

SCHEDULES

SCHEDULE 3

AMENDMENTS CONSEQUENTIAL ON PART II

The Police Act 1964 (c. 48)

- 3 (1) For paragraphs (a) and (b) of subsection (1) of section 23 of the Police Act 1964 there shall be substituted the words “with respect to any two or more prospective police areas”.
- (2) For subsection (1B) of that section there shall be substituted the following subsection—
- “(1B) In this section—
- “prospective police area” means any area which (apart from any amalgamation scheme) would become a police area by virtue of an order under Part II of the Local Government Act 1992 or Part IV of the Local Government Act 1972 or which, in accordance with such an order, is to be treated, for the purposes of the approval or making of any amalgamation scheme, as an area which would become a police area by virtue of that order; and
- “the relevant date”, in relation to a prospective police area, means the date on which the order in question gives effect to structural or boundary changes affecting the area comprised in the prospective police area;
- and in this subsection the reference to a structural or boundary change is a reference to any structural or boundary change within the meaning of Part II of that Act of 1992 or, in relation to an order under Part IV of that Act of 1972, to the constitution of a new county or the alteration of an existing county.”
- (3) In subsection (2) of that section (modifications for the purposes of an amalgamation scheme), for paragraphs (a) to (c) there shall be substituted the following paragraphs—
- “(a) any reference to a police area shall include a reference to a prospective police area;
- (b) any reference, in relation to a prospective police area, to a constituent authority shall be a reference to the police authority for any police area the whole or any part of which will be included in the prospective police area and the council of any county the whole or any part of which will be so included; and
- (c) any reference, in relation to a prospective police area, to the police authority (except a reference to which paragraph (b) above applies) shall be a reference to any constituent authority (within the meaning of that paragraph) other than the council for a county for which there is a separate police authority.”

Status: This is the original version (as it was originally enacted).

- (4) For subsection (3) of that section there shall be substituted the following subsection—
- “(3) For the purposes of the approval or making of any amalgamation scheme with respect to any area, any steps required by this Act to be taken before an amalgamation scheme is approved or made may be taken at any time—
- (a) after any report affecting that area, together with proposals or recommendations, has been submitted to the Secretary of State under Part II of the Local Government Act 1992 or Part IV of the Local Government Act 1972; and
- (b) before an order is made to give effect to the proposals or recommendations,
- if the Secretary of State has notified the general nature of the order he intends to make to give effect to the proposals or recommendations to every authority which for the purposes of sections 21 and 22 above (as modified by subsection (2) above) would be a constituent authority in relation to that scheme.”
- 4 In paragraph 7 of Schedule 1 to that Act—
- (a) in sub-paragraph (a), for the words for “of the new” to the end of the sub-paragraph there shall be substituted the words “for any relevant area, that is to say, any area which under the order in question is (within the meaning of section 23 of this Act) a prospective police area and to which the scheme is to apply”; and
- (b) in sub-paragraph (b), for the words from “each of the following” to the end of the sub-paragraph there shall be substituted the words “every council which is the council for a county the whole or any part of which is included in a relevant area.”
- 5 (1) In paragraph 3 of Schedule 3 to that Act (obligation to hold public inquiry before making amalgamation scheme if an objection is made), at the beginning there shall be inserted the words “Subject to paragraph 3A below”.
- (2) After that paragraph there shall be inserted the following paragraph—
- “3A If, in a case where a notice of objection with respect to any proposed scheme is received by the Secretary of State as mentioned in paragraph 3 above—
- (a) it appears to the Secretary of State that the proposed scheme contains only such provision as is appropriate in consequence of an order under Part II of the Local Government Act 1992 containing provision for giving effect to a structural change (within the meaning of that Part); and
- (b) the period (if any) that has elapsed between the making of that order and the giving of the notice which is required to be given under paragraph 1 above in relation to that scheme does not exceed twelve months,
- the Secretary of State shall be under a duty to consider that objection but shall not be required to cause a local inquiry to be held in respect of it.”