
STATUTORY INSTRUMENTS

1995 No. 1769

The Buckinghamshire (Borough of Milton Keynes) (Structural Change) Order 1995

PART I
GENERAL

Citation and commencement

1. This Order may be cited as the Buckinghamshire (Borough of Milton Keynes) (Structural Change) Order 1995 and shall come into force for the purposes of articles 2(2), 4, 6(1), (3) and (4), and 9 to 12 on the day after the day on which it is made, and for all other purposes on 1st April 1997.

Interpretation

2.—(1) In this Order—

“the Act” means the Local Government Act 1992;

“the 1972 Act” means the Local Government Act 1972(1);

“Buckinghamshire” means the non-metropolitan county of Buckinghamshire and “the County Council” means the council of that county;

“Milton Keynes” (except in references to the county of Milton Keynes) means the borough of Milton Keynes and “the Milton Keynes Council” means the council of that borough;

“the relevant date” means 6th May 1996;

“relevant provision” means a provision in any subordinate legislation made under the Act or made, in connection with the Act or such provision, under any other enactment;

“the reorganisation date” means 1st April 1997; and

“subordinate legislation” has the same meaning as in section 21 of the Interpretation Act 1978(2).

(2) The period beginning with the relevant date and ending immediately before the reorganisation date is specified as the preliminary period for the purposes of any statutory instrument made under the Act.

(1) 1972 c. 70.
(2) 1978 c. 30.

PART II

LOCAL GOVERNMENT REORGANISATION IN MILTON KEYNES

Structural change

3. The functions of the County Council in relation to Milton Keynes shall, subject to the following provisions of this Part and to any other relevant provision, be transferred to the Milton Keynes Council.

Thames Valley Police Authority

- 4.—**(1) In this article, “the 1964 Act” means the Police Act 1964**(3)**.
- (2) For the purposes of the functions to which this article applies—
- (a) sub-paragraph (1) of paragraph 27 of Schedule 1B to the 1964 Act (meaning of “relevant council”)**(4)** shall have effect as from 1st October 1996 as if Milton Keynes had ceased to form part of Buckinghamshire on that date; and
 - (b) accordingly, the appointments which are required to be made to the Thames Valley Police Authority (as established under section 3 of the 1964 Act) (“the Authority”)**(5)** by paragraph 2(2) of that Schedule (appointments of members of police authority by joint committee appointed by relevant councils) shall be made, as soon as practicable after that date, by a joint committee appointed by the County Councils of Berkshire, Buckinghamshire and Oxfordshire and the Milton Keynes Council (as relevant councils) in accordance with that provision.
- (3) The functions to which this article applies are—
- (a) on and after the reorganisation date, all functions of the Authority; and
 - (b) before that date (but on and after 1st October 1996), the following functions of the Authority in respect of the financial year beginning on the reorganisation date—
 - (i) functions under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts)**(6)**, and
 - (ii) functions under sections 4A (local policing objectives) and 4B (local policing plans) of the 1964 Act**(7)**.
- (4) For the purposes of the functions referred to in paragraph (3)(b) above—
- (a) section 28(2)(b) of the Police and Magistrates' Courts Act 1994 (approval of decisions about precepts) shall have effect as though the reference to the members of the police authority appointed under paragraph 2 of Schedule 1B to the 1964 Act was a reference to the members so appointed by virtue of paragraph (2) above; and
 - (b) the members of the Authority appointed under paragraph 2 of that Schedule otherwise than by virtue of paragraph (2) above shall not participate in the discharge of those functions.
- (5) In the exercise of its powers, the joint committee referred to in paragraph (2)(b) above—
- (a) shall, for the purposes of paragraph 4(1)(b) of Schedule 1B to the 1964 Act, ignore any member of the County Council elected for an electoral division in Milton Keynes**(8)**; and

(3) 1964 c. 48.

(4) Schedule 1B was inserted by section 3(2) of, and Schedule 2 to, the Police and Magistrates's Courts Act 1994 (c. 29) (“the 1994 Act”).

(5) Section 3 was substituted by section 2 of the 1994 Act.

(6) 1992 c. 14; section 39 of that Act was amended by section 27(1) of the 1994 Act.

