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STATUTORY INSTRUMENTS

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**1996 No. 1875**

The Essex (Boroughs of Colchester, Southend-on-Sea and Thurrock and District of Tendring) (Structural, Boundary and Electoral Changes) Order 1996

PART II

LOCAL GOVERNMENT REORGANISATION  
IN SOUTHEND AND THURROCK

**Structural change**

3. The functions of the County Council in relation to Southend and Thurrock (other than functions under Chapter II of Part II of the 1990 Act in respect of Thurrock) shall, subject to the following provisions of this Part and to any other relevant provision, be transferred to the transferee authorities.

**Fire services**

4.—(1) In this article —

“the 1947 Act” means the Fire Services Act 1947;(1) and

“the relevant area” means the area comprising Essex (as constituted on and after the reorganisation date) and the areas of the transferee authorities.

(2) The area of each transferee authority 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 Essex”; 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 Essex”.

(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,”.

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

## Planning functions

5.—(1) Any structure plan applying immediately before the reorganisation date to Essex, excluding the area of Thurrock, and any proposals prepared before that date for the alteration or replacement of such a plan shall be treated as if they had been prepared jointly by the County Council and the Southend Council; and section 50 of the 1990 Act<sup>(2)</sup> shall apply accordingly.

(2) In relation to the Southend Council —

- (a) section 36(5) of the 1990 Act<sup>(3)</sup> (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.”.

(3) Thurrock Council shall be treated as an authority to whose area Chapter I of Part II of the 1990 Act (“Chapter I”) (unitary plans) applies, instead of Chapter II of that Part (structure and local plans).

(4) For the purposes of paragraph (3) above, Thurrock shall be treated as if it were the area of a local planning authority in a metropolitan county and references in Chapter I to the local planning authority shall be construed accordingly.

(5) The 1990 Act shall have effect in relation to Thurrock as if —

- (a) in section 27 (meaning of “development plan” in Greater London and metropolitan counties), for the words “any district in Greater London or a metropolitan county (whether the whole or part of the area of a local planning authority)” there were substituted the words “the district of Thurrock (whether the whole or part of the area of that district)”; and
- (b) section 28 (commencement of Chapter I: transitional provisions) did not apply.

(6) Until a unitary development plan becomes operative for the area of Thurrock (or where parts of such a plan become operative on different dates until every part of such a plan has become operative) —

- (a) Part I of Schedule 2 to the 1990 Act (which provides for existing development plans to continue in force) shall apply to that area; and
- (b) Part III of that Schedule shall apply to it for the purposes of making continuing provision for the transitional matters for which provision was made immediately before the commencement of the 1990 Act by Schedule 7 to the Town and Country Planning Act 1971 (old development plans, etc);<sup>(4)</sup>

and Part I of Schedule 2 shall have effect in relation to Thurrock as if the reference in paragraph 1(1) to the commencement of the 1990 Act were a reference to the coming into force of this article.

## Constitution of new counties of Southend-on-Sea and Thurrock

6.—(1) Southend and Thurrock shall cease to form part of Essex.

(2) A new county shall be constituted comprising the area of Southend and shall be named the county of Southend-on-Sea.

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<sup>(2)</sup> Section 50 of the 1990 Act was amended by paragraph 24 of Schedule 4 to the Planning and Compensation Act 1991 (c. 34).

<sup>(3)</sup> Sections 36 to 38 of the 1990 Act were substituted by paragraph 17 of Schedule 4 to the Planning and Compensation Act 1991.

<sup>(4)</sup> 1971 c. 78.

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

(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 Southend-on-Sea and Thurrock.