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STATUTORY INSTRUMENTS

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**1995 No. 610**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The North Yorkshire (District of York)  
(Structural and Boundary Changes) Order 1995**

<i>Made</i>	- - - -	<i>7th March 1995</i>
<i>Coming into force</i>		
<i>For the purposes of articles 3, 6 to 9, 11, 13(1), (3) and (4) and 15 to 18</i>		<i>8th March 1995</i>
<i>For all other purposes</i>		<i>1st April 1996</i>

Whereas the Local Government Commission for England, acting pursuant to section 15(4) of the Local Government Act 1992<sup>(1)</sup>, has submitted to the Secretary of State a report on its review of the county of North Yorkshire together with its recommendations:

And whereas the Secretary of State has decided to give effect, with modifications, to the recommendations in respect of an area to be constituted as the district of York:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 17, 18(3)(a) and 26 of the Local Government Act 1992, and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has been laid before, and approved by a resolution of, each House of Parliament:

**PART I  
GENERAL**

**Citation and commencement**

**1.** This Order may be cited as the North Yorkshire (District of York) (Structural and Boundary Changes) Order 1995 and shall come into force for the purposes of articles 3, 6 to 9, 11, 13(1), (3) and (4) and 15 to 18 on the day after the day on which it is made and for all other purposes on 1st April 1996.

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(1) 1992 c. 19.

## Interpretation

### 2. In this Order—

“the Act” means the Local Government Act 1992;

“the 1972 Act” means the Local Government Act 1972<sup>(2)</sup>;

“existing”, in relation to an area or an authority, means that area or authority as it exists on the date this Order is made;

“North Yorkshire” means the non-metropolitan county of North Yorkshire and “the County Council” means the council of that county;

“the preliminary period” means the period beginning with 8th May 1995 and ending immediately before the reorganisation date;

“relevant provision” means a provision in any subordinate legislation made under the Act or made, in connection with the Act or such provision, under any other enactment;

“the reorganisation date” means 1st April 1996; and

“subordinate legislation” has the same meaning as in section 21 of the Interpretation Act 1978<sup>(3)</sup>.

## PART II

### THE NEW DISTRICT AND COUNTY OF YORK

#### Constitution of new district of York

3. A new district of York shall be constituted and shall comprise the existing local government areas shown in column (2) of the following Table—

TABLE

(1)	(2)
	The city of York <sup>(4)</sup>
The borough of Harrogate	The parishes of Hessay, Nether Poppleton, Rufforth and Upper Poppleton
The district of Ryedale	The parishes of Clifton Without, Earswick, Haxby, Heworth Without, Holtby, Huntington, Murton, New Earswick, Osbaldwick, Rawcliffe, Skelton, Stockton-on-the-Forest, Strensall, Towthorpe and Wigginton
The district of Selby	The parishes of Acaster Malbis, Askham Bryan, Askham Richard, Bishopthorpe, Copmanthorpe, Deighton, Dunnington, Elvington, Fulford, Heslington, Kexby, Naburn and Wheldrake

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(2) 1972 c. 70.

(3) 1978 c. 30.

(4) The existing non-metropolitan district of York has the status of a city.

### **Constitution of new county of York**

4.—(1) A new county of York shall be constituted and shall comprise the existing local government areas shown in column (2) of the Table in article 3.

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

### **Existing local government areas**

5.—(1) The new district of York shall cease to form part of North Yorkshire.

(2) The existing city of York shall be abolished and the council of that city shall be wound up and dissolved.

(3) The parishes shown in column (2) of the Table in article 3 shall cease to form part of the corresponding district shown in column (1) of that Table.

## **PART III**

### **ELECTORAL ARRANGEMENTS**

#### **Electoral areas in York**

6.—(1) The new district of York shall be divided into 29 wards which shall bear the names set out in column (1) of Schedule 1.

(2) The wards shall comprise the areas respectively described (by reference to existing wards of the city of York<sup>(5)</sup> or, as the case may be, parishes shown in the Table in article 3) in column (2) of that Schedule and the number of councillors to be elected for each ward shall be the number specified in respect of the ward in column (3) of that Schedule.

#### **Election of councillors in York**

7.—(1) The ordinary election of councillors of the council of the new district of York (“the York Council”) shall be held in 1995 and every fourth year after 1995.

