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STATUTORY INSTRUMENTS

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2004 No. 998

SOLICITORS DEPARTMENT  
OFFICE OF THE DEPUTY PRIME MINISTER

**LOCAL GOVERNMENT, ENGLAND**

**The Shepway (Parishes) Order 2004**

Made - - - - 29<sup>th</sup> March 2004

*Coming into force in accordance with article 1(2)*

The Secretary of State, in exercise of the powers conferred upon him by sections 14 and 23 of the Local Government and Rating Act 1997(a), and of all other powers enabling him in that behalf, hereby makes the following Order, which gives effect (without modification) to petitions sent to him under section 11 of that Act, for the constitution as parishes within the district of Shepway of areas of which no parts are within a parish and for the establishment of a parish council for each of those areas:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Shepway (Parishes) Order 2004.

(2) It shall come into force —

- (a) for the purposes of this article and proceedings preliminary or relating to elections of parish councillors to be held on the ordinary day of elections in 2004, on the day after that on which it is made; and
- (b) for all other purposes, on 1st April 2004.

(3) In this Order —

“the new parishes” means the parishes constituted by articles 2 and 3;

“the Regulations” means the Local Government (Parishes and Parish Councils) Regulations 1999(b); and

“the map” means the map prepared by the Office of the Deputy Prime Minister, marked “Map of the Shepway (Parishes) Order 2004” and deposited in accordance with regulation 6(1) of the Regulations.

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(a) 1997 c.29.  
(b) S.I. 1999/545.

[ ODPM 2880 ]



### **Constitution of a new parish of Folkestone**

2. —(1) A new parish comprising the area outlined with a blue line on the map and numbered 1 shall be constituted within the district of Shepway.

(2) The name of the new parish shall be Folkestone.

### **Constitution of a new parish of Sandgate**

3. —(1) A new parish comprising the area outlined with a blue line on the map and numbered 2 shall be constituted within the district of Shepway.

(2) The name of the new parish shall be Sandgate.

### **Direction to establish parish councils**

4. The Shepway District Council is hereby directed to establish a parish council for each of the new parishes.

### **Charter Trustees**

5. For the purposes of regulation 16(4)(b) of the Regulations (which relates to charter trustees), "the parish council" shall mean the parish council of Folkestone.

### **Transitional Provision**

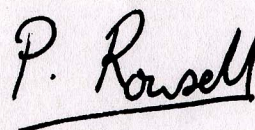
6. —(1) Until the councillors elected to the council of the parish of Folkestone at the elections to be held on the ordinary day of election in 2004 come into office, the parish of Folkestone shall be represented by those persons who, immediately before 1<sup>st</sup> April 2004, are the elected councillors for the district wards of Folkestone Cheriton, Folkestone Morehall, Folkestone Foord, Folkestone Harvey Central, Folkestone Park, Folkestone Harvey West, Folkestone Harbour and Folkestone East.

(2) Until the councillors elected to the council of the parish of Sandgate at the elections to be held on the ordinary day of election in 2004 come into office, the parish of Sandgate shall be represented by those persons who, immediately before 1<sup>st</sup> April 2004, are the elected councillors for the district ward of Folkestone Sandgate.

### **Order Date**

7. 1<sup>st</sup> April 2004 is the order date for the purposes of the Regulations.

Signed by authority of the Secretary of State



A Senior Civil Servant  
in the Office of the Deputy Prime Minister

29 March

2004



## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order gives effect to petitions (without modification) sent to the Secretary of State for the creation as parishes of areas within the district of Shepway and for the establishment of a parish council for each of those areas. A map forming part of this note gives a general guide to the areas concerned.

Article 2 creates the parish to be called Folkestone.

Article 3 creates the parish to be called Sandgate.

Article 4 directs the Shepway District Council to establish a parish council for each of the new parishes.

The effect of Article 5 is that on the date on which the first parish councillors for the new parishes come into force, the appointment of any local officer of dignity shall be treated as if it has been made by Folkestone Parish Council; all property, rights and liabilities (of whatever description) of the Charter Trustees of Folkestone shall become the property, rights and liabilities of Folkestone Parish Council; and any legal proceedings to which the Charter Trustees are part may, subject to rules of court, be prosecuted or defended (as the case may be) by the parish council.

