WELSH STATUTORY INSTRUMENTS

# 2008 No. 584 (W.58)

# LOCAL GOVERNMENT, WALES

## The Powys (Communities) Order 2008

*Made - - - - 2 March 2008*
*Coming into force in accordance with article 1(2) and (3)*

The Local Government Boundary Commission for Wales, having submitted to the Welsh Ministers, in accordance with sections 54(1) and 58(1) of the Local Government Act 1972(**1**), a report dated July 2007 on a review of communities conducted by Powys County Council, together with the proposals formulated by the Commission thereon;

And the Welsh Ministers having decided to give effect to those proposals without modification;

And more than six weeks having elapsed since those proposals were submitted to the Welsh Ministers;

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 58(2) and 67(4) and (5) of the Local Government Act 1972 and now vested in them so far as exercisable in relation to Wales(**2**), make the following Order:

### Title and Commencement

**1.**—(1) The title of this Order is the Powys (Communities) Order 2008.

(2) For any purpose set out in regulation 4(1) of the Regulations, this Order comes into operation on the day after that on which it is made.

(3) For all other purposes, this Order comes into force on 1 April 2008, which is the appointed day for the purposes of the Regulations.

### Interpretation

**2.** In this Order—

"existing" ("*presennol*"), in relation to a local government or electoral area, means that area as it exists immediately before the appointed day;

(**1**) 1972 c. 70.
(**2**) The powers of the Secretary of State were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).

"new" ("*newydd*"), in relation to a local government or electoral area, means that area as established by this Order;

"the Regulations" ("*y Rheoliadau*") means the Local Government Area Changes Regulations 1976(**3**);

any reference to a map means one of the 14 maps marked "Maps of the Powys (Communities) Order 2008", duly labelled "A" to "N" for reference and deposited in accordance with regulation 5 of the Regulations;

any reference to an electoral division is a reference to an electoral division of the county of Powys; and

where a boundary is shown on a map as running along a road, railway line, footway, watercourse or similar geographical feature, it is to be treated as running along the centre line of the feature.

**Glyn Tarell and Brecon — change in community areas and consequential changes to electoral arrangements**

**3.** The part of the community of Glyn Tarell shown hatched on Map A—

(a) is transferred to the community of Brecon;

(b) forms part of the St. David Within ward of the community of Brecon; and

(c) forms part of the electoral division of St. David Within.

**Vale of Grwyney and Crickhowell — change in community areas**

**4.** The part of the community of The Vale of Grwyney shown hatched on Map B is transferred to the community of Crickhowell.

**Builth and Duhonw — change in community areas and consequential change to electoral arrangements**

**5.** The part of the community of Builth shown hatched on Map C—

(a) is transferred to the community of Duhonw; and

(b) forms part of the electoral division of Llanafanfawr.

**Llanigon and Hay — change in community areas and consequential change to electoral arrangements**

**6.** The part of the community of Llanigon shown hatched on Map D—

(a) is transferred to the community of Hay; and

(b) forms part of the electoral division of Hay.

**Glyn Tarell and Llanfrynach — change in community areas**

**7.** The part of the community of Glyn Tarell shown hatched on Map E is transferred to the community of Llanfrynach.

(**3**) S.I. 1976/246 (as amended by various statutory instruments which amendments are not relevant to this statutory instrument).

**Ystradfellte and Tawe-Uchaf — change in community areas**

**8.** The part of the community of Ystradfellte shown hatched on Map F is transferred to the community of Tawe-Uchaf.

**Llanfair Caereinion and Castle Caereinion — change in community areas and consequential change to electoral arrangements**

**9.** The part of the community of Llanfair Caereinion shown hatched on Map G—

(a) is transferred to the community of Castle Caereinion; and

(b) forms part of the electoral division of Guilsfield.

**Churchstoke and Kerry — change in community areas and consequential change to electoral arrangements**

**10.** The part of the community of Churchstoke shown hatched on Map H—

(a) is transferred to the community of Kerry; and

(b) forms part of the electoral division of Kerry.

**Newtown and Llanllwchaiarn — change in community areas and consequential change to electoral arrangements**

**11.** The part of the community of Newtown and Llanllwchaiarn shown hatched on Map I—

(a) is transferred to the community of Llandyssil; and

(b) forms part of the electoral division of Dolforwyn.

**Llansantffraid and Llangedwyn — change in community areas and consequential change to electoral arrangements**

**12.** The part of the community of Llansantffraid shown hatched on Map J—

(a) is transferred to the community of Llangedwyn; and

(b) forms part of the electoral division of Llanrhaeadr-ym-Mochnant/Llansilin.

**Llangurig and Llanidloes — change in community areas and consequential change to electoral arrangements**

**13.** The part of the community of Llangurig shown hatched on Map K—

(a) is transferred to the community of Llanidloes; and

(b) forms part of the electoral division of Llanidloes.

**Churchstoke and Montgomery — change in community areas and consequential change to electoral arrangements**

**14.** The part of the community of Churchstoke shown hatched on Map L —

(a) is transferred to the community of Montgomery; and

(b) forms part of the electoral division of Montgomery.

**Knighton and Whitton — change in community areas and consequential change to electoral arrangements**

**15.** The part of the community of Knighton shown hatched on Map M—

(a) is transferred to the community of Whitton; and

(b) forms part of the electoral division of Llangunllo.

**Llanrhaeadr-ym-Mochnant — amalgamation of existing communities to create new community and consequential changes to electoral arrangements**

**16.**—(1) The existing communities of Llanrhaeadr-ym-Mochnant (in the former district of Glyndwr) and Llanrhaeadr-ym-Mochnant (in the former district of Montgomeryshire) are amalgamated and constitute a new community to be known as Llanrhaeadr-ym-Mochnant being the area shown hatched on Map N.