(2) The term of office of every such councillor shall be four years.

(3) The councillors elected at the ordinary election in 1995 shall come into office on the fourth day after that election.

(4) On the fourth day after an ordinary election after 1995—

- (a) the persons who were councillors immediately before the election shall retire; and
- (b) the newly elected councillors shall come into office.

#### **First elections in York**

8.—(1) At the ordinary election of councillors of the York Council in 1995, the returning officer shall be the returning officer appointed under section 35 of the Representation of the People Act 1983<sup>(6)</sup> (“the 1983 Act”) by the council of the existing city of York.

(2) Section 36(4) of the 1983 Act (payment of election expenses) shall not apply to that election.

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<sup>(5)</sup> For the limits of the existing wards of the city of York, see the City of York (Electoral Arrangements) Order 1976 (S.I. 1976/1968).

<sup>(6)</sup> 1983 c. 2.

(3) All expenditure properly incurred by the returning officer in relation to the holding of that election shall be paid in the first instance by the council of the existing city of York and shall be defrayed by that council and the councils of the borough of Harrogate and the districts of Ryedale and Selby in such proportions as may be agreed between them or, failing such agreement, as may be determined by the Secretary of State.

(4) In relation to that election “the appropriate officer”, in Parts II and III of the 1983 Act does not have the meaning given by section 67(7) of that Act but means the returning officer for that election.

### **Suspension of elections and retirement of councillors**

9.—(1) The ordinary election of councillors in 1995 for any ward described in Schedule 2 shall not take place; and any councillor for such a ward holding office immediately before 8th May 1995 who would, but for this paragraph, have retired on that date shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until the reorganisation date.

(2) The councillor for the Upper Poppleton ward of the borough of Harrogate who would, but for this paragraph, have retired on 6th May 1996 shall, unless he resigns his office or it otherwise becomes vacant, retire on the reorganisation date.

(3) The electoral divisions of North Yorkshire described in Schedule 3 shall cease to be electoral divisions on the reorganisation date; and any person holding office, immediately before that date, as a councillor for such a division shall retire on that date.

(4) Section 89 of the 1972 Act (filling of casual vacancies in case of councillors) shall have effect, in relation to a casual vacancy occurring in the office of councillor for any relevant electoral area, as if the reference in subsection (3) of that section to the day on which the councillor whose office is vacant would regularly have retired were a reference to the reorganisation date; and, for this purpose, “relevant electoral area” means a ward described in Schedule 2, the Upper Poppleton ward of the borough of Harrogate or an electoral division described in Schedule 3.

## **PART IV**

### **LOCAL GOVERNMENT REORGANISATION IN NORTH YORKSHIRE**

#### **Structural change**

10. The functions of the County Council in relation to the new district of York shall, subject to the following provisions of this Part and to any other relevant provision, be transferred to the York Council.

#### **North Yorkshire Police Authority**

11.—(1) In this article, “the 1964 Act” means the Police Act 1964(7).

(2) For the purposes of the functions to which this article applies—

(a) sub-paragraph (1) of paragraph 27 of Schedule 1B to the 1964 Act (meaning of “relevant council”)(8) shall have effect as from 1st October 1995 as if—

- (i) the new district of York had ceased to form part of North Yorkshire on that date, and
- (ii) any existing district council for an area wholly or partly within the new district of York were, in relation to the North Yorkshire Police Authority (as established

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(7) 1964 c. 48.

(8) 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”).

- under section 3 of the 1964 Act) (“the Authority”)(**9**), not a council falling within paragraph (b) of that sub-paragraph; and
- (b) accordingly, the appointments which are required to be made to the Authority 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 County Council and the York 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 the reorganisation date—
- (i) functions under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts)(**10**), and
- (ii) functions under sections 4A (local policing objectives) and 4B (local policing plans) of the 1964 Act(**11**).
- (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.
- (5) In the exercise of its powers, the joint committee referred to in paragraph (2)(b) above—
- (a) shall, for the purposes of paragraph 4(1)(b) of Schedule 1B to the 1964 Act, ignore any member of the County Council elected for an electoral division described in Schedule 3; and
- (b) shall not appoint any such member to the Authority under paragraph 2(2) of Schedule 1B to the 1964 Act.
- (6) 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.
- (7) In determining the period of a term of years for the purpose 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.

