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## SCHEDULES

### SCHEDULE 3

#### ESTABLISHMENT OF NEW AUTHORITIES IN ENGLAND

##### *Division of non-metropolitan counties into districts*

- 1 (1) The English Commission shall as soon as practicable after the passing of this Act make proposals to the Secretary of State for the division of non-metropolitan counties into districts, for defining the areas of those districts and for naming them, and the Secretary of State may give the Commission directions for their guidance in making any such proposals.
- (2) The Secretary of State shall by order give effect to any proposals under this paragraph either as submitted to him or with modifications, but an order shall not be made under this paragraph defining the areas of non-metropolitan districts unless a draft of the order has been approved by resolution of each House of Parliament.
- (3) An order under this paragraph shall, notwithstanding that it applies only to one or some of the non-metropolitan counties, proceed in Parliament as if its provisions would, apart from this paragraph, require to be enacted by a public Bill.

##### *County and district councillors*

2 F1 .....

#### **Textual Amendments**

**F1** Sch. 3 para. 2 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

- 3 (1) For the purpose of any election of such councillors before the relevant year of election each county or district shall be divided into such electoral areas as may be specified in an order made by the Secretary of State after carrying out either before or after the passing of this Act such consultations as he thinks appropriate.
- (2) An order under this paragraph for any area shall specify the number of councillors to be returned for each electoral area and there shall be a separate election of councillors for each electoral area; and section 6(2)(a) above shall not apply to any such election.
- (3) An order under this paragraph may contain such incidental, consequential, transitional or supplementary provision as may appear to the Secretary of State to be necessary or proper.

4 F2 .....

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**Textual Amendments**

**F2** Sch. 3 para. 4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

*First elections and meetings of new councils*

5 **F3** .....

**Textual Amendments**

**F3** Sch. 3 paras. 4 - 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

6 **F4** .....

**Textual Amendments**

**F4** Sch. 3 paras. 4 - 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

7 **F5** .....

**Textual Amendments**

**F5** Sch. 3 paras. 4 - 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

8 **F6** .....

**Textual Amendments**

**F6** Sch. 3 paras. 4 - 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

9 **F7** .....

**Textual Amendments**

**F7** Sch. 3 paras. 4 - 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

*Parish councillors*

10 (1) Until provision is made to the contrary under Part I [<sup>F8</sup> of this Act, Part II of the Local Government Act 1992 or Part II of the Local Government and Rating Act 1997]—

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- (a) the number of councillors for a parish which immediately before the passing of this Act was a borough included in a rural district, not being a borough divided into wards, shall be the same as the number of councillors for that borough;
  - (b) where any such borough was immediately before the passing of this Act divided into wards for the purpose of elections to the council of the borough, the parish shall be divided into those wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be the same as the number to be elected for the corresponding ward of the borough;
  - (c) the number of councillors for a parish which immediately before the passing of this Act was co-extensive with a rural district which is not divided into wards shall be the same as the number of councillors for that rural district; and
  - (d) where a rural district which is co-extensive with a parish was immediately before the passing of this Act divided into wards for the purpose of elections to the council of the rural district, the parish shall be divided into those wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be the same as the number to be elected for the corresponding ward of the rural district.
- (2) Until provision is made to the contrary under Part I [<sup>F8</sup> of this Act, Part II of the Local Government Act 1992 or Part II of the Local Government and Rating Act 1997], the provisions of this sub-paragraph shall have effect with respect to the number of councillors for a parish constituted under Part V of Schedule 1 above and having an area co-extensive with that of an existing borough or urban district, that is to say—
- (a) if the area of the parish is co-extensive with that of a borough not divided into wards, the number of councillors for the parish shall be the same as the total number of councillors and aldermen for the borough;
  - (b) if the area of the parish is co-extensive with that of a borough which is divided into wards, the parish shall be divided into the same wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be four-thirds of the number of councillors for the corresponding ward of the borough;
  - (c) if the area of the parish is co-extensive with that of an urban district not divided into wards, the number of councillors for the parish shall be the same as the number of councillors for the urban district;
  - (d) if the area of the parish is co-extensive with that of an urban district which is divided into wards, the parish shall be divided into the same wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be the same as the number of councillors for the corresponding ward of the urban district;
- and the numbers referred to in paragraphs (a) to (d) above shall be determined by reference to the electoral arrangements in the borough or urban district at the date on which the parish is constituted.
- (3) In the case of a parish constituted under Part V of Schedule 1 above and having an area co-extensive with part only of an existing borough or urban district, the Secretary of State shall by order make such provision with respect to—
- (a) the number of councillors for the parish as a whole,
  - (b) the division of the parish into wards, and

