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STATUTORY INSTRUMENTS

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**1996 No. 1868**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Lancashire (Boroughs of Blackburn and Blackpool) (Structural Change) Order 1996**

<i>Made</i>	- - - -	<i>18th July 1996</i>
<i>Coming into force</i>		
<i>For the purposes of articles</i>		
<i>2(2), 4(1), (3) and (4), 7 and</i>		
<i>8</i>		<i>19th July 1996</i>
<i>For all other purposes</i>		<i>1st April 1998</i>

Whereas the Local Government Commission for England, acting pursuant to section 15(4) of the Local Government Act 1992<sup>(1)</sup>, has submitted to the Secretary of State a report on its review of the boroughs of Blackburn and Blackpool<sup>(2)</sup> in the county of Lancashire together with its recommendations:

And whereas the Secretary of State has decided to give effect to those recommendations:

Now, therefore the Secretary of State, in exercise of the powers conferred on him by sections 17<sup>(3)</sup>, 18(3)(a) and 26 of the Local Government Act 1992, and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has been laid before, and approved by a resolution of, each House of Parliament:

**PART I**  
**GENERAL**

**Citation and commencement**

**1.** This Order may be cited as the Lancashire (Boroughs of Blackburn and Blackpool) (Structural Change) Order 1996 and shall come into force for the purposes of articles 2(2), 4(1), (3) and (4), 7 and 8 on the day after the day on which it is made and for all other purposes on 1st April 1998.

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<sup>(1)</sup> 1992 c. 19.

<sup>(2)</sup> The non-metropolitan districts of Blackburn and Blackpool have been granted the status of a borough.

<sup>(3)</sup> Amended by section 39(4) and (5) of the Police and Magistrates' Courts Act 1994 (c. 29).

## Interpretation

### 2.—(1) In this Order—

“the Act” means the Local Government Act 1992;

“the 1972 Act” means the Local Government Act 1972(4);

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

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

“the County Council” means the council of Lancashire;

“Lancashire” means the non-metropolitan county of Lancashire;

“the relevant date” means 5th May 1997;

“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 1998; and

“subordinate legislation” has the same meaning as in section 21 of the Interpretation Act 1978(5).

(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.

## PART II

### Local Government Reorganisation in Blackburn and Blackpool

#### Structural change

3. Subject to the following provisions of this Part and to any other relevant provision, the functions of the County Council in relation to Blackburn and Blackpool shall be transferred to the Blackburn Council and the Blackpool Council respectively.

#### Fire services

### 4.—(1) In this article—

“the 1947 Act” means the Fire Services Act 1947(6) and

“the relevant area” means the area comprising Lancashire (as constituted on and after the reorganisation date), Blackburn and Blackpool.

(2) Blackburn and Blackpool shall, subject to any combination scheme under the 1947 Act, each 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—

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(4) 1972 c. 70.

(5) 1978 c. 30.

(6) 1947 c. 41; section 10 of this Act is amended by paragraph 2 of Schedule 3 to the Local Government Act 1992.

- (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 Lancashire”; 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 Lancashire”.

(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**

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

(2) In relation to the Blackburn Council or the Blackpool 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

- (b) include their waste policies in their local plan.”

### **Constitution of new counties of Blackburn and Blackpool**

6.—(1) Blackburn and Blackpool shall cease to form part of Lancashire.

(2) A new county shall be constituted comprising the area of Blackburn and shall be named the county of Blackburn.

(3) A new county shall be constituted comprising the area of Blackpool and shall be named the county of Blackpool.

(4) Section 2(1) of the 1972 Act (which provides that every county shall have a council) shall not apply in relation to the counties of Blackburn and Blackpool.

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(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.

## PART III

### TRANSITIONAL PROVISION

#### **Election of councillors in 1997 and subsequent years**

7.—(1) The Borough of Blackburn (Electoral Arrangements) Order 1976<sup>(8)</sup> shall be amended by the substitution of the following article for article 9—

“9.—(1) Elections of all councillors for wards of the borough shall be held simultaneously on the ordinary day of election of councillors in 1997.

(2) The councillors holding office for any ward in the borough immediately before 5th May 1997 shall retire on that date and the newly elected councillors for any such ward shall come into office on that date.

