

LOCAL GOVERNMENT, ENGLAND AND WALES

CHANGES IN LOCAL GOVERNMENT AREAS

The Restormel (Parishes) Order 1983

Made - - - - - 23rd March 1983

Coming into Operation—

for the purposes

described in article 2(1)

for all other purposes

28th March 1983

1st April 1983

Whereas the Borough Council of Restormel, under section 48(8) of the Local Government Act 1972(a), made recommendations to the Local Government Boundary Commission for England for proposals in relation to parishes in the borough;

And whereas the said Commission, under sections 47 and 51(1) of the said Act, on 9th October 1981 and 29th October 1982, 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 giving effect to the said proposals with modifications:—

Title and commencement

1. This order may be cited as the Restormel (Parishes) Order 1983.

2.—(1) 28th March 1983 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 as modified by paragraph (2).

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

(2) In the said regulation 4(1), item (e) shall not apply in relation to the constitution of any new parish council.

LOCAL GOVERNMENT, ENGLAND AND WALES

CHANGES IN LOCAL GOVERNMENT AREAS

The Restormel (Parishes) Order 1983

SCHEDULE

PARTS OF PARISHES TRANSFERRED TO OTHER PARISHES

(1) Description of area	(2) Map reference and Marking of Area	(3) Parish	(4) County electoral division	(5) Borough ward
Part of the Parish of Brinklow	1c	Brandon and Bretford	Earl Craven	Earl Craven
Part of the Parish of King's Newnham	1c	Brandon and Bretford	Earl Craven	Earl Craven
Part of the Parish of Shilton	1a	Ansty	Fosse	Fosse

Signed by authority of
the Secretary of State
18th October 1983.

J. P. G. Rowcliffe,
An Under Secretary in the
Department of the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order effects—

- (a) the transfer of parts of certain parishes in the Borough of Rugby to other parishes;
- (b) an adjustment between the Parish of Long Lawford and the part of the borough which is not comprised in any parish.

The map forming part of this note shows the areas affected.

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

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 of the order.

Interpretation

3. In this order—

“the appointed day” means 1st April 1983;

“the borough” means the Borough of Restormel, and “the borough council” means the council of the borough;

“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;

“the proper officer”, in relation to any purpose, means the officer appointed for that purpose by the borough council;

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

“Schedule 1”, “Schedule 2” and “Schedule 3” mean Schedule 1, Schedule 2 and Schedule 3 to this order.

Maps

4.—(1) In this order—

“the boundary maps” means the three maps issued by the Department of the Environment in three sheets, each sheet being marked “Map sheet of the Restormel (Parishes) Order 1983” and with the number of the sheet, and each map being marked “a”;

any reference to a map by number and letter is a reference to the map so lettered on the sheet so numbered; and

“the ward map” means the map prepared in duplicate, sealed with the corporate seal of the Secretary of State for the Environment and marked “Tywardreath parish ward map 1983”.

(2) Regulation 5 of the Regulations shall not apply to the ward map.

(3) One duplicate of the ward map shall be deposited in the offices of the Secretary of State for the Environment and the other shall be deposited in the offices of the borough council.

(4) The borough council shall, after the appointed day, send a copy of the ward map, certified by the proper officer of the borough council to be a true copy, to the Parish Council of Tywardreath for deposit with the records of the parish.

(5) The ward map deposited in the offices of the borough council shall at all reasonable times be open to inspection by any person affected by the changes of areas made by this order, and on payment of a reasonable fee (to be determined by the borough council) any such person shall be entitled to a copy of or an extract from it, certified by the proper officer of the borough council to

Changes in areas

- 5.— (1) Eight new parishes to be known by the names specified in column (1) of Schedule 1 shall be constituted, such parishes consisting of the areas specified in respect thereof in column (2) and remaining or forming part of the petty sessional divisions specified in respect thereof in column (4) and of the Bodmin coroner's district. The area hatched green on boundary map 3a shall form part of the St. Blaise ward of the borough, and the new parishes shall thereby form, or remain forming part of, the wards of the borough specified in respect thereof in column (3).
- (2) The parts of parishes described in column (1) of Schedule 2 and marked on the boundary map as specified in column (2) shall, in so far as parishes and wards of the borough are specified in respect thereof in columns (3) and (4), be transferred to or form part of such areas.
- (3) In relation to the wards of the borough this article shall have effect in relation to elections to be held on or after 5th May 1983.

