
STATUTORY INSTRUMENTS

1996 No. 1867

**The Hereford and Worcester (Structural,
Boundary and Electoral Changes) Order 1996**

PART IV

**LOCAL GOVERNMENT REORGANISATION
IN HEREFORD AND WORCESTER**

Structural change

12. Subject to the following provisions of this Part and to any other relevant provision, the functions of the council of the existing county of Hereford and Worcester in relation to the area of the new district of Herefordshire (other than functions under Chapter II of Part II of the 1990 Act) shall be transferred to the council of that district.

Planning functions

13.—(1) The council of the new district of Herefordshire shall 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, the new district of Herefordshire 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 the new district of Herefordshire 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 Herefordshire (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 the new district of Herefordshire (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 Country Planning Act 1971 (old development plans, etc)(1);

(1) 1971 c. 78.

and Part I of Schedule 2 shall have effect in relation to the new district of Herefordshire 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

14.—(1) In this article—

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

“the relevant area” means the area comprising the new county of Worcestershire and the new district of Herefordshire.

(2) On the reorganisation date, the new district of Herefordshire shall, subject to any combination scheme under the 1947 Act, 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 Hereford and Worcester”, 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 Hereford and Worcester”.

(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,”.

Designated authorities

15.—(1) For the purposes of the Local Government Changes for England (Finance) Regulations 1994⁽³⁾ and regulation 6(8) and Part III of the Local Government Changes for England (Property Transfer and Transitional Payments) Regulations 1995⁽⁴⁾—

(a) the council of the new county of Worcestershire is specified as the designated authority in respect of the council of the existing county of Hereford and Worcester;

(b) the council of the new district of Malvern Hills is specified as the designated authority in respect of the council of the existing district of Malvern Hills; and

(c) the council of the new district of Herefordshire is specified as the designated authority in respect of the council of the existing district of Leominster.

(2) For the purposes of Part V of the Local Government Changes for England (Miscellaneous Provision) Regulations 1996 (miscellaneous employment matters)⁽⁵⁾, the designated authority in respect of an eligible person (within the meaning of that Part) formerly employed by a local authority which is wound up and dissolved by this Order shall be—

(a) in the case of the council of the existing county of Hereford and Worcester, the council of the new county of Worcestershire;

(b) in the case of the council of the existing district of Malvern Hills, the council of the new district of Malvern Hills; and

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

(3) S.I.1994/2825.

(4) S.I.1995/402.

(5) S.I.1996/330.

- (c) in the case of the council of the existing district of Leominster, the council of the new district of Herefordshire.

Superannuation fund

16. The superannuation fund maintained by the council of the existing county of Hereford and Worcester by virtue of regulations made under section 7 of the Superannuation Act 1972 (local government superannuation)(⁽⁶⁾) together with all rights and liabilities in respect of the fund, shall vest in the council of the new county of Worcestershire.

Archives and other records

17.—(1) In this article, “relevant collection” means—

- (a) any collection of archives or other records of general or local interest held as such by the council of the existing county of Hereford and Worcester; or
- (b) any collection of a museum or gallery provided or maintained by that council.

(2) Any property forming part of a relevant collection and relating exclusively to the whole or any part of the area of the new district of Herefordshire, and any rights or liabilities exclusively in respect of any such property, shall vest in the council of that district.

(3) Any property forming part of a relevant collection and relating exclusively to the whole or any part of the area of the new county of Worcestershire, and any rights or liabilities exclusively in respect of any such property, shall vest in the council of that county.

Malvern Hills Conservators

18. In the Malvern Hills Act 1924(⁽⁷⁾), in subsection (2) of section 7 (constitution of Board of Conservators), for the words from “Two persons” (in the place where they first appear) to “Upton-upon-Severn” there shall be substituted the following:

“Two persons to be nominated by the council of the county of Worcestershire;
Two persons to be nominated by the council of the district of Herefordshire;
Eight persons to be nominated from and by the council of the district of Malvern Hills;”

(6) 1972 c. 11. The current regulations are in [S.I.1995/1019](#).

(7) 1924 c.xxxvi. On and after 1st April 1974, section 262 (local Acts and instruments) of the 1972 Act has had effect for the construction of references to councils and areas in section 7(2).