(3) Of the councillors elected in 1997 for any ward of the borough, other than North Turton and Whitehall—

- (a) one-third shall retire in 1999 being, subject to paragraphs (5) and (6) below, the councillor elected by the smallest number of votes;
- (b) one-third shall retire in 2000 being, subject as aforesaid, the councillor elected by the next smallest number of votes; and
- (b) the remaining councillor shall retire in 2001.

(4) Of the councillors elected in 1997 for the Whitehall ward of the borough—

- (a) one councillor shall retire in 1999 being, subject to paragraphs (5) and (6) below, the councillor elected by the smaller number of votes; and
- (b) the remaining councillor shall retire in 2001.

(5) 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.

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

(7) 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.

(8) The councillor elected in 1997 for the North Turton ward of the borough shall retire in 2000.

(9) In each year in which a councillor for a ward in the borough retires in accordance with paragraphs (3) to (8) above an election of a councillor for that ward shall be held on the ordinary day of election of councillors in that year; and the term of office of councillors elected at such an election shall be three years.

(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 in the year of retirement and the newly elected councillors shall come into office on the day on which their predecessors retire.<sup>(9)</sup>”

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<sup>(8)</sup> [S.I.1976/1547](#).

<sup>(9)</sup> For the ordinary day of election of councillors of local government areas, see section 37 of the Representation of the People Act 1983 (c. 2), amended by section 18(2) of the Representation of the People Act 1985 (c. 50).

(2) The Borough of Blackpool (Electoral Arrangements) Order 1975<sup>(10)</sup> shall have effect subject to the provisions of paragraphs (3) to (5) below.

(3) Elections of all councillors of the Blackpool Council shall be held simultaneously on the ordinary day of election of councillors in 1997, 2000 and 2003 and every fourth year after 2003.

(4) The term of office of any councillor so elected shall be, in the case of councillors elected in 1997 and 2000, three years and, in any other case, four years.

(5) On the fourth day after any such elections—

- (a) the persons who were councillors immediately before those elections shall retire; and
- (b) the newly elected councillors shall come into office.

### **Suspension of elections and retirement of councillors**

8.—(1) The ordinary election of councillors in 1997 for the electoral divisions of Lancashire comprised in Blackburn and Blackpool<sup>(11)</sup> shall not take place; and any councillor for such a division holding office immediately before the relevant date who would, but for this paragraph, have retired on that date shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until the reorganisation date.

(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 Blackburn Council or the Blackpool Council before 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 referred to in paragraph (1) above, as if that reference in that subsection were a reference to the reorganisation date.

(3) The electoral divisions of Lancashire comprised in Blackburn and Blackpool shall cease to be electoral divisions on the reorganisation date.

Signed by authority of the Secretary of State

18th July 1996

*David Curry*  
Minister of State,  
Department of the Environment

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<sup>(10)</sup> [S.I.1975/1913](#).

<sup>(11)</sup> The electoral divisions of the county of Lancashire are constituted by the County of Lancashire (Electoral Arrangements) Order 1981 ([S.I.1981/43](#)).

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

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order gives effect to recommendations by the Local Government Commission for England in respect of the structure of local government in the county of Lancashire (“Lancashire”).

Article 3 effects two structural changes by providing for the transfer, on 1st April 1998, of the functions of Lancashire County Council in relation to the borough of Blackburn (“Blackburn”) and the borough of Blackpool (“Blackpool”) to their respective councils.

Article 4 makes provision for the purposes of subordinate legislation which may be made under the Fire Services Act 1947 in respect of fire services.

Article 5 makes provision in relation to the structure plan applying to Lancashire. It also makes provision to enable the local plan prepared by the councils of Blackburn and Blackpool under the Town and Country Planning Act 1990 to contain minerals and waste policies.

Article 6 provides for Blackburn and Blackpool to cease to form part of Lancashire on 1st April 1998 and for new counties of Blackburn and Blackpool to be constituted on that date (but without county councils).

Article 7 makes provision for whole council elections in Blackburn and Blackpool in 1997. It also provides for councillors so elected for Blackburn to revert to retirement by thirds and for councillors elected for Blackpool in 1997 to retire in 2000 and those elected in 2000 to retire in 2003.

Article 8 makes provision for the suspension of county council elections in 1997 in electoral divisions in Blackburn and Blackpool and extends the term of office of councillors for such divisions until 1st April 1998. It also makes provision in respect of casual vacancies in the office of councillor of the local authorities affected by this order.