
STATUTORY INSTRUMENTS

1996 No. 525

LOCAL GOVERNMENT, ENGLAND AND WALES
WALES

**The Local Government Reorganisation (Wales)
(Consequential Amendments) Order 1996**

<i>Made</i>	- - - -	<i>5th March 1996</i>
<i>Laid before Parliament</i>		<i>7th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 47(2), 54(1) and (2)(e), 57(6) and (7) and 58(2)(d) and (e) of the Local Government (Wales) Act 1994⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996 and shall come into force on 1st April 1996.

References to “food authority”

2.—(1) Where any provision in a relevant instrument provides for the exclusion from references to a “food authority” of either a district council or a county council, that exclusion shall, notwithstanding the provisions of section 17(5) of the Local Government (Wales) Act 1994, have no effect in relation to a food authority in Wales.

(2) In paragraph (1) “relevant instrument” means an instrument made prior to the making of this Order, which is made under an Act passed before or in the same Session as the Local Government (Wales) Act 1994.

Other amendments

3. The enactments referred to in the Schedule are hereby amended in the manner indicated therein.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Wales

5th March 1996

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

SCHEDULE

Article 3

PART I: PUBLIC GENERAL ACTS

The Land Compensation Act 1973 (c. 26)

1. In section 19(1) of the Land Compensation Act 1973 (interpretation of Part I), in paragraph (b) of the definition of “the appropriate highway authority”, for “that Act” substitute “either of those Acts”(2).

The Caldey Island Act 1990 (c. 44)

2. In section 4(1)(c) of the Caldey Island Act 1990 (saving for Powers exercisable under section 4 of the Coroners Act 1988), for “4” substitute “4A”(3).

The Social Security Contributions and Benefits Act 1992 (c. 4)

3. In section 171F of the Social Security Contributions and Benefits Act 1992 (incapacity for work: work as councillor to be disregarded), in subsection (2)(a), after “county” insert “or county borough”(4).

The Cardiff Bay Barrage Act 1993 (c. 42)

4.—(1) In section 16(4) of the Cardiff Bay Barrage Act 1993 (byelaws), omit paragraph (b).

(2) In section 20(3) of that Act (the Cardiff Bay Advisory Committee), omit paragraph (a).

(3) In section 33 of that Act (interpretation), at the end add—

“(3) References in this Act to the City of Cardiff and the Borough of the Vale of Glamorgan shall, subject to paragraph 1(3) of Schedule 7, be construed in relation to the exercise of any functions on or after 1st April 1996 as references to the County of Cardiff and the County Borough of the Vale of Glamorgan respectively.

(4) References in this Act to the Cardiff City Council and the Vale of Glamorgan Borough Council shall be construed respectively as references to the new councils established for the areas of Cardiff and the Vale of Glamorgan under the Local Government (Wales) Act 1994.”.

(4) In paragraph 6(3) of Schedule 4 to that Act (correction of deposited plans and book of reference), omit paragraph (b).

(5) In Schedule 7 to that Act (groundwater damage protection)—

(a) in paragraph 1, at the end add—

“(3) References in this Schedule to the City of Cardiff are as references to that local government area as it existed immediately before the passing of this Act.”;

(b) in paragraph 3(3)(a) for “County of South Glamorgan” substitute “County of Cardiff and the County Borough of the Vale of Glamorgan”;

(2) Paragraph (b) of section 19(1) was amended by Schedule 4, paragraph 51, to the Local Government Act 1985 (c. 51).

(3) Section 4A is inserted into the Coroners Act 1988 (c. 13) by paragraph 82(5) of Schedule 16 to the Local Government (Wales) Act 1994.

(4) Section 171F was inserted by section 6 of the Social Security (Incapacity for Work) Act 1994 (c. 18).

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- (c) in paragraph 11(2) for “the district or districts” substitute “any county or county borough” and for the subsequent two references to “district” substitute “county or county borough” in each case;
- (d) in paragraphs 11(3), 23 and 24(1) for each reference to “district” substitute “county or county borough”;
- (e) in paragraph 24(2) omit “district”;
- (f) in paragraph 26 for sub-paragraph (2) substitute—

“(2) Before revising the code of practice referred to in sub-paragraph (1) above the Development Corporation shall submit a draft to the councils for the County of Cardiff and the County Borough of the Vale of Glamorgan and such other bodies as the Development Corporation consider appropriate; and before publishing the revisions the Development Corporation shall consider any observations made by any of those councils or any other body to whom a draft has been sent.”.

PART II: LOCAL ACTS

The Milford Haven Conservancy Act 1983 (c.xix)

5.—(1) In section 5 (6) of the Milford Haven Conservancy Act 1983 (general duties and powers), for “Dyfed” substitute “Pembrokeshire”.

(2) In section 18 of that Act (powers with respect to works and cables)—

- (a) In subsection (8), for “the area of any district” substitute “any principal area”, and for “adjacent district” substitute “adjacent principal area”.
- (b) In subsection (9), for “county of Dyfed and within whichever district is nearer to the site of the proposed works, or in case of dispute, as the council of the said county may determine.” substitute “area of whichever local planning authority is nearest to the site of the proposed works.”.