#### **Amendment of Schedule 1A to the Police Act 1964**

**12.** Schedule 1A to the Police Act 1964(**12**) shall be amended by inserting after the words “The county of North Yorkshire” in the right-hand column opposite the name of the North Yorkshire police area the words “and the non-metropolitan district of York”.

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(9) Section 3 was substituted by section 2 of the 1994 Act.

(10) 1992 c. 14.; section 39 of that Act was amended by section 27(1) of the 1994 Act.

(11) Sections 4A and 4B were inserted by section 4 of the 1994 Act.

(12) Schedule 1A was inserted by Schedule 1 to the 1994 Act.

## Fire services

13.—(1) In this article—

“the 1947 Act” means the Fire Services Act 1947<sup>(13)</sup>; and

“the relevant area” means the area comprising North Yorkshire (as constituted on and after the reorganisation date) and the new district of York.

(2) The new district of York 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 North Yorkshire”; 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 North Yorkshire”.

(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

14.—(1) The structure plan applying immediately before the reorganisation date to North Yorkshire 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 and the York Council; and section 50 of the Town and Country Planning Act 1990<sup>(14)</sup> (“the 1990 Act”) shall apply accordingly.

(2) In relation to the York 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

(c) include their waste policies in their local plan.”.

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<sup>(13)</sup> 1947 c. 41; section 10 of this Act is amended by paragraph 2 of Schedule 3 to the Local Government Act 1992.

<sup>(14)</sup> 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.

## PART V

### TRANSITIONAL PROVISION

#### **York Council as shadow authority**

**15.** During the preliminary period—

- (a) the York Council shall not be a local authority for the purposes of the 1972 Act and, in relation to that council, section 2(2) of that Act shall have effect as if the words from “and the council” to the end of that subsection were omitted; and
- (b) the York Council shall be a shadow authority for the purposes of the Local Government Changes for England Regulations 1994<sup>(15)</sup>.

#### **Co-operation and information**

**16.**—(1) The relevant authorities and their officers shall co-operate with each other, and generally exercise their functions, so as to facilitate the implementation of this Order and any other relevant provision.

(2) A relevant authority, other than the York Council, shall furnish that council with all such information relating to the authority or its functions as that council may reasonably request for the purpose of implementing this Order or any other relevant provision.

(3) In this article and article 18, “relevant authority” means the County Council, the York Council and the councils of the borough of Harrogate, the districts of Ryedale and Selby and the city of York.

#### **Preparations for transfer of functions**

**17.**—(1) During the preliminary period, the York Council—

- (a) may take such steps as appear to it to be necessary for the purpose of preparing for the transfer and exercise of functions which will, on and after the reorganisation date, be exercisable by it by virtue of this Order or any other relevant provision;
- (b) shall, in relation to those functions, make such arrangements for organisation and management and such appointments of officers as are necessary to secure the proper performance of those functions on and after the reorganisation date;
- (c) shall, at a meeting of the council, consider a report by the head of its paid service as to whether any such functions could with advantage be discharged in pursuance of arrangements made under section 101 of the 1972 Act (arrangements for discharge of functions) or under any other enactment; and
- (d) if of that opinion, shall promote the making of such arrangements.

(2) In paragraph (1) above, the reference to the head of a council’s paid service is a reference to the officer designated as such under section 4(1) of the Local Government and Housing Act 1989<sup>(16)</sup>; and nothing in section 101 of the 1972 Act shall apply to the duty imposed by virtue of sub-paragraph (b) of that paragraph.

#### **Activities preliminary to the exercise of functions**

**18.** Where, during the preliminary period, a relevant authority (other than the York Council) is required by virtue of any enactment to prepare any budgets or plans, or to consult any person, for purposes connected with the exercise, on and after the reorganisation date, of any functions in

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<sup>(15)</sup> S.I. 1994/867; see, in particular, Part 3 of the Regulations.

<sup>(16)</sup> 1989 c. 42.

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relation to any part of the new district of York which, on and after that date, are exercisable by the York Council, the requirement in question shall, subject to any other relevant provision, cease to have effect during that period in relation to that authority; and any such requirement shall instead have effect, during that period and for those purposes, in relation to the York Council.

