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STATUTORY INSTRUMENTS

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**1995 No. 1773**

**The Derbyshire (City of Derby)(Structural Change) Order 1995**

**PART II**

**LOCAL GOVERNMENT REORGANISATION IN DERBYSHIRE**

**Derbyshire Police Authority**

- 4.—(1) In this article, “the 1964 Act” means the Police Act 1964<sup>(1)</sup>.
- (2) For the purposes of the functions to which this article applies—
- (a) sub-paragraph (1) of paragraph 27 of Schedule 1B to the 1964 Act (meaning of “relevant council”)<sup>(2)</sup> shall have effect as from 1st October 1996 as if Derby had ceased to form part of Derbyshire on that date; and
  - (b) accordingly, the appointments which are required to be made to the Derbyshire Police Authority (as established under section 3 of the 1964 Act) (“the Authority”)<sup>(3)</sup> by paragraph 2(2) of that Schedule (appointments of members of police authority by joint committee appointed by relevant councils) shall be made, as soon as practicable after that date, by a joint committee appointed by the County Council and the Derby Council (as relevant councils) in accordance with that provision.
- (3) The functions to which this article applies are—
- (a) on and after the reorganisation date, all functions of the Authority; and
  - (b) before that date (but on and after 1st October 1996), the following functions of the Authority in respect of the financial year beginning on the reorganisation date—
    - (i) functions under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts)<sup>(4)</sup>, and
    - (ii) functions under sections 4A (local policing objectives) and 4B (local policing plans) of the 1964 Act<sup>(5)</sup>.
- (4) For the purposes of the functions referred to in paragraph (3)(b) above—
- (a) section 28(2)(b) of the Police and Magistrates' Courts Act 1994 (approval of decisions about precepts) shall have effect as though the reference to the members of the police authority appointed under paragraph 2 of Schedule 1B to the 1964 Act was a reference to the members so appointed by virtue of paragraph (2) above, and
  - (b) the members of the Authority appointed under paragraph 2 of that Schedule otherwise than by virtue of paragraph (2) above shall not participate in the discharge of those functions.
- (5) In the exercise of its powers, the joint committee referred to in paragraph (2)(b) above—

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(1) 1964 c. 48.

(2) Schedule 1B was inserted by Schedule 2 to the Police and Magistrates' Courts Act 1994 (c. 29) (“the 1994 Act”).

(3) Section 3 was substituted by section 2 of the 1994 Act.

(4) 1992 c. 14; section 39 of that Act was amended by section 27(1) of the 1994 Act.

(5) Sections 4A and 4B were inserted by section 4 of the 1994 Act.

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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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- (a) shall, for the purposes of paragraph 4(1)(b) of Schedule 1B to the 1964 Act, ignore any member of the County Council elected for an electoral division in Derby<sup>(6)</sup>; and
- (b) shall not appoint any such member to the Authority under paragraph 2(2) of Schedule 1B to the 1964 Act.

(6) A member of the Authority who was appointed under paragraph 2 of Schedule 1B to the 1964 Act otherwise than by virtue of paragraph (2) above and who is not subsequently so appointed shall cease to hold office as a member of the Authority on the reorganisation date.

(7) In determining the period of a term of years for the purpose of paragraph 17 of Schedule 1B to the 1964 Act (term of appointment of members of a police authority), any period as a member of the Authority prior to the reorganisation date under an appointment made by virtue of paragraph (2) above shall be disregarded except where the person in question had been a member of the Authority by virtue of an appointment under paragraph 2 of that Schedule prior to his appointment by virtue of paragraph (2) above.

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<sup>(6)</sup> See article 10(2) of this Order.