wales coroner’s district.

## **Changes in electoral divisions**

**4.—(1)** The existing Llangollen Rural electoral division(4) of the county of Denbighshire shall cease to exist.

(2) That part of the existing community of Llangollen Rural which is shown hatched black and numbered 1 on the map and the community of Llantysilio shall form part of the Llangollen electoral division of the county of Denbighshire which shall continue to have two county councillors.

(3) The new community of Llangollen Rural established in the county borough of Wrexham shall form a new Llangollen Rural electoral division of that county borough with one county borough councillor.

## **County and County Borough Councillors**

**5.—(1)** Regulation 8 of the Regulations (councillors) shall, in relation to the office of councillor for the county of Denbighshire or for the county borough of Wrexham, have effect subject to the following provisions of this article.

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(3) S.I. 1976/246, amended by S.I. 1978/247.

(4) The existing Llangollen Rural electoral division comprises the existing community of Llangollen Rural and the community of Llantysilio.

(2) Any casual vacancy which exists at, or otherwise occurs after, 1st January 1997 in the office of county councillor for—

- (a) the existing Llangollen electoral division of the county borough of Denbighshire; or
- (b) the existing Llangollen Rural electoral division of that county,

shall (except where notice of the election has already been given before 1st January 1997) not be filled.

(3) Any person in office immediately before 1st April 1997 as county councillor for the existing Llangollen or Llangollen Rural electoral division shall on and after 1st April 1997 represent as the case may be—

- (a) the altered Llangollen electoral division as a county councillor; or
- (b) the new Llangollen Rural electoral division in the county borough of Wrexham as a county borough councillor,

but in either case shall (unless he previously resigns his office or it otherwise becomes vacant) retire from that office on 6th July 1997.

(4) Any casual vacancy which occurs before 6th July 1997 in either of the offices of councillor provided for in paragraph (3) shall not be filled.

(5) In relation to a person, who by virtue of paragraph (3)(b) above, holds office on and after 1st April 1997 as county borough councillor for the new Llangollen Rural election division, regulation 8(3) of the Regulations shall apply to such a person as if he were remaining in such office during the period provided for by paragraph (3) above.

(6) First elections for two county councillors for the altered Llangollen electoral division and for one county borough councillor for the new Llangollen Rural electoral division shall be held on such day after 1st April 1997 and prior to 3rd July 1997 as the relevant returning officer shall appoint and the rules for the time being applying to elections to principal areas<sup>(5)</sup> shall apply to such elections with any necessary modifications.

(7) A person elected in accordance with paragraph (6) above shall come into office on 6th July 1997 and shall retire (unless he previously resigns his office or it otherwise becomes vacant) on the fourth day after the ordinary day of election for councillors in 1999<sup>(6)</sup>.

(8) Except in the case of an election to which paragraph (2) above applies, in relation to the qualification of any person to be elected and to be a member of the Denbighshire county council or the Wrexham county borough council, this Order shall be deemed, for the purposes of section 79 of the Local Government Act 1972<sup>(7)</sup> to have been in operation during the whole of the twelve months preceding the relevant day within the meaning of that section.

## Community Councillors

6.—(1) Regulation 8 of the Regulations shall, in relation to the office of councillor of the communities of Llangollen and Llangollen Rural have effect subject to the following provisions of this article.

(2) Any casual vacancy which exists at, or otherwise occurs after, 1st January 1997 in the office of community councillor for the existing community of Llangollen Rural shall not be filled except—

- (a) where notice of the election has already been given before 1st January 1997; or

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(5) See the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) amended by S.I. 1987/261, S.I. 1990/158, S.I. 1990/932 and S.I. 1995/1948.

(6) For the meaning of “ordinary day of election of councillors”, see section 37 of the Representation of the People Act 1983 (c. 2) which was amended by section 18(2) of the Representation of the People Act 1985 (c. 50).

(7) Relevant amendments to section 79 were made by S.I. 1995/1948.

- (b) where the number of members of that council will otherwise be less than the number that constitutes a quorum for meetings of the council<sup>(8)</sup>.
- (3) There shall be a council for the new community of Llangollen Rural.
- (4) The number of councillors for the new community of Llangollen Rural shall be ten.
- (5) Any person in office immediately before 1st April 1997 as councillor for the existing community of Llangollen Rural in the county of Denbighshire shall, on and after 1st April 1997, be a councillor for the new community of Llangollen Rural in the county borough of Wrexham and shall (unless he previously resigns his office or it otherwise becomes vacant) retire on the fourth day after the ordinary day of election of councillors in 1999.
- (6) In relation to a person who, by virtue of paragraph (5) above, holds office on and after 1st April 1997 as community councillor for the new community of Llangollen Rural, regulation 8(3) of the Regulations shall apply to such a person as if he were remaining in such office during the period provided for by that paragraph (5).
- (7) Any vacancy which exists at 1st April 1997 in the office of community councillor for the new community of Llangollen Rural shall be treated as if it were a casual vacancy in such office occurring on that date.
- (8) In relation to the qualification of any person to be elected and to be a member of the council of the community of Llangollen, this Order shall be deemed for the purposes of section 79 of the Local Government Act 1972 to have been in operation during the whole of the twelve months preceding the relevant day within the meaning of that section.