Signed by authority of the Secretary of State

7th March 1995

*Robert Jones*  
Parliamentary Under Secretary of State,  
Department of the Environment



## SCHEDULE 1

Article 6

WARDS OF NEW DISTRICT OF YORK: NAMES,  
AREAS AND NUMBERS OF COUNCILLORS

(1) Name of ward	(2) Description of area of ward	(3) Number of councillors
Acomb	Acomb ward	2
Beckfield	Beckfield ward	2
Bishophill	Bishophill ward	2
Bootham	Bootham ward	2
Clifton	Clifton ward	2
Fishergate	Fishergate ward	2
Foxwood	Foxwood ward	3
Guildhall	Guildhall ward	2
Heworth	Heworth ward	2
Holgate	Holgate ward	2
Knavesmire	Knavesmire ward	2
Micklegate	Micklegate ward	2
Monk	Monk ward	2
Walmgate	Walmgate ward	2
Westfield	Westfield ward	2
Copmanthorpe	The parishes of Acaster Malbis, Bishophthorpe and Copmanthorpe	2
Upper Poppleton	The parishes of Askham Bryan, Askham Richard, Hessay, Nether Poppleton, Rufforth and Upper Poppleton	2
Clifton Without	The parish of Clifton Without	1
Rawcliffe and Skelton	The parishes of Rawcliffe and Skelton	2
Wigginton	The parish of Wigginton	1
Haxby	The parish of Haxby	3
Huntington and New Earswick	The parishes of Huntington and New Earswick	3
Strensall	The parishes of Earswick, Holtby, Murton, Stockton- on-the-Forest, Strensall and Towthorpe	2
Heworth Without	The parish of Heworth Without	1

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(1) Name of ward	(2) Description of area of ward	(3) Number of councillors
Osbalwick	The parish of Osbalwick	1
Dunnington and Kexby	The parishes of Dunnington and Kexby	1
Heslington	The parish of Heslington	1
Wheldrake	The parishes of Deighton, Elvington, Naburn and Wheldrake	1
Fulford	The parish of Fulford	1

## SCHEDULE 2

Article 9(1)

### SUSPENSION OF 1995 ELECTIONS IN CERTAIN WARDS

In the city of York: all wards.

In the district of Ryedale: the wards of Clifton Without, Haxby North East, Haxby West, Huntington North, Huntington South, New Earswick, Osbalwick and Heworth, Rawcliffe, Skelton, Strensall and Wigginton.

In the district of Selby: the wards of Bishopthorpe, Copmanthorpe, Dunnington, Fulford, Heslington and Wheldrake with Elvington.

## SCHEDULE 3

Article 9(3)

### ELECTORAL DIVISIONS OF NORTH YORKSHIRE

Acomb, Beckfield, Bishophill, Bishopthorpe with Copmanthorpe, Bootham, Clifton, Dunnington, Fishergate, Foxwood, Guildhall, Haxby/Strensall, Haxby/Wigginton, Heworth, Holgate, Huntington South, Knavesmire, Micklegate, Monk, Osbalwick/Heworth, Rawcliffe, Walmgate and Westfield.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order gives effect to recommendations by the Local Government Commission for England in respect of the county of North Yorkshire insofar as they relate to the structure of local government in an area centred on the existing city of York.

Articles 3 and 4 provide for the constitution of a new district and county of York comprising the area of the city of York and certain surrounding parishes. The map forming part of this Note shows the boundary of the new district.

Article 5 provides for the new district of York to cease to form part of the county of North Yorkshire on 1st April 1996 and for the abolition, on that date, of the existing city of York and its council.

Articles 6 and 7 and Schedule 1 make provision for the election of councillors to the council of the new district of York in 1995 and subsequent years. Article 8 makes special provision for the first election in 1995.

Article 9 and Schedules 2 and 3 make provision for the suspension of elections in 1995 in existing wards which are also comprised in the new district of York and the retirement, on 1st April 1996, of existing county and district councillors elected for areas included in the new district of York.

Article 10 effects the structural change by providing for the transfer, on 1st April 1996, of the functions of the North Yorkshire County Council in relation to the new district of York to the council of that district.

