
STATUTORY INSTRUMENTS

1996 No. 1863

The Cheshire (Boroughs of Halton and Warrington) (Structural Change) Order 1996

PART II

LOCAL GOVERNMENT REORGANISATION IN HALTON AND WARRINGTON

Structural change

3. Subject to the following provisions of this Part and to any other relevant provision, the functions of the County Council in relation to Halton and Warrington (other than functions under Chapter II of Part II of the 1990 Act) shall be transferred to the Halton Council and the Warrington Council respectively.

Planning functions

4.—(1) The Halton Council and the Warrington Council shall each be treated as an authority to whose area Chapter I of Part II of the 1990 Act (“Chapter I”) (unitary development plans) applies, instead of Chapter II of that Part (structure and local plans).

(2) For the purposes of paragraph (1) above, Halton or, as the case may be, Warrington shall be treated as if it were the area of a local planning authority in a metropolitan county and references in Chapter I to the local planning authority shall be construed accordingly.

(3) The 1990 Act shall have effect in relation to Halton and Warrington as if—

- (a) in section 27 (meaning of “development plan” in Greater London and metropolitan counties), for the words “any district in Greater London or a metropolitan county (whether the whole or part of the area of a local planning authority)” there were substituted the words “the district of Halton (whether the whole or part of the area of that district)” or, as the case may be, “the district of Warrington (whether the whole or part of the area of that district)”; and

- (b) section 28 (commencement of Chapter I: transitional provisions) did not apply.

(4) Until a unitary development plan becomes operative for the area of Halton or the area of Warrington (or where parts of such a plan become operative on different dates until every part of such a plan has become operative)—

- (a) Part I of Schedule 2 to the 1990 Act (which provides for existing development plans to continue in force) shall apply to that area; and
- (b) Part III of that Schedule shall apply to it for the purposes of making continuing provision for the transitional matters for which provision was made immediately before the commencement of the 1990 Act by Schedule 7 to the Town and County Planning Act 1971 (old development plans, etc)(1);

(1) 1971 c. 78.

and Part I of Schedule 2 shall have effect in relation to Halton or, as the case may be, Warrington as if the reference in paragraph 1(1) to the commencement of the 1990 Act were a reference to the coming into force of this article.

Fire services

5.—(1) In this article—

“the 1947 Act” means the Fire Services Act 1947⁽²⁾; and

“the relevant area” means the area comprising Cheshire (as constituted on and after the reorganisation date), Halton and Warrington.

(2) Halton and Warrington shall, subject to any combination scheme under the 1947 Act, each become the area of a fire authority for the purposes of that Act.

(3) For the purposes of the making of a combination scheme with respect to the relevant area 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 that area, 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 Cheshire”; 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 Cheshire”.

(4) Section 10 of the 1947 Act shall have effect, in relation to the relevant area, 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.”.

Constitution of new counties of Halton and Warrington

6.—(1) Halton and Warrington shall cease to form part of Cheshire.

(2) A new county shall be constituted comprising the area of Halton and shall be named the county of Halton.

(3) A new county shall be constituted comprising the area of Warrington and shall be named the county of Warrington.

(4) Section 2(1) of the 1972 Act (which provides that every county shall have a council) shall not apply in relation to the counties of Halton and Warrington.

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