(7) Sections 4A and 4B were inserted by section 4 of the 1994 Act.

(8) See article 12(1) of this Order.

(b) shall not appoint any such member to the Authority under paragraph 2(2) of Schedule 1B to the 1964 Act.

(6) A member of the Authority who was appointed under paragraph 2 of Schedule 1B to the 1964 Act otherwise than by virtue of paragraph (2) above and who is not subsequently so appointed shall cease to hold office as a member of the Authority on the reorganisation date.

(7) In determining the period of a term of years for the purpose of paragraph 17 of Schedule 1B to the 1964 Act (term of appointment of members of a police authority), any period as a member of the Authority prior to the reorganisation date under an appointment made by virtue of paragraph (2) above shall be disregarded except where the person in question had been a member of the Authority by virtue of an appointment under paragraph 2 of that Schedule prior to his appointment by virtue of paragraph (2) above.

Amendment of Schedule 1A to the Police Act 1964

5. Schedule 1A to the Police Act 1964(9) shall be amended by inserting after the words “and Oxfordshire” in the right-hand column opposite the name of the Thames Valley police areas the words “and the non-metropolitan district of Milton Keynes”.

Fire services

6.—(1) In this article—“the 1947 Act” means the Fire Services Act 1947(10); and

“the relevant area” means the area comprising Buckinghamshire (as constituted on and after the reorganisation date) and Milton Keynes.

(2) Milton Keynes shall, subject to any combination scheme under the 1947 Act, become the area of a fire authority for the purposes of that Act.

(3) For the purposes of the making of a combination scheme with respect to the relevant area before the reorganisation date in accordance with section 10 of the 1947 Act (power to make schemes in advance of alterations to local government areas), section 5(2) of that Act shall have effect, in relation to that area, as if—

(a) in paragraphs (a) and (d) of that subsection, for “the constituent authorities”, wherever those words occur, there were substituted “the council of the county of Buckinghamshire”; and

(b) in paragraphs (e) and (f) of that subsection, for “any of the constituent authorities” there were substituted “the council of the county of Buckinghamshire”.

(4) Section 10 of the 1947 Act shall have effect, in relation to the relevant area, as if after the word “but” there were inserted the words “, except so far as it relates to the constitution of an authority as the fire authority for the combined area constituted by the scheme and the performance by that authority of any functions necessary for bringing the scheme into full operation on that date,”.

Planning functions

7.—(1) The structure plan applying immediately before the reorganisation date to Buckinghamshire and any proposals prepared before that date for the alteration or replacement of any such plan shall be treated as if they had been prepared jointly by the County Council and the Milton Keynes Council; and section 50 of the Town and Country Planning Act 1990(11) (“the 1990 Act”) shall apply accordingly.

(9) Schedule 1A was inserted by Schedule 1 to the 1994 Act.

(10) 1947 c. 41; section 10 of this Act is amended by paragraph 2 of Schedule 3 to the Local Government Act 1992.

(11) 1990 c. 8. In this Act, sections 36 to 38 were substituted by paragraph 17 of Schedule 4 to the Planning and Compensation Act 1991 (c. 34) and section 50 was amended by paragraph 24 of that Schedule.

- (2) In relation to the Milton Keynes Council—
- (a) section 36(5) of the 1990 Act (which provides that a local plan shall not contain policies in respect of minerals or waste) shall not apply;
 - (b) subsection (1) of section 37 of that Act (minerals local plans) shall have effect as if, after the words “local plan”, there were added the words “or include in their local plan their detailed policies in respect of development consisting of the winning and working of minerals or involving the deposit of mineral waste”; and
 - (c) subsection (2) of section 38 of that Act (waste policies) shall have effect as if, after paragraph (b), there were added the following—
 - “or
 - (c) include their waste policies in their local plan.”

Constitution of new county of Milton Keynes

- 8.—(1) Milton Keynes shall cease to form part of Buckinghamshire.
- (2) A new county shall be constituted comprising the area of Milton Keynes and shall be named the county of Milton Keynes.
- (3) Section 2(1) of the 1972 Act (which provides that every county shall have a council) shall not apply in relation to the county of Milton Keynes.