#### **First meeting of new community council**

7. The provisions of the Schedule to this Order shall apply in relation to the first meeting of the council for the new community of Llangollen Rural.

#### **Residuary successor**

8. In relation to the existing community council of Llangollen Rural for the purposes of any provision of the Regulations which refers to the residuary successor of a dissolved authority, the council of the new community of Llangollen Rural is hereby specified as the residuary successor.

#### **Community books etc.**

9.—(1) The specified papers of the existing community of Llangollen Rural shall be deposited in the custody of the council of the new community of Llangollen Rural.

(2) In this article, “specified papers”, means the public books, writings and papers of the existing community of Llangollen Rural (including any photographic copies thereof) and all documents directed by law to be kept thereunto.

#### **Initial expenses of new community council etc.**

10.—(1) In this article—

“the 1992 Act” means the Local Government Finance Act 1992<sup>(9)</sup>;

“the 1995 Regulations” means the Local Authorities (Precepts) (Wales) Regulations 1995<sup>(10)</sup>;

“the prospective billing authority” means Wrexham County Borough Council;

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<sup>(8)</sup> As to a quorum for meetings of a community council, *see* paragraphs 28 and 45 of Schedule 12 to the Local Government Act 1972.

<sup>(9)</sup> 1992 c. 14.

<sup>(10)</sup> S.I. 1995/2562.

“the relevant financial year” means the financial year beginning on 1st April 1997.

(2) Section 41 of the 1992 Act (issue of precepts by local precepting authorities) shall have effect—

- (a) in relation to the council of the new community of Llangollen Rural, the prospective billing authority and the relevant financial year; and
- (b) as respects the period beginning on 1st January 1997 and ending immediately before the day on which there is issued by the council for the new community of Llangollen Rural a precept for the relevant financial year,

with the substitution for subsection (3) of the following subsection—

“(3) In making calculations in accordance with section 32 above (originally or by way of substitute) the billing authority shall take into account for the purposes of its estimate under section 32(2)(a) above an amount equal to that specified in article 10(6) of the Denbighshire and Wrexham (Areas) Order 1996.”.

(3) In relation to the council for the new community of Llangollen Rural, the prospective billing authority and the relevant financial year—

- (a) section 32 of the 1992 Act (calculation of budget requirements by billing authorities) shall have effect with the omission of subsection (6);
- (b) section 41(4) of the 1992 Act shall have effect with the substitution for the words “March in the financial year preceding that for which it is issued”, the words “October in the financial year for which it is issued”; and
- (c) the reference in section 54(4) of the 1992 Act (power to designate authorities) to a precept anticipated by a billing authority in pursuance of regulations under section 41 of the 1992 Act shall be construed as a reference to the amount specified in paragraph (6) of this article.

(4) In relation to the amount taken into account for the purposes of section 32(2)(a) of the 1992 Act by virtue of paragraph (2) above, Chapter III of Part I of the 1992 Act (setting of council tax) shall have effect as if—

- (a) the amount were an item mentioned in section 35(1) of the 1992 Act (special items) which related to the new community of Llangollen Rural; and
- (b) the area of the prospective billing authority included the new community of Llangollen Rural.

(5) The council of the new community of Llangollen Rural shall make the calculations required by section 50 of the 1992 Act (calculation of budget requirement by local precepting authorities) for the relevant financial year so as to secure that the amount calculated as its budget requirement for that year does not exceed the amount specified in paragraph (6) below.

(6) The amount specified in this paragraph is seven thousand eight hundred and fifty pounds.

(7) In relation to the council for the new community of Llangollen Rural, the prospective billing authority and the relevant financial year, the 1995 Regulations shall have effect as if—

- (a) regulation 5 (information on schedules of instalments); and
- (b) in sub-paragraphs (1), (2) and (3) of paragraph 8 of Part II of the Schedule (rules for determination of schedules of instalments) in each case the second “or” and the words following to the end of each sub-paragraph,

were omitted.

### **Local Acts, orders and byelaws**

**11.** The existing community of Llangollen Rural is hereby specified in relation to regulation 41(4) of the Regulations (local acts, orders and byelaws) and the new community of Llangollen Rural is hereby specified in relation to that existing community.

