STATUTORY INSTRUMENTS

1981 No. 1628

LOCAL GOVERNMENT, ENGLAND AND WALES

CHANGES IN LOCAL GOVERNMENT AREAS

The Braintree (Parishes) Order 1981

Made - - - -	*12th November* 1981
Coming into Operation—	
for the purposes described in article 2 -	*1st January* 1982
for all other purposes -	*1st April* 1982

Whereas the District Council of Braintree, under section 48(8) of the Local Government Act 1972(a), made recommendations to the Local Government Boundary Commission for England for proposals for the constitution of three new parishes in the area of the former urban district of Witham;

And whereas the said Commission, under sections 47 and 51(1) of the said Act, on 20th November 1980, made such proposals to the Secretary of State for the Environment:

Now therefore the Secretary of State for the Environment, in exercise of his powers under sections 51(2) and 67(4) and (5) of the said Act and of all other powers enabling him in that behalf, hereby makes the following order:—

Title and commencement

1. This order may be cited as the Braintree (Parishes) Order 1981.

2. 1st January 1982 is hereby specified as the day on which this order shall come into operation for any purposes set out in regulation 4(1) (Coming into operation of order) of the Regulations.

For all other purposes this order shall come into operation on the appointed day.

Interpretation

3. In this order—

"the appointed day" means 1st April 1982;

"the district" means the District of Braintree, and "the district council" means the council of the district;

"new parish" means a parish constituted by this order;

"new parish council" means a parish council established by this order;

"new parish ward" means a parish ward formed by this order;

(a) 1972 c. 70.

"the Regulations" means the Local Government Area Changes Regulations 1976(a) as amended by the Local Government Area Changes (Amendment) Regulations 1978(b); and

"the Schedule" means the schedule to this order.

The boundary map

4. In this order, "the boundary map" means the map printed for Her Majesty's Stationery Office by Ordnance Survey as "Map referred to in the Braintree (Parishes) Order 1981". The sheets of the boundary map are respectively marked with the numbers 1 to 6.

Changes in areas

5. Three new parishes to be known by the names specified in column (1) of the Schedule shall be constituted in the area of the former urban district of Witham, such parishes consisting of the areas shown by continuous red lines on the boundary map and remaining or forming part of the electoral divisions of the County of Essex and wards of the district specified in respect thereof or of the wards thereof in columns (4) and (5), of the Witham petty sessional division and of the Essex No 1 coroner's district.

Parish councils

6.—(1) There shall be a parish council for each new parish.

(2) The new parish of Witham shall be divided into the parish wards named in respect thereof in column (2) of the Schedule, such wards consisting of the areas shown by broken red lines on the boundary map.

(3) The number of parish councillors for each new parish not divided into parish wards and for each new parish ward shall be that shown in respect of the parish or parish ward in column (3) of the Schedule.

(4) Parish councillors of the new parishes shall be elected on such day before the appointed day as the returning officer shall appoint and the parish council election rules for the time being in force shall apply to the said elections with any necessary modifications.

(5) The persons elected as councillors as the result of the said elections shall come into office on the appointed day and shall retire on the fourth day after the ordinary day of election of councillors in 1987.

(6) The annual meeting of each new parish council for 1982 shall be held in April 1982 and shall be convened by the officer appointed for that purpose by the district council.

Parish meetings

7.—(1) The first assembly of the parish meeting for any new parish shall be convened by the officer appointed for that purpose by the district council.

(2) At any such first assembly held before the annual meeting of the parish council of the parish the parish meeting may appoint a person to take the chair, and that person shall have, for the purposes of that meeting, the powers and authority of the chairman.

(a) S.I. 1976/246. (b) S.I. 1978/247.

Expenses of new parish councils

8. In the year beginning on the appointed day the district council shall levy rates in each new parish named in column (1) of the following table and make payments to the new parish council as if the new parish council had issued a precept to the district council requiring the payment of a sum equal to the product of a rate of the amount in the pound, calculated on the total rateable value as set out in the valuation list on the appointed day, specified in respect of the parish in column (2).

TABLE

(1)	(2)
Parish of Rivenhall	0·6p
Parish of Silver End	0·4p
Parish of Witham	0·2p

Statutory definitions of areas

9. In any application of paragraph (1) (certain definitions of areas) of Regulation 40 of the Regulations to a reference to the area of the former urban district of Witham, the following provision, namely—

"For any reference to the area of the former urban district of Witham there shall be substituted a reference to the Parishes of Rivenhall, Silver End and Witham"

shall have effect in place of sub-paragraph (*b*).

SCHEDULE

(1) Name of new parish	(2) Parish ward	(3) Number of parish councillors	(4) County electoral division	(5) District ward
Rivenhall	—	7	Witham Northern	Witham Silver End and Rivenhall
Silver End	—	13		
Witham	Central	2	Witham Northern	Witham Central
	Chipping Hill	3	Witham Northern	Witham Chipping Hill
	North	4	Witham Northern	Witham North
	South	4	Witham Southern	Witham South
	West	3	Witham Southern	Witham West

Signed by authority of
the Secretary of State
12th November 1981.

