
STATUTORY INSTRUMENTS

1995 No. 610

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

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⁽¹⁾.

(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”)⁽²⁾ 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 under section 3 of the 1964 Act) (“the Authority”)⁽³⁾, 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)⁽⁴⁾, and

(1) 1964 c. 48.

(2) 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”).

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

(4) 1992 c. 14.; section 39 of that Act was amended by section 27(1) of the 1994 Act.

- (ii) functions under sections 4A (local policing objectives) and 4B (local policing plans) of the 1964 Act⁽⁵⁾.
- (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⁽⁶⁾ 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”.

Fire services

- 13.—(1) In this article—
- “the 1947 Act” means the Fire Services Act 1947⁽⁷⁾; 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—

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

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

(7) 1947 c. 41; section 10 of this Act is amended by paragraph 2 of Schedule 3 to the Local Government Act 1992.

- (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⁽⁸⁾ (“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.”.

⁽⁸⁾ 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.