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STATUTORY INSTRUMENTS

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**1996 No. 1868**

**The Lancashire (Boroughs of Blackburn and Blackpool) (Structural Change) Order 1996**

**PART II**

**Local Government Reorganisation in Blackburn and Blackpool**

**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 Blackburn and Blackpool shall be transferred to the Blackburn Council and the Blackpool Council respectively.

**Fire services**

**4.—(1)** In this article—

“the 1947 Act” means the Fire Services Act 1947(1) and

“the relevant area” means the area comprising Lancashire (as constituted on and after the reorganisation date), Blackburn and Blackpool.

(2) Blackburn and Blackpool 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 Lancashire”; 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 Lancashire”.

(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,”.

**Planning functions**

**5.—(1)** The structure plan applying immediately before the reorganisation date to Lancashire, and any proposals prepared before that date for the alteration or replacement of that plan, shall be treated as if they had been prepared jointly by the County Council, the Blackburn Council and the

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(1) 1947 c. 41; section 10 of this Act is amended by paragraph 2 of Schedule 3 to the Local Government Act 1992.

Blackpool Council; and section 50 of the Town and Country Planning Act 1990(2) (“the 1990 Act”) shall apply accordingly.

- (2) In relation to the Blackburn Council or the Blackpool Council—
- (a) section 36(5) of the 1990 Act (which provides that a local plan shall not contain policies in respect of minerals or waste) shall not apply;
  - (b) subsection (1) of section 37 of that Act (minerals local plans) shall have effect as if, after the words “local plan”, there were added the words “or include in their local plan their detailed policies in respect of development consisting of the winning and working of minerals or involving the deposit of mineral waste”; and
  - (c) subsection (2) of section 38 of that Act (waste policies) shall have effect as if, after paragraph (b), there were added the following—
    - “or
    - (b) include their waste policies in their local plan.”

#### **Constitution of new counties of Blackburn and Blackpool**

- 6.—(1) Blackburn and Blackpool shall cease to form part of Lancashire.
- (2) A new county shall be constituted comprising the area of Blackburn and shall be named the county of Blackburn.
- (3) A new county shall be constituted comprising the area of Blackpool and shall be named the county of Blackpool.
- (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 Blackburn and Blackpool.

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(2) 1990 c. 8. In this Act, sections 36 to 38 were substituted by paragraph 17 of Schedule 4 to the Planning and Compensation Act 1991 (c. 34) and section 50 was amended by paragraph 24 of that Schedule.