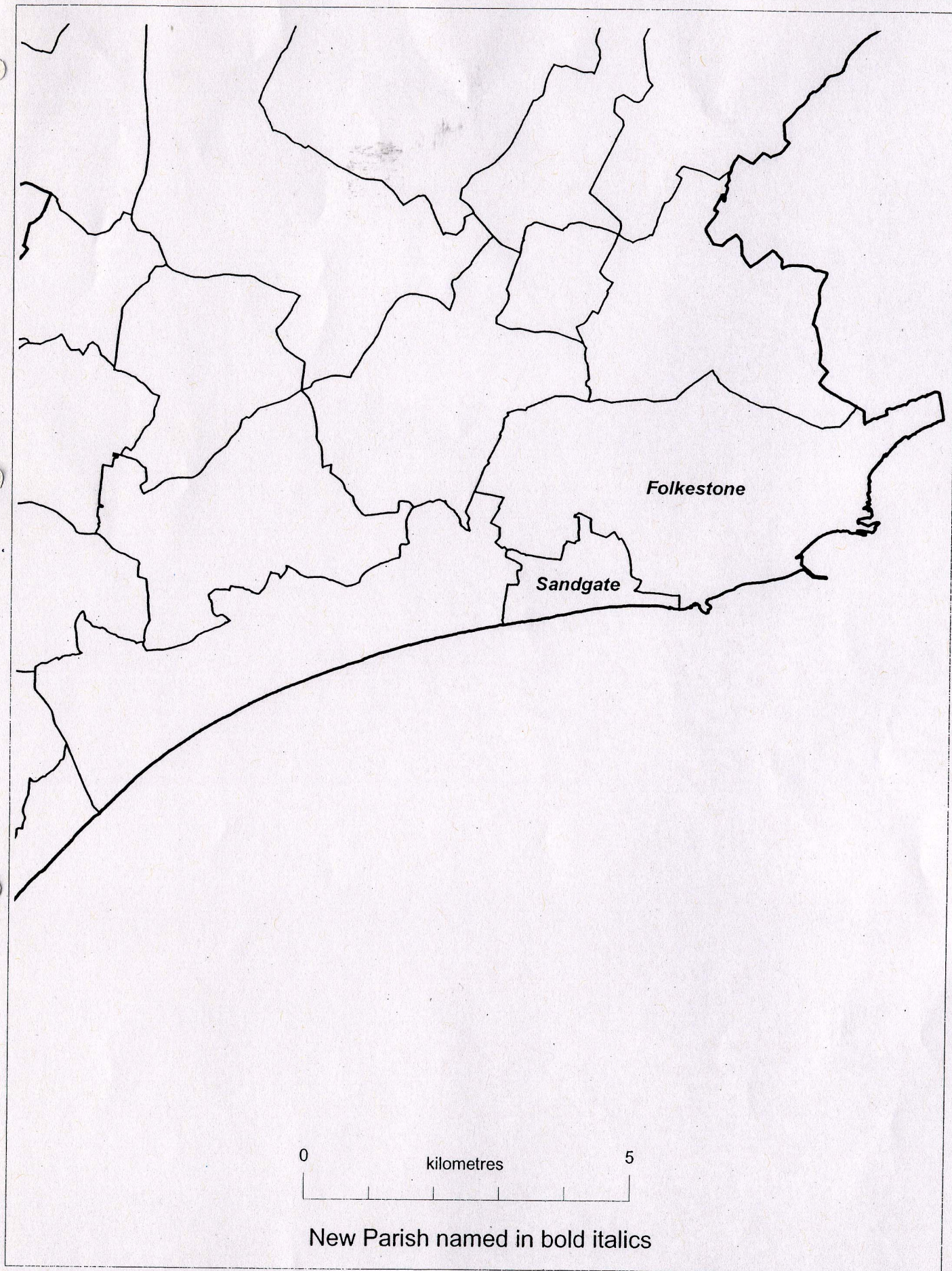
Article 6 (1) provides for the parish of Folkestone to be represented by the district councillors elected for the district wards of Folkestone Cheriton, Folkestone Morehall, Folkestone Foord, Folkestone Harvey Central, Folkestone Park, Folkestone Harvey West, Folkestone Harbour and Folkestone East, until councillors for the new parish, to be elected on the ordinary day of elections in 2004, come into office.

Article 6 (2) provides for the parish of Sandgate to be represented by the district councillors elected for the district ward of Folkestone Sandgate until councillors for the new parish, to be elected on the ordinary day of election in 2004, come into office.

Article 7 specifies the 1<sup>st</sup> April 2004 as the order date for the purposes of the Local Government (Parishes and Parish Councils) Regulations 1999, which make provision of general application in relation to orders such as this Order.

Prints of the map referred to in the Order may be inspected at all reasonable hours at the offices of the Shepway District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY and at the Office of the Deputy Prime Minister, Ashdown House, 123 Victoria Street, London SW1E 6DE.









Office of the  
Deputy Prime Minister

Creating sustainable communities

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Our Ref: LGRT 3/42/59

31 March 2004

Dear Mr Sollis

**LOCAL GOVERNMENT AND RATING ACT 1997:  
SHEPWAY (PARISHES) ORDER 2004**

Please find enclosed a copy of the Shepway (Parishes) Order 2004 for your records.

This Order gives effect to a petition submitted by Shepway District Council for the constitution of two new parishes within the District of Shepway.

Yours sincerely,

**Audrey Korley**