
STATUTORY INSTRUMENTS

1995 No. 187

The Cleveland (Structural Change) Order 1995

PART II

LOCAL GOVERNMENT REORGANISATION IN CLEVELAND

Structural changes

3.—(1) The County Council shall be wound up and dissolved and the functions of that council in relation to each Cleveland borough shall, subject to the following provisions of this Part and to any other relevant provision, be transferred to the council of that borough.

(2) The Schedule to this Order shall have effect in relation to the discharge of functions in the North York Moors National Park which are transferred by paragraph (1) above to the council of the borough which, by virtue of article 9, is named the borough of Redcar and Cleveland.

Fire services

4.—(1) Each Cleveland borough shall, subject to any combination scheme under the Fire Services Act 1947 (“the 1947 Act”)(1), become the area of a fire authority for the purposes of that Act.

(2) For the purposes of the making of a combination scheme with respect to Cleveland 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 Cleveland, 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 Cleveland”; 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 Cleveland”.

(3) Section 10 of the 1947 Act shall have effect, in relation to Cleveland, 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 areas constituted by the scheme and the performance by that authority of any functions necessary for bringing the scheme into full operation on that date.”.

Cleveland Police Authority

5.—(1) In this article, “the 1964 Act” means the Police Act 1964(2).

(2) For the purposes of the functions to which this article applies—

(1) 1947 c. 41; section 10 of this Act is amended by paragraph 2 of Schedule 3 to the Local Government Act 1992.
(2) 1964 c. 48.

- (a) paragraph 27(1) of Schedule 1B to the 1964 Act (meaning of “relevant council”)(3) shall have effect as though the County Council was wound up and dissolved on 1st October 1995; and
 - (b) accordingly, the appointments which are required to be made 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 Cleveland borough councils (as relevant councils) in accordance with that provision.
- (3) The functions to which this article applies are—
- (a) after the reorganisation date, all the functions of the Cleveland Police Authority (as established under section 3 of the 1964 Act) (“the Authority”)(4); and
 - (b) before that date (but after appointments to the Authority have been made by virtue of paragraph (2) above), the following functions in respect of the financial year beginning on 1st April 1996—
 - (i) functions under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts)(5); and
 - (ii) functions under sections 4A (local policing objectives) and 4B (localpolicing plans) of the 1964 Act(6).
- (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 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.

Planning functions

6.—(1) The structure plan prepared by the County Council and any proposals prepared by that council for the alteration or replacement of that plan shall be treated as if they had been prepared by the Cleveland borough councils jointly and section 50 of the Town and Country Planning Act 1990(7) (“the 1990 Act”) shall apply accordingly.

(2) In relation to a Cleveland borough 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

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

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

(5) 1992 c. 14; section 39 of that Act was amended by section 27(1) of the 1994 Act.

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

(7) 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.

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.”.

Designated authority

7. The Middlesbrough Council is specified as the designated authority for the purposes of the Local Government Changes for England (Finance) Regulations 1994⁽⁸⁾.

Superannuation fund

8. The superannuation fund maintained by the County Council by virtue of regulations made under section 7 of the Superannuation Act 1972 (local government superannuation)⁽⁹⁾, together with all rights and liabilities in respect of the fund, shall vest in the Middlesbrough Council.

Change of name of Langbaurgh-on-Tees

9. The borough of Langbaurgh-on-Tees shall be named the borough of Redcar and Cleveland.

⁽⁸⁾ S.I. 1994/2825.

⁽⁹⁾ 1972 c. 11. The current regulations are in S.I. 1986/24.