



Local Government (Wales) Act 1994

1994 CHAPTER 19

PART VI

TRANSITIONAL PROVISIONS

59 Existing joint boards and committees and port health districts.

- (1) Where an existing joint board was constituted by or under any enactment for exercising functions for any area (including any united district), the board shall continue in existence on and after 1st April 1996 and to exercise for that area the same functions as before that date (to the exclusion of new principal councils).
- (2) In subsection (1)—
 - “joint board” means a joint board every constituent member of which is a local authority in Wales; and
 - “area” does not include a port health district.
- (3) Subsection (1) does not apply to a joint board constituted for an area which on 1st April 1996 will be wholly within the area of a single new principal council if the board was constituted for the purpose of exercising functions which on and after that date would (apart from the existence of the board) be exercisable by that council.
- (4) Subsection (3) applies whether or not the board has additional functions which, apart from this section, would not be exercisable by the new principal council.
- (5) In a case to which subsection (3) applies—
 - (a) the functions of the board shall on 1st April 1996 become functions of the new principal council; and
 - (b) the joint board shall cease to exist on that date.
- (6) This subsection applies where—
 - (a) a port health district was constituted by an order under any enactment relating to public health; and
 - (b) a local authority or joint board, every constituent member of which is a local authority, is the port health authority for that district.

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- (7) Where subsection (6) applies, the district shall continue to exist as a port health district on and after 1st April 1996.
- (8) Where, on 1st April 1996, a single new principal council will become the riparian authority in relation to a port health district continued in existence by subsection (7)—
 - (a) that authority shall, on that date, become the port health authority for that district; and
 - (b) any existing joint board constituted for that district shall cease to exist.
- (9) Where, on 1st April 1996, two or more new principal councils will become riparian authorities in relation to a port health district continued in existence by subsection (7), the port health authority for the district shall be—
 - (a) the existing port health authority, if that authority is a joint board; and
 - (b) the new principal council whose area comprises or abuts on the greater part of the district, in any other case.
- (10) Any question as to which new principal council’s area comprises or abuts on the greater part of a port health district shall be determined by the Secretary of State.
- (11) This subsection applies to any existing joint committee constituted under any enactment for the purpose of exercising functions for an area which on 1st April 1996 will lie within the areas of two or more new principal councils by whom those functions would apart from this subsection become exercisable on that date.
- (12) A joint committee to which subsection (11) applies—
 - (a) shall continue to exist on and after 1st April 1996 as if duly appointed by or in connection with those new principal councils; and
 - (b) shall exercise those functions for the area for which the committee exercised them before that date.
- (13) Nothing in subsection (12) is to be taken as preventing new principal councils from making different arrangements for the discharge of functions.
- (14) The continuation in existence of any area or body by this section does not prejudice any power conferred by any enactment to amend or revoke the order constituting the area or body or the power to make provision with respect to the body conferred by section 54.
- ^{F1}(15)
- (16) The following provisions shall have effect for the construction of references to a local statutory provision to which section 57 applies—
 - (a) any reference to an existing joint board which ceases to exist by virtue of this section, or any reference which is to be construed as such a reference, shall be construed as a reference to the new principal council by whom the functions of that board will become exercisable by virtue of this section;
 - (b) any reference to a united district or other area the existing joint board for which ceases to exist by virtue of subsection (3), or any reference which is to be construed as such a reference, shall be construed as a reference to so much of the area of the new principal council by whom the functions formerly exercisable by the existing joint board become exercisable on 1st April 1996, as comprises the united district or other area for which the board acted; and
 - (c) any reference to an existing local authority whose functions as port health authority become exercisable on 1st April 1996 by virtue of this section by

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a new principal council, or any reference which is to be construed as such a reference, shall be construed as a reference to that council.

(17) In this section “existing” means existing immediately before 1st April 1996.

(18) This section has effect subject to any provision made by or under this Act.

Textual Amendments

F1 S. 59(15) repealed (1.4.1997) by 1995 c. 25, s. 120, **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

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