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STATUTORY INSTRUMENTS

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**1995 No. 493**

**The Avon (Structural Change) Order 1995**

**PART V**

**LOCAL GOVERNMENT REORGANISATION IN AVON**

**Avon and Somerset police authority**

- 12.**—(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) paragraph 27(1) of Schedule 1B to the 1964 Act (meaning of “relevant council”)<sup>(2)</sup> shall have effect as though articles 5 and 6 were in force on 1st October 1995, and
  - (b) accordingly, the appointments which are required to be made to the Avon and Somerset 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 transferee authorities and Somerset County 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 1995), the following functions of the Authority in respect of the financial year beginning on 1st April 1996—
    - (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.

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(1) 1964 c. 48.

(2) Schedule 1B was inserted by section 3(2) of, and 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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(5) 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.

(6) In determining the period of a term of years for the purposes 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.