### **Disclosure of Officers' Interest**

**12.** For the purposes of section 117 of the Local Government Act 1972 (disclosure by officers of interests in contracts) any contract—

- (a) which was entered into by the council of the existing community of Llangollen Rural, and
  - (b) to which the council of the new community of Llangollen Rural becomes a party as the residuary successor to that council by virtue of article 8,
- shall be treated as a contract entered into by that new council.

### **Town and Country Planning**

**13.—(1)** In this article, “provision” means a provision of a development plan as defined in section 336(1) of the Town and Country Planning Act 1990**(11)**.

(2) Any provision applying to any part of the areas transferred under article 3 shall continue to apply to that part, notwithstanding the transfer, until replaced by a provision which so applies and which supersedes that provision continued by this Order.

### **Coroners' districts**

**14.** As from 1st April 1997 article 2(2) of the Coroners' Districts (Wales) Order 1996**(12)** shall have effect in relation to the following coroners' districts—

- (a) Central North Wales; and
- (b) North East Wales

as if the reference to the local government areas described in column (2) of the Schedule to that Order opposite the names of those respective districts were a reference to those local government areas as altered by this Order

### **Registration Service**

**15.** References in the schemes made under the Local Government (Registration Service in Wales) Order 1995**(13)** by—

- (a) Denbighshire County Council; and
- (b) Wrexham County Borough Council,

to the county of Denbighshire or, as the case may be, the county borough of Wrexham shall be read as a reference to such county or county borough as altered by this Order.

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**(11)** 1990 c. 8; this definition was amended by Schedule 4 paragraph 34 to the Planning and Compensation Act 1991 (c. 34) and Schedule 6 paragraph 24(13)(b) to the Local Government (Wales) Act 1994.

**(12)** S.I. 1996/661.

**(13)** S.I. 1995/3106.

9th December 1996

*William Hague*  
Secretary of State for Wales

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## THE SCHEDULE

Article 7

### **First Meeting of new Llangollen Rural Community Council**

1.—(1) The first meeting of the council for the new community of Llangollen Rural (“the new council”) shall be held within 21 days immediately after 1st April 1997 and shall be treated as the annual meeting of the council for 1997.

(2) The meeting shall be convened by the officer appointed for that purpose by the Wrexham County Borough Council and shall be held at such place as he may appoint.

(3) The notice of the meeting required by paragraph 26(2) of Schedule 12 to the Local Government Act 1972 shall be published at the place where the meeting is to be held and the summons to attend the meeting shall be signed by the officer convening it.

2.—(1) Until the completion of the election of a chairman at the first meeting of the new council, the persons who, immediately before 1st April 1997, held office as chairman and vice-chairman of the council of the existing community of Llangollen Rural shall exercise any functions falling to be exercised by the chairman and vice-chairman of the new council.

(2) The standing orders for the regulation of the proceedings and business of the council of the existing community of Llangollen Rural as applying immediately before 1st April 1997 shall apply at the first meeting of the new council.

(3) At the first meeting of the council the convening officer shall exercise any functions falling to be exercised by the proper officer of the new council in relation to that meeting.

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## **EXPLANATORY NOTE**

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

The Order makes changes in the boundary between the county of Denbighshire and the county borough of Wrexham following a review by the Local Government Boundary Commission for Wales. The boundary changes take effect from 1st April 1997 although for certain purposes the Order has effect from 1st January 1997.

Article 3 abolishes the existing community of Llangollen Rural in the county of Denbighshire. It transfers part of that existing community into the county borough of Wrexham where it is constituted as a new community, also with the name of Llangollen Rural in English and with the name of Llangollen Wledig in Welsh. The remainder of the existing community of Llangollen Rural is transferred to the community of Llangollen in the county of Denbighshire. There are consequential changes to local government electoral areas, and coroners’ districts.

The area transferred to the county borough of Wrexham and forming the new community of Llangollen Rural has an area of about 530 hectares and a population of about 1,800. The area transferred to the community of Llangollen in the county of Denbighshire has an area of about 690 hectares and a population of about 100.

Articles 4 and 5 provide for changes in the electoral arrangements of the electoral divisions of the county of Denbighshire and the county borough of Wrexham affected by this Order. Article 6 provides for changes in the electoral arrangements of the communities affected by this Order.



Article 7 of, and the Schedule to, the Order make transitional provision for the holding of the first meeting of the new Llangollen Rural community council.

Articles 8 and 9 make consequential provisions as to the new Llangollen Rural community council being the residuary successor authority of the abolished Llangollen Rural community council and being the council with which the community books etc previously deposited with that abolished council are to be deposited.

Article 10 makes transitional provision for the initial expenses of the new Llangollen Rural community council for the financial year 1997–98.

Article 11 makes consequential provision in relation to local Acts etc affecting the abolished Llangollen Rural community by specifying the new Llangollen Rural community.

