
STATUTORY INSTRUMENTS

1983 No. 1937

LOCAL GOVERNMENT, ENGLAND AND WALES

CHANGES IN LOCAL GOVERNMENT AREAS

The Holderness (Parishes) Order 1983

Made - - - - - 22nd December 1983

Coming into Operation—

*for the purposes described
in article 2(1)* -

1st January 1984

for all other purposes -

1st April 1984

Whereas the Borough Council of Holderness, acting pursuant to section 48(8) of the Local Government Act 1972(a), has made recommendations to the Local Government Boundary Commission for England for proposals about parishes in the borough:

And whereas the said Commission has seen fit, pursuant to sections 47, 48(9) and 51(1) of that Act, on 16th July 1982, to make the recommended proposals to the Secretary of State:

And whereas the Secretary of State has decided to give effect to those proposals without modifications:

Now, therefore, the Secretary of State for the Environment, in exercise of his powers under sections 51(2) and 67(4) and (5) of the said Act and of all other powers enabling him in that behalf, hereby makes the following order:—

Title and commencement

1. This order may be cited as the Holderness (Parishes) Order 1983.
2. (1) 1st January 1984 is hereby specified as the day on which this order shall come into operation for any purpose set out in regulation 4(1) (coming into operation of order) of the Regulations.
(2) For all other purposes this order shall come into operation on 1st April 1984.

(a) 1972 c. 70.

Interpretation

3. In this order—

“the borough” means the borough of Holderness, and
“the borough council” means the council of the borough;

“the boundary maps” means the 6 maps issued by the Department of the Environment in 2 sheets, each sheet being marked “Map sheet of the Holderness (Parishes) Order 1983” and with the number of the map sheet, and each map being marked with a letter, any reference to a map by number and letter being a reference to the map so lettered on the sheet so numbered;

“the new parish” means the parish constituted by article 4(1) of this order;

“the new parish council” means the parish council of the new parish; and

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

Changes in areas

4. (1) There shall be constituted a new parish to be known as the parish of Withernsea, comprising—

(i) the area of the former urban district of Withernsea other than the part thereof shown coloured green and marked C on boundary map 2b; and

(ii) that part of the parish of Hollym shown hatched red and marked D on boundary map 2b.

The part of the parish of Hollym mentioned in (ii) shall form part of the Withernsea South ward of the borough and the new parish shall thereby be comprised in the Withernsea North and Withernsea South wards of the borough, in the South East Holderness electoral division of the county of Humberside, in the South Holderness petty sessional division, and in the North Humberside coroner's district.

(2) The parts of parishes described in column (1) of the Schedule to this order and marked on the boundary maps as specified in column (2) shall, in so far as parishes, wards thereof and wards of the borough are specified in respect thereof in columns (3) to (5), be transferred to and form part of such areas. The area marked A4 on boundary map 1d shall form part of the Middle Holderness petty sessional division.

(3) That part of the area of the former urban district of Withernsea shown coloured green and marked C on boundary map 2b shall form part of the parish of Hollym, and of the Patrington ward of the borough.

New parish council

5. (1) There shall be a parish council for the new parish.

(2) The new parish shall be divided into two parish wards to be known as Withernsea North and Withernsea South which shall respectively comprise the areas of the corresponding wards of the borough as existing on and after 1st

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

April 1984. The numbers of councillors for the said wards shall be 5 and 6 respectively.

(3) Elections of parish councillors of the new parish shall be held on such day prior to 1st April 1984 as the returning officer shall appoint and shall be conducted in accordance with rules made under section 36 of the Representation of the People Act 1983(a).

(4) The persons elected as councillors as the result of the said elections shall come into office on 1st April 1984 and shall retire on the fourth day after the ordinary day of election of councillors in 1987.

(5) The annual meeting of the new parish council for 1984 shall be held in April 1984 and shall be convened by the proper officer of the borough council.

Parish meeting

6. (1) The first assembly of the parish meeting for the new parish shall be convened by the proper officer of the borough council.

(2) If such first assembly is held before the annual meeting of the new parish council, the parish meeting may appoint a person to take the chair, and that person shall have, for the purposes of that meeting, the powers and authority of the chairman.