(4) Nothing in this article shall affect any electoral division of the County of Cornwall.

(5) In the changes effected by paragraphs (1) and (2) the Parishes of Creed and Grampond shall cease to exist.

Parish authorities

- 6.— (1) The Parish Council of Grampond and the Parish Meeting and Parish Trustees of Creed shall be dissolved. For the purposes of any provision of the Regulations which refers to the residuary successor of a dissolved authority, the new parish council of Grampond with Creed is hereby specified as the residuary successor of those authorities.
- (2) There shall be a parish council for each new parish.
- (3) As from 9th May 1983—
- (a) the new parishes of Grampond with Creed, Newquay and Tywardreath shall be divided into the parish wards named in respect thereof in column (1) of Schedule 3, such wards consisting of the areas specified in respect thereof in column (2);
- (b) 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 Schedule 3; and
- (c) the numbers of parish councillors of the Parishes of St. Enoder and St. Mewan shall be 14 and 13 respectively.
- (4) The annual meeting of each new parish council for 1983 shall be convened by the proper officer of the borough council.

Councillors of new parishes

7.—(1)(a) Sub-paragraphs (b) and (c) shall have effect from the appointed day to 9th May 1983.

(b) Any person in office immediately before the appointed day as councillor of the Parish of Grampond or as Chairman of the Parish Meeting of Creed shall be a councillor of the new parish of Grampond with Creed.

(c) The Parish Council of Crantock, Fowey, Mevagissey, Newquay, St. Blaise, Treverbyn or Tywardreath shall consist of the borough councillors for the wards wholly or partly comprising the area of the parish together, in the cases of Crantock and Fowey, with the mayor of the borough.

(2) Parish councillors of the new parishes shall be elected on 5th May 1983. The persons elected shall come into office on 9th May 1983 and shall retire on the fourth day after the ordinary day of election of councillors in 1987.

Parish meetings

8.—(1) The first assembly of the parish meeting for any new parish shall be convened by the proper officer of the borough 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.

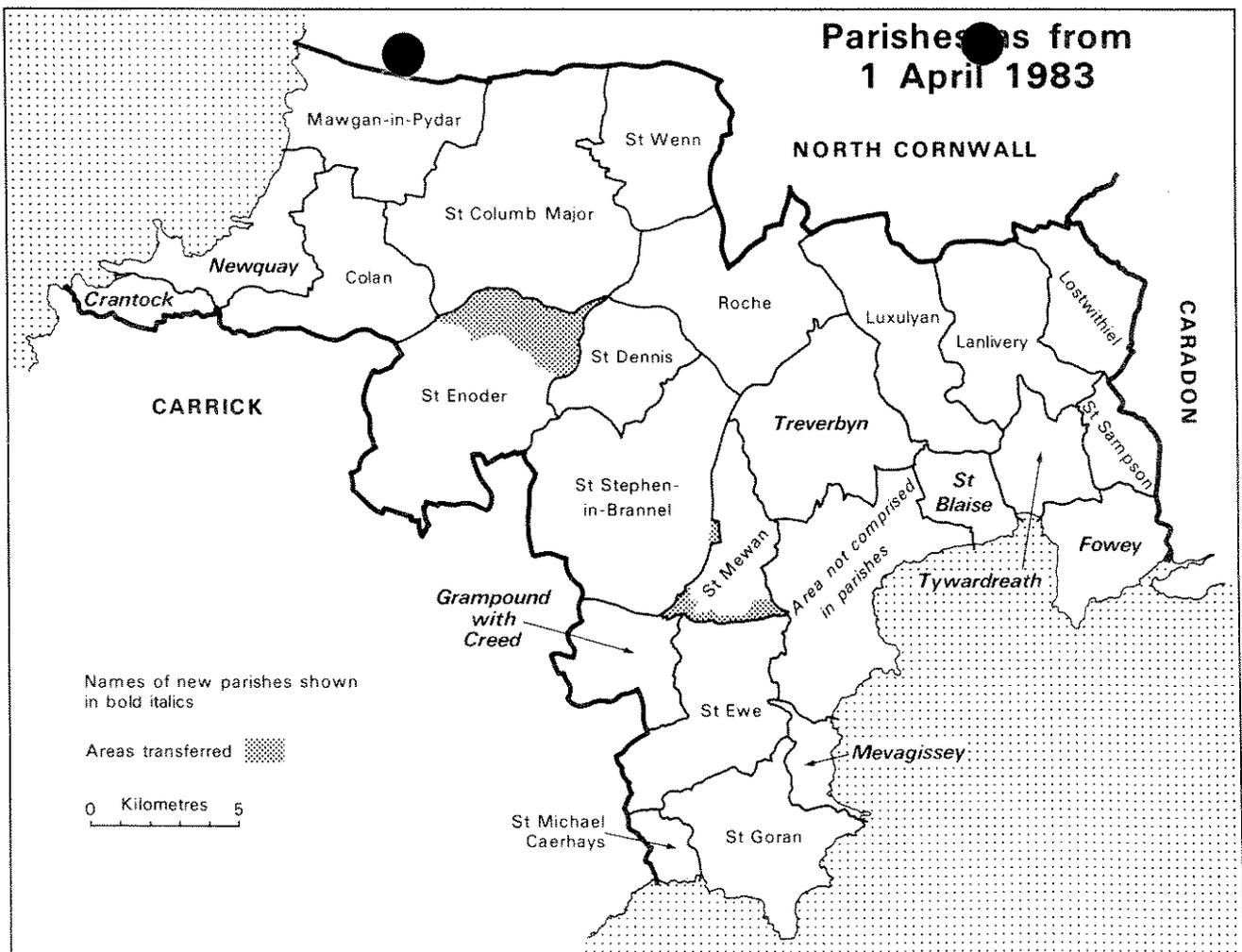
Parish books, etc.