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(c) if the parish is so divided, the number of councillors for each ward, as appears to him to correspond, in relation to the part of the existing borough or urban district concerned, to the provision made by paragraphs (a) to (d) of sub-paragraph (2) above in the case of a parish the area of which is co-extensive with that of the whole of an existing borough or urban district; and the provision made by any such order shall have effect until provision is made to the contrary under Part I <sup>F8</sup> of this Act, Part II of the Local Government Act 1992 or Part II of the Local Government and Rating Act 1997].

**Textual Amendments**

**F8** Words in [Sch. 3 para. 10\(1\)\(2\)\(3\)](#) substituted (19.5.1997) by [1997 c. 29, ss. 33\(1\), 34\(2\)](#), [Sch. 3 para. 10](#)

*Qualification for membership of local authority*

11 <sup>F9</sup> .....

**Textual Amendments**

**F9** [Sch. 3 para. 11](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {[Sch. 1 Pt. 10 Group 1](#)}

*Suspension of elections*

- 12 (1) No election of councillors of an existing county, borough (other than a London borough or a borough included in a rural district) or urban or rural district other than a rural district which is co-extensive with a parish shall be held after the end of the year 1972 <sup>F10</sup> . . . .
- (2) <sup>F11</sup> .....
- (3) No election of parish councillors shall be held after the end of the year 1972 for any existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to this Act.
- (4) <sup>F12</sup> .....
- (5) <sup>F12</sup> .....
- (6) <sup>F12</sup> .....
- (7) <sup>F12</sup> .....
- (8) Any ordinary election of councillors of a borough included in a rural district or of a rural district which is co-extensive with a parish due (apart from this Act) to take place in May 1973 shall take place on the same day as the ordinary election in that year of councillors for the new district in which the borough or rural district is situated; and any councillor of any such borough or rural district who (apart from this Act) would ordinarily have retired on 20th May 1973 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the day on which the election of councillors takes place in pursuance of this sub-paragraph.

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- (9) The council of a borough included in a rural district shall, as from the date when the persons elected councillors of the borough in pursuance of sub-paragraph (8) above come into office, also be the council of the corresponding parish, and—
- (a) the persons so elected shall also hold office as councillors of the corresponding parish and, in the case of a borough divided into wards, be deemed also to have been elected for the corresponding wards of the parish;
  - (b) <sup>F13</sup> .....
  - (c) <sup>F13</sup> .....
- (10) Without prejudice to the continued operation, until its repeal by this Act, of section 43(3) of the 1933 Act (council of a rural district which is co-extensive with a parish to have the functions of, and to be deemed to be, the parish council) the council of a rural district which is co-extensive with a parish shall, as from the date when the persons elected councillors of the rural district in pursuance of sub-paragraph (8) above come into office, also be the council of the parish, and—
- (a) the persons so elected shall also hold office as councillors of the parish and, in the case of a rural district divided into wards, be deemed also to have been elected for the corresponding wards of the parish;
  - (b) <sup>F14</sup> .....
  - (c) <sup>F14</sup> .....
- (11) <sup>F15</sup> .....
- (12) As respects an existing county or borough (other than a London borough)—
- (a) no ordinary election of aldermen shall be held after the passing of this Act;
  - (b) <sup>F16</sup> .....
  - (c) <sup>F16</sup> .....
- (13) <sup>F17</sup> .....
- (14) The foregoing provisions of this paragraph shall have effect subject to the provisions of paragraphs 13 and 14 below.