Expenses of new parish council

7. In the year beginning on 1st April 1984 the borough council shall levy rates in the new parish and make payments to the new parish council as if the new parish council had issued a precept to the borough council requiring the payment of a sum equal to the product of a rate of 5p in the pound calculated on the total rateable value as set out in the valuation list on 1st April 1984.

Statutory definitions of areas

8. In any application of paragraph (1) (statutory definitions of areas) of regulation 40 of the Regulations to a reference to the area of the former urban district of Withernsea, the following provision, namely—

“For any reference to the area of the former urban district of Withernsea there shall be substituted a reference to the parish of Withernsea.”

shall have effect in place of sub-paragraph (b) without prejudice to any operation of the said sub-paragraph in respect of any parish as altered.

Local Acts, orders and byelaws

9. (1) The area of the former urban district of Withernsea shall be a relevant area within the meaning of regulation 41 (local Acts, orders and byelaws) of the Regulations and is hereby specified in relation to paragraph (4) of that regulation, and the new parish is hereby specified in relation to the first mentioned area.

(a) 1983 c. 2.

(2) The provision of paragraph (1) is without prejudice to the operation of regulation 41(3) of the Regulations in respect of any parish as altered.

Charities

10. Regulation 24 (Charities) of the Regulations shall have effect with the following modifications:—

(i) in paragraph (1) there shall be inserted—

“(cc) Where such property is held by the Borough Council of Holderness for the benefit of, or of the inhabitants of, or of any particular class or body of persons in, a specified area the whole or the greater part of which is in the parish of Withernsea that property shall by virtue of this paragraph be transferred to and vest (on the same trusts) in the Parish Council of Withernsea”; and

(ii) in sub-paragraphs (d), (e) and (f) of the said paragraph, for “(b) or (c)” there shall be substituted “(b), (c) or (cc)”; and

(iii) in paragraphs (2)(a) and (3)(a), for “(1)(b) or (c)” there shall be substituted “(1)(b), (c) or (cc)”.

SCHEDULE

PARTS OF PARISHES TRANSFERRED TO PARISHES OTHER THAN THE NEW PARISH

(1) Description	(2) Reference of boundary map and marking of area.	(3) Parish	(4) Parish ward	(5) Borough ward
Part of the Parish of Bewholme	1a A1	Seaton		—
Part of the Parish of Brandesburton	1a A2	Bewholme		Seaton
Part of the Parish of Brandesburton	1a A3	Seaton		Seaton
Part of the Parish of Burstwick	1d A4	Preston	Preston North	Preston North
Part of the Parish of Burton Constable	1b A5	Ellerby		—
Part of the Parish of Coniston	1d A6	Bilton		—
Part of the Parish of Paull	2a A7	Thorngumbald		Thorngumbald
Part of the Parish of Preston	2a A8	Hedon		Hedon
Part of the Parish of Riston	1c A9	Rise		—
Part of the Parish of Seaton	1a A10	Brandesburton		Brandesburton

Signed by authority of the
Secretary of State
22nd December 1983.

J P G Rowcliffe,
An Under Secretary in the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the order.)

This order—

- (a) creates a new parish of Withernsea, in the borough of Holderness, comprising, with some adjustments with the Parish of Hollym, the area of the former urban district of Withernsea; and
- (b) effects transfers as between parishes in the borough.

The map forming part of this note (page 7) shows the areas involved as from 1st April 1984.

Prints of the boundary maps referred to in article 3 of the order may be inspected at the offices of the borough council, and may be purchased from the Department of the Environment's Map Library.

The new parish will have approximately an area of 357 hectares, a population of 6,400 and a rateable value of £525,000.

The order establishes a parish council for the new parish.

Incidental, consequential, transitional and supplementary provision for orders such as the present one is made by the Local Government Area Changes Regulations 1976 (see article 3).

The Regulations referred to will automatically transfer property within the definition of "parish matters" in Schedule 6 thereto from the borough council to the new parish council. A further transfer of property may be effected by a second order when the borough council and the new parish council have been able to consider this together.