(3) In the proviso to section 24(2) of that Act (power to raise and remove wrecks), for “districts of South Pembrokeshire and Preseli” substitute “county of Pembrokeshire”.

(4) In paragraph 2 of Schedule 1 to that Act (Milford Haven Conservancy Board), for paragraph (b) substitute—

- “(b) two members shall be appointed after consultation with the Pembrokeshire County Council;”.

The Dyfed Act 1987 (c.xxiv)

6.—(1) In section 4 of the Dyfed Act 1987 (interpretation of Part II), after the definition of “the bridge” insert the following definition—

““the county council” means the Pembrokeshire County Council;”.

(2) In section 14(9) of that Act (revision of tolls)—

- (a) in paragraph (a) omit “and if paragraph (b) applies shall;” and
- (b) omit paragraphs (b) and (c).

(3) In section 31(5)(b) of that Act (prohibition of parking or camping on highway verges etc), for “every district council in whose district the road or land is situated” substitute “the county council”.

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(4) In section 32(3)(c)(ii) of that Act (prohibition of parking of goods vehicles in front gardens), omit “and, if the county council are not the highway authority or if the street is not a highway, the county council”.

(5) In section 44(11) of that Act (touting, hawking, photographing, etc.), for “county council” substitute “Pembrokeshire Coast National Park Authority and references to “local authority” in Part IX shall accordingly be construed as including that Authority.”.

(6) In section 48 of that Act (oil-burning equipment)—

(a) in subsection (5)(a) omit “after consultation with the county council,”;

(b) in subsection (6)(a) omit “and the county council”; and

(c) in subsection (6)(b) for “the district council and the county” substitute “and the”.

PART III:

STATUTORY INSTRUMENTS

The Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1950 S.I.No. 792

7. In regulation 16 of the Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1950 (deposit of information with local authorities), insert “(1)” at the beginning and at the end add—

“(2) In relation to land in Wales the local authority with whom a record of the removal is required to be deposited under paragraph (1) shall be the council of the county or county borough.”

The Town and Country Planning (New Towns in Rural Wales) Special Development Order 1977 S.I. No. 815

8. In article 3(2)(c) of the Town and Country Planning (New Towns in Rural Wales) Special Development Order 1977 (permitted development) and in Article 8(1)(d) and (e) of that Order (consultation before development), for “district” substitute in each case “local”.

The Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (Wales) Order 1980 S.I. No. 1375

9. In article 1 of the Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (Wales) Order 1980 (citation, commencement and interpretation)—

(a) in paragraph (2), in the definition of “the 1980 Act” omit “and the expressions “county”, “district” and “community” mean the area from time to time contained in the relevant county, district and community for the purposes of the 1972 Act”;

(b) at the end add—

“(3) In this order “county” and “district” shall be construed as references to such local government areas as they existed immediately prior to their abolition by the Local Government (Wales) Act 1994.

(4) In this order “community” means the area from time to time contained in the relevant community for the purposes of the 1972 Act.”.

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The Town and Country Planning (Simplified Planning Zones) (Excluded Development) Order 1987 S.I. No. 1849

10. In article 2 of the Town and Country Planning (Simplified Planning Zones) (Excluded Development) Order 1987, in paragraph (1) omit “or Wales” and for paragraph (2) substitute—

“(2) A simplified planning zone scheme shall not have effect in Wales to grant planning permission for development of any of the descriptions which would constitute a county matter in England.”

Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 S.I. No. 193

11.—(1) In regulation 11(8) of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 (fees for applications for consent for advertisements), after “National Park” insert “in England”.

(2) In paragraph 8 of Part I of Schedule 1 to those Regulations (fees in respect of applications), in sub-paragraph (1)(a) after “Greater London” insert “or in Wales”, and in sub-paragraph (2)(a), after “non-metropolitan county” insert “in England”.

The Town and Country Planning (Cardiff Bay Urban Development Area) Special Development Order 1989 S.I. No. 1180

12.—(1) In article 2 of the Town and Country Planning (Cardiff Bay Urban Development Area) Special Development Order 1989 (interpretation), omit the definition of “local planning authority”.

(2) In article 6 of that Order (consultation before development)—

- (a) in paragraph (1) omit sub-paragraphs (e), (f) and (g); and
- (b) omit paragraph (2).

The Planning (Listed Buildings and Conservation Areas) Regulations 1990 S.I. No. 1519

13.—(1) In regulation 7(1) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (applications in national parks), after “National Park” insert “in England”.

(2) In regulation 9(1) of those Regulations (claims for compensation and listed building purchase notices), after “borough” insert “(or served on the council of a county or county borough in Wales)”.

(3) In regulation 13(7) of those Regulations (applications by local planning authorities), after “county” insert “in England”.