Articles 11 and 12 make provision in respect of police services.

Article 13 makes provision for the purposes of subordinate legislation to be made under the Fire Services Act 1947 in respect of fire services.

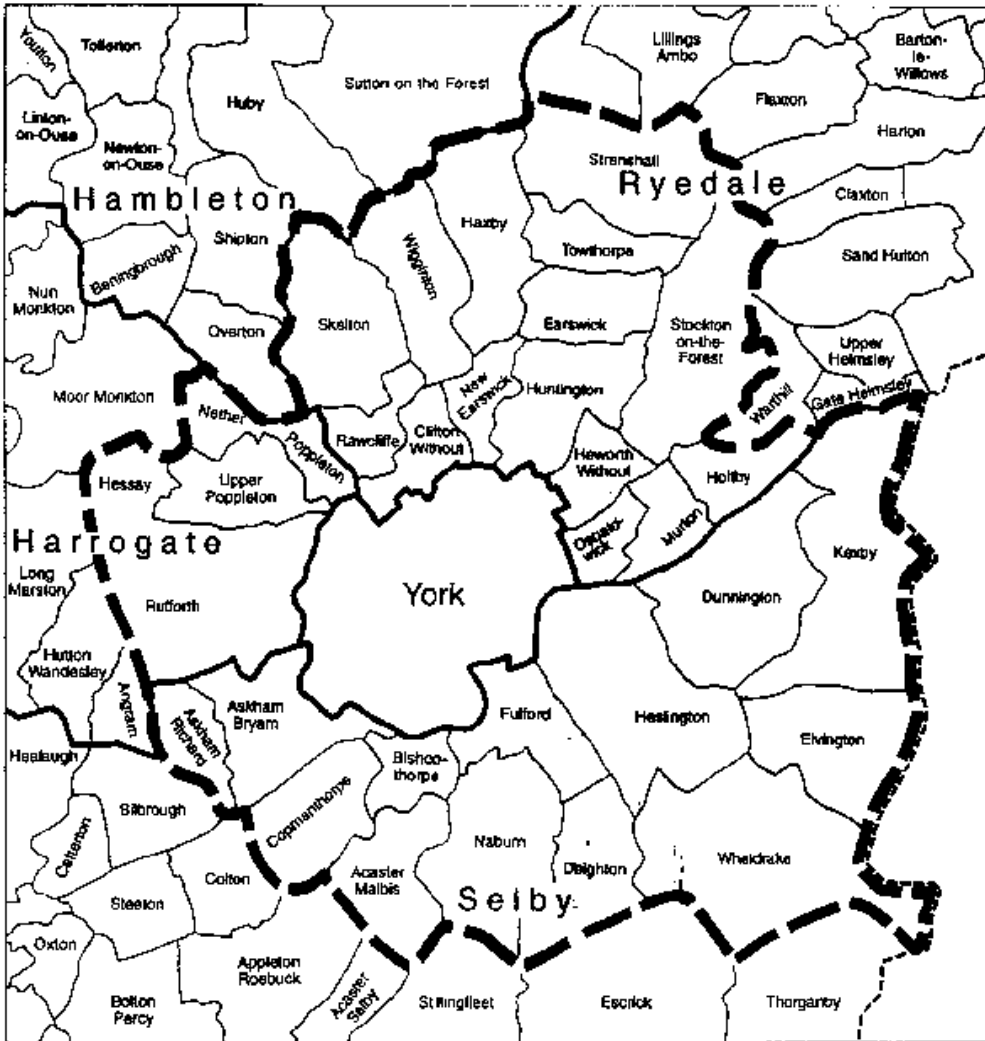
Article 14 makes provision in relation to the North Yorkshire structure plan and to enable the local plan prepared by the council of the new district of York under the Town and Country Planning Act 1990 to contain minerals and waste policies.

Articles 15 to 18 make provision with respect to preparations for implementation of the reorganisation affecting the new district of York.

Proposed Boundary of New District of York  
Proposed Boundary of New District of York

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### Proposed Boundary of New District of York



- Proposed Boundary  
(following existing parish boundaries) —————
- Existing County Boundary - - - - -
- Existing District Boundary \_\_\_\_\_