
EXPLANATORY NOTE

(This is not part of the Order)

This Order makes transitional provision with respect to local government reorganisation in Wales and, in particular, the new authorities to be established under the Local Government (Wales) Act 1994. The new authorities will come into existence on 4th May 1995, following their initial elections, and will take over full responsibility for local government in Wales on 1st April 1996 when the existing authorities are abolished. This Order covers that period and the initial period after 1st April 1996.

Article 3 vests functions and powers in the new authorities to enable them to prepare for the assumption of their full functions and to ensure continuity in performance on the transfer of functions.

Article 4 applies existing legislative provisions to the new authorities in relation to the discharge of their functions and exercise of powers.

Article 5 enables the Secretary of State to exercise existing direction making and other powers in relation to new authorities during the transitional period.

Article 6 imposes a duty upon old authorities to provide new authorities with assistance and information where so requested.

Article 7 confers a right upon new authorities to inspect and take copies of, or extracts from, relevant recorded information held by existing authorities.

Article 8 makes provision with respect to registers and other records that new authorities are required to maintain so that certified copy material can be used by a new authority to maintain a register or other record, where it does not receive the original material.

Article 9 contains provision allowing the consolidation of definitive maps and statements of public rights of way which are required to be maintained by new authorities in accordance with Part III of the Wildlife and Countryside Act 1981.

Article 10 makes provision for the appointment of interim monitoring officers by new authorities prior to the designation of permanent monitoring officers under section 5(1) of the Local Government and Housing Act 1989.

Article 11 disapplies section 116 of the Local Government Act 1972 in the case of a person who ceases to be a member of a new authority on, or before, 1st April 1996. As a consequence, such a person will not be disqualified by section 116 from holding a paid office with that authority for a period of one year from the date he or she ceases to be a member.

Article 12 makes provision with respect to the minutes of the final meetings of existing authorities, their committees and sub-committees, and joint committees of existing authorities together with sub-committees of such committees.

Article 13 makes transitional provision with respect to high sheriffs.

Article 14 makes transitional provision with respect to deputy lieutenants.

Article 15 makes supplemental provision with respect to the definition of “local authority” in relation to existing county and district councils for the purposes of sections 78 and 79 of the Criminal Justice and Public Order Act 1994.