#### Textual Amendments

- F10** Words in [Sch. 3 para. 12\(1\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 10 Group 1}
- F11** [Sch. 3 para. 12\(2\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 10 Group 1}
- F12** [Sch. 3 para. 12\(4\)-\(7\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 10 Group 1}
- F13** [Sch. 3 para. 12\(9\)\(b\)\(c\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 10 Group 1}
- F14** [Sch. 3 para. 12\(10\)\(b\)\(c\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 10 Group 1}
- F15** [Sch. 3 para. 12\(11\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 10 Group 1}
- F16** [Sch. 3 para. 12\(12\)\(b\)\(c\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 10 Group 1}

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**F17** Sch. 3 para. 12(13) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

- 13 (1) The provisions of this paragraph shall apply in relation to a parish constituted under Part V of Schedule 1 above and falling within paragraph 10(2) above and also in relation to the borough or urban district the area of which is co-extensive with that of the parish; and, in relation to such a parish,—
  - (a) references in this paragraph to the order are references to the order under the said Part V constituting the parish, and
  - (b) references in this paragraph to the borough or urban district are references to the borough or urban district the area of which is co-extensive with that of the parish.
- (2) As from the date specified in the order, the parish councillors shall be the aldermen and councillors for the time being of the borough or as the case may be, the councillors for the time being of the urban district, and, if the parish is divided into wards in accordance with paragraph 10(2) above—
  - (a) the councillors of the borough or urban district, in their capacity as parish councillors, shall be treated as having been elected for the wards of the parish corresponding to the wards of the borough or urban district for which they were elected; and
  - (b) in the case of a borough, each of the aldermen shall be treated, in his capacity as a parish councillor, as having been elected for such ward of the parish as shall be determined at a meeting of the parish council held within fourteen days after the date specified in the order.
- (3) <sup>F18</sup> .....
- (4) <sup>F18</sup> .....
- (5) <sup>F18</sup> .....
- (6) Where this paragraph applies to a parish, sub-paragraph (12)(c) and (13) of paragraph 12 above shall not apply in relation to the borough or urban district, as the case may be; and in the case of a borough any person appointed to fill a casual vacancy in the office of alderman of the borough shall be treated, in his capacity as a parish councillor, as having been elected for the same ward of the parish as that for which his predecessor as alderman was treated as having been elected by virtue of sub-paragraph (2)(b) above or this sub-paragraph.

**Textual Amendments**

**F18** Sch. 3 para. 13(3)-(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

- 14 In the case of a parish constituted under Part V of Schedule 1 above and falling within paragraph 10(3) above, the Secretary of State shall by order make such provision in relation to the councillors of the parish, the chairman and vice-chairman of the parish council and the aldermen and councillors of the borough, or as the case may be the councillors of the urban district, concerned as appears to him to be appropriate to secure for the parish and that borough or urban district a result corresponding, so far as practicable, with that produced in the case of a parish

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falling within paragraph 10(2) above, by sub-paragraphs (2) to (6) of paragraph 13 above.

*Annual meetings*

15 F19 .....

**Textual Amendments**

**F19** Sch. 3 paras. 15-17 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

16 F20 .....

**Textual Amendments**

**F20** Sch. 3 paras. 15-17 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

17 F21 .....

**Textual Amendments**

**F21** Sch. 3 paras. 15-17 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

*Supplementary*

18 In this Schedule “relevant year of election” means—

- (a) in relation to county councillors, the first ordinary year of election of such councillors occurring after the making of the order constituting the new electoral divisions of the county as the result of the review of county electoral arrangements under Schedule 9 to this Act;
- (b) in relation to district councillors, the first ordinary year of election of such councillors occurring after the making of the order constituting the new wards of the district in consequence of the review of district electoral arrangements under that Schedule.

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