STATUTORY INSTRUMENTS

1980 No. 1285

LOCAL GOVERNMENT, ENGLAND AND WALES

CHANGES IN LOCAL GOVERNMENT AREAS

The Parish of Congleton Order 1980

Made - - - - -	22*nd August* 1980
Coming into Operation—	
for the purposes described in article 2 - - -	8*th September* 1980
for all other purposes -	1*st November* 1980

Whereas the Borough Council of Congleton, 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 a new parish in the area of the former borough of Congleton;

And whereas the said Commission, under sections 47 and 51(1) of the said Act, 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 Parish of Congleton Order 1980.

2. 8th September 1980 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 November 1980;

"the borough" means the Borough of Congleton, and "the borough council" means the council of the borough;

"the new parish" means the Parish of Congleton constituted by this order;

"the new parish council" means the parish council of the new parish; and

"the Regulations" means the Local Government Area Changes Regulations 1976(b) as amended by the Local Government Area Changes (Amendment) Regulations 1978(c).

(a) 1972 c. 70.
(b) S.I. 1976/246.
(c) S.I. 1978/247.

Changes in areas

4.—(1) The part of the borough being the area of the former borough of Congleton shall form a new parish to be known as the Parish of Congleton.

(2) Nothing in this order shall affect any electoral division of the County of Cheshire or any ward of the borough.

(3) The new parish shall remain part of the Congleton petty sessional division and of the East coroner's district.

Parish council

5.—(1) There shall be a parish council for the new parish.

(2) The new parish shall be divided into 5 parish wards to be known as Buglawton, Congleton Central, Congleton North, Congleton South and Congleton West, which shall respectively comprise the areas at the coming into operation of this order of the corresponding wards of the borough. The number of councillors for the said parish wards shall be 3, 3, 4, 3 and 5 respectively.

(3) Elections of parish councillors of the new parish shall be held on such day prior to 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.

(4) The persons elected as councillors as the result of the said elections shall come into office—

(i) for the purposes of the appointment of any officer or the taking of any other action, and the incurring of any expenditure in relation thereto, to ensure the effective operation of the new parish council as from the appointed day, immediately on the declaration being made; and

(ii) for all other purposes, on the appointed day;

and shall retire on the fourth day after the ordinary day of election of councillors in 1983.

(5) The annual meeting of the new parish council for 1980 shall be held on, or within 14 days after, the day on which the councillors elected under paragraph (4) take office and shall be convened by the officer appointed for that purpose by the borough council.

Parish meeting

6.—(1) The parish meeting for the new parish shall assemble not later than 28 days after the appointed day. The assembly shall be convened by the officer appointed for that purpose by the borough council.

(2) If such assembly is held before the annual meeting of the new parish council, 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. R. Atherton,
An Under Secretary in the
Department of the Environment.

Signed by authority of the
Secretary of State
22nd August 1980.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order constitutes a new parish, viz., the Parish of Congleton, comprising the area of the former borough of Congleton, in the Borough of Congleton.

The new parish will have approximately an area of 2,260 hectares, a population of 23,400 and a rateable value of £2,732,925.

The order establishes a parish council for the new parish.

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

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