9. The public books, writings and papers of the Parish of Creed (including any photographic copies thereof) and all documents directed by law to be kept therewith shall be deposited in the custody of the new parish council of Grampond with Creed.

Expenses of new parish councils

10. In the year beginning on the appointed day the borough 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 borough 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)
Crantock	1.5p
Fowey, Grampond with Creed.	



(Designated Rural Areas and Designated Regions) (England) Order 1981(a); or the area specified in item 14 in the Schedule to the Housing (Section 104 Disposals) (Designated Rural Areas and Designated Regions) (England) Order 1981(b).

Indian Queens Cemetery

12.—(1) This article shall apply in relation to the Indian Queens Cemetery in place of paragraphs (2) and (3) of regulation 35 of the Regulations.

(2) In the period of 25 years beginning on the appointed day—

- (a) any inhabitant or parishioner of the Parish of St. Columb Major shall be entitled to the same rights of burial as the inhabitants or parishioners of the Parish of St. Enoder;
- (b) any provisions in relation to inhabitants or parishioners in any table of fees in force in respect of the cemetery shall apply to the inhabitants or parishioners of the Parish of St. Columb Major as they apply to the inhabitants or parishioners of the Parish of St. Enoder;
- (c) no differential charges shall be imposed on the inhabitants or parishioners of the Parish of St. Columb Major.
- (3) Subject to paragraph (2), any provisions in relation to inhabitants or parishioners of the Parish of St. Columb Major in any table of fees in force in respect of the cemetery shall apply to the inhabitants or parishioners of the Parish of St. Enoder.

Statutory definitions of areas

13. In any application of paragraph (1) (certain definitions of areas) of regulation 40 of the Regulations to references to the areas of the former urban district of Newquay or the former borough of St. Austell with Fowey, the following provision, namely—

“For any reference to the area of the former urban district of Newquay there shall be substituted a reference to the Parishes of Crantock and Newquay.

For any reference to the area of the former borough of St. Austell with Fowey there shall be substituted a reference to the Parishes of Fowey, Mevagissey, St. Blaise, Treverbyn and Tywardreath and the part of the first mentioned area which is not comprised in any of such parishes” shall have effect in place of sub-paragraph (b).

(a) S.I. 1981/397.