PART III

TRANSITIONAL PROVISION

Electoral areas in Milton Keynes

- 9.—(1) On 1st May 1996 the existing wards of Milton Keynes(12) shall be abolished and the said area shall be divided into twenty-four wards which shall bear the names set out in column (1) of Schedule 1 to this Order.
- (2) The wards shall comprise the areas respectively described in column (2) of Schedule 1 and the number of councillors to be elected for each ward shall be the number specified in respect of the ward in column (3) of that Schedule.

Election of councillors in Milton Keynes

- 10.—(1) The whole number of councillors of Milton Keynes Council shall be elected at the ordinary elections of councillors in 1996.
- (2) The councillors holding office for any ward in the borough immediately before the relevant date shall retire on that date and the newly elected councillors shall come into office on that date.
- (3) Subject to the provisions in this article, the election of councillors shall be by thirds.
- (4) The order of retirement of the councillors elected in 1996 shall be as set out in Schedule 2 to this Order.
- (5) Where the number of councillors elected in 1996 for any ward of the borough is two, the first to retire in that ward shall be, subject to paragraphs (7) and (8) below, the councillor elected by the smaller number of votes.
- (6) Where the number of councillors elected in 1996 for any ward of the borough is three—

(12) As set out in the Borough of Milton Keynes (Electoral Arrangements) Order 1976 (S.I. 1976/284).

- (a) one-third shall retire in 1998 being, subject to paragraphs (7) and (8) below, the councillor elected by the smallest number of votes;
- (b) one-third shall retire in 1999 being, subject as aforesaid, the councillor elected by the next smallest number of votes;
- (c) the remaining councillor shall retire in 2000.

(7) In the case of an equality of votes between any persons elected which makes it uncertain which of them is to retire in any such year, the person to retire in that year shall be determined by lot.

(8) If an election of councillors for any ward is not contested, the person to retire in each such year shall be determined by lot.

(9) Where under this article any question is to be determined by lot, the lot shall be drawn at the next practicable meeting of the council after the question has arisen, and the drawing shall be conducted under the direction of the person presiding at the meeting.

(10) Except as otherwise provided in the foregoing paragraphs of this article, the term of office of councillors shall be four years, and all councillors shall retire on the fourth day after the ordinary day of election of councillors of the borough in the year of retirement, and the newly elected councillors shall come into office on the day on which their predecessors retire.

(11) The ordinary elections of parish councillors for any parish or ward of a parish situated in the Bradwell and Olney wards of the borough shall take place in 1996 and thereafter ordinary elections shall take place every fourth year.

(12) Parish councillors holding office in any parish or ward of a parish referred to in the foregoing paragraph before the ordinary election of parish councillors in 1996 shall retire on the fourth day after that election, and the newly elected councillors shall come into office on the day on which their predecessors retire.

Revocation

11. With effect from 2nd May 1996, the Borough of Milton Keynes (Electoral Arrangements) Order 1976⁽¹³⁾ is revoked.

Retirement of councillors

12.—(1) The electoral divisions of Buckinghamshire comprised in Milton Keynes shall cease to be electoral divisions on the reorganisation date; and any person holding office, immediately before that date, as a councillor for such a division shall retire on that date⁽¹⁴⁾.

(2) Section 89 of the 1972 Act (filling of casual vacancies in case of councillors) shall have effect—

- (a) in the case of a casual vacancy occurring in the office of councillor of the Milton Keynes Council during the period beginning with the date on which this article comes into force and ending with the relevant date, as if the reference in subsection (3) of that section to the day on which the councillor whose office is vacant would regularly have retired were a reference to the relevant date; and
- (b) in the case of a casual vacancy occurring in the office of councillor for any electoral division described in paragraph (1) above, as if that reference in that subsection were a reference to the reorganisation date.

⁽¹³⁾ S.I. 1976/284.

⁽¹⁴⁾ The electoral divisions of the county of Buckinghamshire are constituted by the County of Buckinghamshire (Electoral Arrangements) Order 1983 (S.I. 1983/1529).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State

11th July 1995

David Curry
Minister of State,
Department of the Environment