(4) In Part II of Schedule 1 to those Regulations (notification on refusal of listed building consent etc)—

- (a) in paragraph (2) immediately prior to “district” insert “(a)”; and
- (b) at the end add—

“Note

- (a) For notifications sent in Wales substitute for the council references: “county or county borough council in which the land is situated”.

The Town and Country Planning (Control of Advertisements) Regulations 1992 S.I. No. 666

14.—(1) In regulation 2 of the Town and Country Planning (Control of Advertisements) Regulations 1992 (interpretation)—

(a) In paragraph (2), for “In these Regulations,” substitute “In the application of these Regulations in England,”; and

(b) After paragraph (2) insert—

“(2A) In the application of these Regulations in Wales “local planning authority” means—

(a) subject to sub-paragraph (b) below, the local planning authority for the area in which the land in question is situated;

(b) for land in the area of any urban development corporation, except in regulation 18, that corporation where it is the local planning authority for the purposes of sections 220 and 224 of the Act.”

(2) In regulation 12(1)(b) of those Regulations (duty to consult), after “National Park” insert “in England”.

The Town and Country Planning General Regulations 1992 S.I. No. 1492

15. In regulation 12(1) of the Town and Country Planning General Regulations 1992 (claims for compensation and purchase notices), after “borough” insert “(or county or county borough in Wales)”.

The Town and Country Planning (Inquiries Procedure) Rules 1992 S.I. No. 2038

16. In rule 21 of the Town and Country Planning (Inquiries Procedure) Rules 1992 (revocation, savings and transitional), at the end add—

“(3) In relation to the continued application of the Town and Country Planning (Inquiries Procedure) Rules 1974 as referred to in paragraph (1), those Rules shall, in relation to Wales, have effect as if for the definition of “local planning authority” in rule 3(1) there was substituted the following definition—

““local planning authority” means the local planning authority who were responsible for dealing with the relevant application;”

The Local Authorities (Charges for Land Searches) Regulations 1994 S.I. No. 1885

17. In regulation 1(2) of the Local Authorities (Charges for Land Searches) Regulations 1994 (citation, commencement and interpretation), after “a county council,” insert “a county borough council.”

The Conservation (Natural Habitats, &c.) Regulations 1994 S.I. No. 2716

18.—(1) In regulation 5(b) of the Conservation (Natural Habitats, &c.) Regulations 1994 (relevant authorities in relation to marine areas and European marine sites), after “a county council,” insert “county borough council.”

(2) In regulation 6(3) of those Regulations (competent authorities generally), in paragraph (b) of the definition of “local authority” for “district” substitute “county borough.”

(3) In regulation 40(7)(a) of those Regulations (exceptions from regulation 39), after “county,” insert “county borough.”

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(4) In regulation 55(6) of those Regulations (planning permission: duty to review), omit “and Wales”.

The Highways (Inquiries Procedure) Rules 1994 S.I. No. 3263

19. In rule 2 of the Highways (Inquiries Procedure) Rules 1994 (interpretation), in the definition of “local authority” after “county council,” insert “county borough council.”

The Town and Country Planning (General Development Procedure) Order 1995 S.I. No. 419

20.—(1) In article 5(1) of the Town and Country Planning (General Development Procedure) Order 1995 (general provisions relating to applications)—

(a) in sub-paragraph (a), after “metropolitan county” insert “or to land in Wales”;

(b) in sub-paragraph (b), after the first “land” insert “in England which is”;

(2) In the Table in article 10(1) of that Order (consultations before the grant of permission)—

(a) in paragraph (a), after “metropolitan county” add “or, in relation to Wales, land in the area of another local planning authority”;

(b) in paragraph (b), after “non-metropolitan county” insert “in England”;

(c) in paragraph (c), after “National Park” insert “in England”.

(3) In article 13 of that Order (notice to parish and community councils)—

(a) in paragraph (1), omit “or community” and after “functions” insert “or the council of a community are given information in relation to an application pursuant to paragraph 2(1) of Schedule 1A to the Act (distribution of local planning authority functions: Wales)”⁽⁵⁾;

(b) in paragraph (3), after “metropolitan county” insert “or Wales”.

(4) In article 25(1) of that Order (register of applications), in sub-paragraphs (a) and (b) after “metropolitan county” insert in each case “or in Wales”;

(5) In Part 2 of Schedule 1 to that Order (notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions), in the final paragraph after “City of London” insert “or County or County Borough Council in Wales”.

EXPLANATORY NOTE

(This note is not part of the Order)

The Local Government (Wales) Act 1994 creates unitary authorities in Wales which will carry out the functions of the former district and county councils as from 1st April 1996.

This Order makes amendments to primary and subordinate legislation (including local legislation) in consequence of this. The amendments update references to the old local government structure in Wales so that they apply to the new structure. The amendments are mainly confined to situations

⁽⁵⁾ Schedule 1A is inserted into the Town and Country Planning Act 1990 (c. 8) by Schedule 4 to the Local Government (Wales) Act 1994.

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where the general provision contained in section 17 of the 1994 Act (references to the old structure to be construed as references to the new structure) will not apply.