Article 12 makes transitional provision in relation to disclosure by officers of interests in contracts.

Article 13 makes transitional provision concerning development plans under the Town and Country Planning Act 1990 for the area transferred.

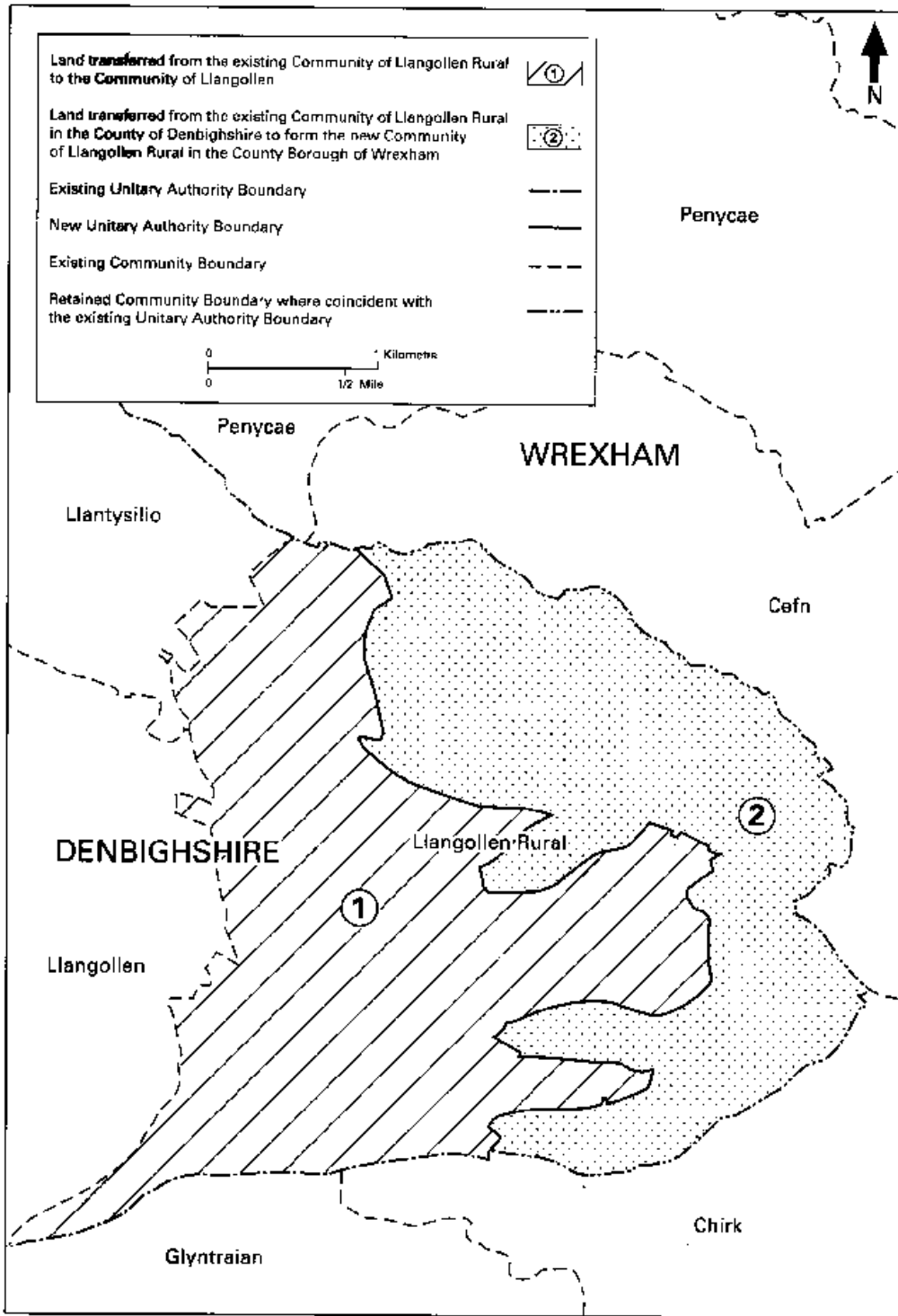
Article 14 makes consequential provision in respect of the Coroners' Districts (Wales) Order 1996.

Article 15 makes consequential provision in relation to the respective Registration Service schemes made by the county council of Denbighshire and the county borough council of Wrexham.

The map forming part of this Note gives a general indication of the areas transferred. Prints of the map referred to in article 2 of the Order are deposited and may be inspected during normal office hours at the offices of the County Council of Denbighshire Wynnstay Road, Ruthin; the County Borough Council of Wrexham, Guildhall, Wrexham and at the offices of the Secretary of State for Wales at Cathays Park, Cardiff.

The Local Government Area Changes Regulations 1976 contain general provisions regarding the effect of Orders such as this.

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