(b) Annex C to DOE Circular “Sales of Council Houses and Flats and Disposal of Housing Land” 2 June 1981.

- (a) the constitution of eight new parishes, two (Crantock and Newquay) in the area of the former urban district of Newquay, five (Fowey, Mevagissey, St. Blaise, Treverbyn and Tywardreath) in the area of the former borough of St. Austell with Fowey, and one other (Grampond with Creed); and
- (b) transfers as between parishes.

These changes involve the abolition of the Parishes of Creed and Grampond.

An area of the former borough of St. Austell with Fowey will remain unparished.

The map forming part of this note shows the new parishes and the other transfers.

Prints of the maps referred to in article 4 of the order may be inspected at the offices of the borough council. Prints may be purchased from the Department of the Environment’s Map Library.

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

	Area-hectares	Population	Rateable value-£
Crantock	520	850	100,000
Fowey	1,360	2,475	322,000
Grampond with Creed	1,115	600	45,300
Mevagissey	475	2,100	267,000
Newquay	1,590	14,830	2,475,000
St. Blaise	710	5,305	560,000
Treverbyn	2,495	4,950	442,000
Tywardreath	1,140	3,245	260,000

The order establishes a parish council for each 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 of the order.

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 councils of Crantock, Fowey, Mevagissey, Newquay, St. Blaise, Treverbyn and Tywardreath. A further transfer may be effected by a second order, when the borough council and the new parish councils have been able to consider together.

Local Act, orders and bylaws

14. The Parishes of Creed and Grampond are hereby specified in relation to regulation 41(4) (Local Acts, orders and bylaws) of the Regulations and the new parish of Grampond with Creed is hereby specified in relation to such parishes.

SCHEDULE 1
NEW PARISHES

(1) Name of new parish	(2) Area comprised in new parish	(3) Borough ward	(4) Petty sessional division
<i>Parishes in the area of the former urban district of Newquay</i> Cranlock	The area of the former urban district of Newquay south of the line for the time being of the centre of the river Gannel at low water	Gannel	Pydar
Newquay	The remainder of the said area	Edgumbe, Gannel and Rialton	Pydar
<i>Parishes in the area of the former borough of St. Austell with Fowey</i> Fowey	So much of the Fowey and Mevagissey wards, respectively, of the borough as are not comprised in existing parishes	Fowey	Powder Tywardreath
Mevagissey St. Blaise	The existing St. Blaise ward of the borough and the area shown hatched green on boundary map 3a	Mevagissey St. Blaise	East Powder East Powder
Treverbryn	The existing Treverbryn ward of the borough other than the area so shown	Treverbryn	East Powder
Tywardreath	The Tywardreath ward of the borough	Tywardreath	Powder Tywardreath
<i>Other parish</i> Grampond with Creed	The area of the Parish	St. Ewe	East Powder

SCHEDULE 2

PARTS OF PARISHES TRANSFERRED TO PARISHES OTHER THAN NEW PARISHES

(1) Description	(2) Marking, sheet and map	(3) Parish	(4) Borough ward
Part of the Parish of St. Columb Major	A1 1 a	St. Enoder	—
Part of the Parish of Creed	A2 2 a	St. Mewan	St. Mewan
Part of the Parish of St. Ewe	A3 2 a	St. Mewan	St. Mewan
Part of the Parish of St. Mewan	A4 2 a	St. Stephen-in-Brannel	St. Stephen-in-Brannel
Part of the Parish of St. Stephen-in-Brannel	A5 2 a	St. Mewan	St. Mewan

SCHEDULE 3

NEW PARISHES — WARDS AND COUNCILLORS

(1) Parishes and parish wards	(2) Areas comprised in parish wards	(3) Numbers of parish councillors
Cranlock	—	9
Fowey	—	10
Mevagissey	—	16
St. Blaise	—	10
Treverbryn	—	15
<i>Grampond with Creed</i> Town	The area of the Parish of Grampond	7
Creed	The remainder of the new parish	2
<i>Newquay</i> Edgumbe	The similarly named wards of the borough	8
Gannel		
Rialton		
<i>Tywardreath</i> Highway Par	The areas shown by broken red lines on the ward map	2
Priority		
		3
		5