
STATUTORY INSTRUMENTS

1996 No. 1879

The Berkshire (Structural Change) Order 1996

PART II

LOCAL GOVERNMENT REORGANISATION IN BERKSHIRE

Structural change

3. The County Council shall be wound up and dissolved and the functions of that council in relation to each Berkshire district shall, subject to the following provisions of this Part and to any other relevant provision, be transferred to the council of that district.

Fire services

4.—(1) Each Berkshire district shall, subject to any combination scheme under the Fire Services Act 1947⁽¹⁾ (“the 1947 Act”), 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 Berkshire 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 Berkshire, 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 Berkshire”; 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 Berkshire”.

(3) Section 10 of the 1947 Act shall have effect, in relation to Berkshire, 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 Berkshire 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 Berkshire district councils; and section 50 of the Town and Country Planning Act 1990⁽²⁾ (“the 1990 Act”) shall apply accordingly.

(2) In relation to a Berkshire district 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;

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

⁽²⁾ 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.

- (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.”.

Designated authority

6.—(1) The council of the borough of Reading is specified as the designated authority for the purposes of—

- (a) the Local Government Changes for England (Finance) Regulations 1994⁽³⁾; and
- (b) regulation 6(8) and Part III of the Local Government Changes for England (Property Transfer and Transitional Payments) Regulations 1995⁽⁴⁾.

(2) For the purposes of Part V of the Local Government Changes for England (Miscellaneous Provision) Regulations 1996 (miscellaneous employment matters)⁽⁵⁾, the designated authority in respect of an eligible person (within the meaning of that Part) formerly employed by the County Council shall be the council of the district of Newbury.

Superannuation fund

7. The superannuation fund maintained by the County Council by virtue of regulations made under section 7 of the Superannuation Act 1972 (local government superannuation)⁽⁶⁾, together with all rights and liabilities in respect of the fund, shall vest in the council of the Royal Borough of Windsor and Maidenhead.

Berkshire Act 1986

8.—(1) On and after the reorganisation date the Berkshire Act 1986⁽⁷⁾ shall have effect subject to the modification in paragraph (2) below, and to such other modifications as are necessary for the purpose of securing the full and effective application of the Act.

(2) Section 14(3)(c)(ii) shall have effect as if for the words from “the highway authority” (where first occurring) to the end of the paragraph there were substituted the words “and the highway authority (if any) for the street in question, if the district council are not the highway authority”.

(3) S.I.1994/2825.

(4) S.I. 1995/402.

(5) S.I. 1996/330.

(6) 1972 c. 11. The current regulations are in S.I. 1995/1019, amended by S.I. 1995/2249.

(7) 1986 c.ii.