D. Gruffydd Jones,
An Under Secretary
in the Department of the
Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order constitutes three new parishes in the area of the former urban district of Witham in the District of Braintree.

The map forming part of this note (page 5) shows the new parishes. The map also incorporates a grid identifying the sheets of the boundary map referred to in article 4 of the order.

The approximate area, population and rateable value of the new parishes will be—

Parish	*Area—Hectares*	*Population*	*Rateable value—£*
Rivenhall	855	850	£108,000
Silver End	502	3,000	£398,000
Witham	1,608	22,100	£3,694,000

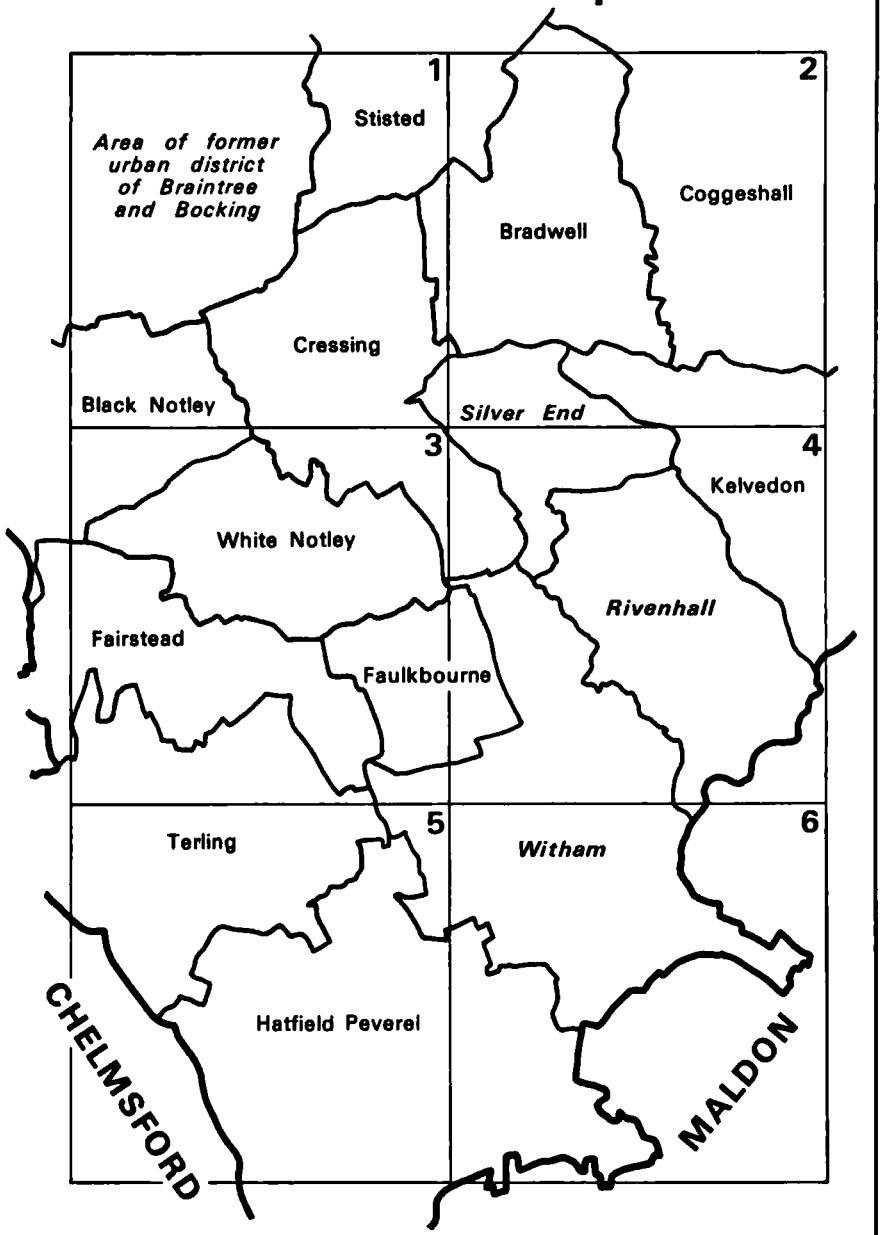
Prints of the map referred to in article 4 of the order may be inspected at the offices of the district council. Prints may be purchased from the Department of the Environment's Map Library.

The order establishes a parish council for each parish.

Incidental, consequential, transitional and supplementary provision in consequence of orders of the nature of the present one is contained in the Regulations referred to in article 3 of the order.

The Regulations referred to will transfer property within the definition of "parish property' in Schedule 6 therein from the district council to the new parish councils. A further transfer of property may be effected by a second order when the district council and the new parish councils have been able to consider together.

Parishes as from 1 April 1982



New parishes named in bold italics

The grid identifies the sheets of the boundary map referred to in the order

Kilometres

0 5

Based on the Ordnance Survey map

Cartographic Services DOE