(2) The new community of Llanrhaeadr-ym-Mochnant forms part of the electoral division of Llanrhaeadr-ym-Mochnant/Llansilin(**4**) which continues to have one county councillor.

(3) The electoral division of Llanrhaeadr-ym-Mochnant(**5**) is to be known as Llanwddyn comprising the communities of Llangynog, Llanwddyn and Pen-y-Bont-Fawr and continues to have one county councillor.

**Llanrhaeadr-ym-Mochnant — community councils**

**17.**—(1) The councils of the existing communities of Llanrhaeadr-ym-Mochnant (in the former district of Glyndwr) and Llanrhaeadr-ym-Mochnant (in the former district of Montgomeryshire) are to be dissolved.

(2) There is to be a council for the new community of Llanrhaeadr-ym-Mochnant.

(3) Any person in office immediately before the appointed day as councillor for the existing community of Llanrhaeadr-ym-Mochnant (in the former district of Glyndwr) or the existing community of Llanrhaeadr-ym-Mochnant (in the former district of Montgomeryshire) is, on and after the appointed day, to be a councillor for the new community of Llanrhaeadr-ym-Mochnant.

(4) As from the fourth day after the ordinary election of councillors in 2008 the number of councillors of the new community of Llanrhaeadr-ym-Mochnant is to be eleven.

(5) Community councillors for the new community of Llanrhaeadr-ym-Mochnant are to be elected on the day of the ordinary election of councillors in 2008. The persons elected are to come into office on the fourth day thereafter and retire on the fourth day after the ordinary election of councillors in 2012.

(6) The annual meeting for 2008 of the new community council of Llanrhaeadr-ym-Mochnant is to be convened by the officer appointed by the County Council of Powys for that purpose.

**Llanrhaeadr-ym-Mochnant — residuary successor**

**18.** In relation to the existing community councils of Llanrhaeadr-ym-Mochnant (in the former district of Glyndwr) and Llanrhaeadr-ym-Mochnant (in the former district of Montgomeryshire) for the purposes of any provision of the Regulations which refers to the residuary successor of a dissolved authority, the council of the new community of Llanrhaeadr-ym-Mochnant is hereby specified as the residuary successor.

(**4**) The existing electoral division of Llanrhaeadr-ym-Mochnant/Llansilin comprises the communities of Llangedwyn, Llansilin and the existing Llanrhaeadr-ym-Mochnant (in the former district of Glyndwr).

(**5**) The existing electoral division of Llanrhaeadr-ym-Mochnant comprises the communities of Llangynog, Llanwddyn, Pen-y-Bont Fawr and the existing Llanrhaeadr-ym-Mochnant (in the former district of Montgomeryshire).

**Community books, etc.**

**19.**—(1) The specified papers of the existing communities of Llanrhaeadr-ym-Mochnant (in the former district of Glyndwr) and Llanrhaeadr-ym-Mochnant (in the former district of Montgomeryshire) are to be deposited in the custody of the council of the new community of Llanrhaeadr-ym-Mochnant.

(2) In this article, "specified papers" ("*papurau penodedig*") means the public books, writings and papers of the existing communities of Llanrhaeadr-ym-Mochnant (in the former district of Glyndwr) and Llanrhaeadr-ym-Mochnant (in the former district of Montgomeryshire) and all documents directed by law to be kept thereunto.

**Initial expenses of new community council, etc.**

**20.**—(1) In this article—

"the 1992 Act" ("*Ddeddf 1992*") means the Local Government Finance Act 1992(**6**);

"the 1995 Regulations" ("*Rheoliadau 1995*") means the Local Authorities (Precepts) (Wales) Regulations 1995(**7**);

"the new community council" ("*y cyngor cymuned newydd*") means the new community council of Llanrhaeadr-ym-Mochnant;

"the prospective billing authority" ("*yr awdurdod bilio arfaethedig*") means Powys County Council;

"the relevant financial year" ("*y flwyddyn ariannol berthnasol*") means the financial year beginning on 1 April 2008.

(2) Section 41 of the 1992 Act (issue of precepts by local precepting authorities) has effect—

(a) in relation to the new community council, the prospective billing authority and the relevant financial year; and

(b) as respects the period beginning on 1 April 2008 and ending immediately before the day on which there is issued by the new community a precept for the relevant financial year, with the substitution for subsection (3) of the following subsection—

"(3) In making calculations in accordance with section 32 above (originally or by way of substitute) the billing authority shall take into account for the purposes of its estimate under section 32(2)(a) above an amount equal to that specified in article 20(6) of the Powys (Communities) Order 2008.".

(3) In relation to the new community council, the prospective billing authority and the relevant financial year—

(a) section 32 of the 1992 Act (calculation of budget requirements by billing authorities) has effect with the omission of subsection (6);

(b) section 41(4) of the 1992 Act has effect with the substitution for the words "March in the financial year preceding that for which it is issued" of the words "October in the financial year for which it is issued"; and

(c) the reference in section 54(4) of the 1992 Act (power to designate authorities) to a precept anticipated by a billing authority in pursuance of regulations under section 41 of the 1992 Act is construed as a reference to the amount specified in paragraph (6) of this article.

(4) In relation to the amount taken into account for the purposes of section 32(2)(a) of the 1992 Act by virtue of paragraph (2) above, Chapter III of Part I of the 1992 Act (setting of council tax) is to have effect as if—

(**6**) 1992 c. 14.
(**7**) S.I. 1995/2562.