

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES



Comisiwn Ffiniau
Llywodraeth Leol
i Gymru



Local Government
Boundary Commission
for Wales

**REVIEW OF PART OF THE BOUNDARY
BETWEEN THE PRESERVED COUNTIES OF
POWYS AND MID GLAMORGAN**

REPORT AND PROPOSALS

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES

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REPORT AND PROPOSALS

1. INTRODUCTION
2. SUMMARY OF PROPOSALS
3. SCOPE AND OBJECT OF THE REVIEW
4. DRAFT PROPOSAL
5. REPRESENTATIONS RECEIVED IN RESPONSE TO THE PROPOSAL
6. ASSESSMENT
7. PROPOSAL
8. ACKNOWLEDGEMENTS
9. THE NEXT STEPS

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Brian Gibbons AM
Minister for Social Justice and Local Government
Welsh Assembly Government

REVIEW OF PART OF THE BOUNDARY BETWEEN THE PRESERVED COUNTIES OF POWYS AND MID GLAMORGAN

REPORT AND PROPOSALS

1. INTRODUCTION

1.1 In accordance with the Direction issued by the Welsh Assembly Government on 27 February 2009, we, the Local Government Boundary Commission for Wales (the Commission), have completed the review of the preserved county boundary in the area identified in the Direction. A copy of the Direction is at Appendix 1. Under the Direction the Commission was required to review the boundary between the preserved counties of Powys and Mid Glamorgan. This follows from our recent review of part of the boundary between the County of Powys and the County Borough of Merthyr Tydfil in the area of Pontsticill.

2. SUMMARY OF PROPOSALS

2.1 We propose a minor change to the boundary between the preserved counties of Mid Glamorgan and Powys to reflect the recent changes in the boundary between the County Borough of Merthyr Tydfil in the preserved county of Mid Glamorgan and the County of Powys in the area of Pontsticill. A plan of the proposed change is at Appendix 4.

3. SCOPE AND OBJECT OF THE REVIEW

3.1 Section 54(1A) of the Local Government Act 1972 (the 1972 Act) provides that the Commission may in consequence of a review conducted by them make proposals to the Welsh Assembly Government for effecting changes in the area of a preserved county appearing to the Commission desirable having regard, in particular, to the purposes for which the preserved counties are retained.

Welsh Assembly Governments' Direction

3.2 In his letter accompanying the Direction the Minister stated that he had agreed to implement our recommendations in respect of the boundary between the County of Powys and the County Borough of Merthyr Tydfil in the area of Pontsticill. A plan of those proposed changes is shown in Appendix 5. The changes as shown in Appendix 5 will mean that the boundaries of the unitary authorities in the area affected by the change (the County of Powys and the County Borough of Merthyr Tydfil) will no longer correspond with the boundaries of the preserved counties of Powys and Mid Glamorgan, thus creating an anomaly. This current review under

section 54 (1A) of the 1972 Act is being carried out to address this anomaly. An Order giving effect to our recommendations regarding the boundary between the County of Powys and the County Borough of Merthyr Tydfil came into effect in April 2009.

Preserved Counties

3.3 A 'preserved county' is defined by the Local Government (Wales) Act 1994 as follows:

“preserved county” means any county created by the 1972 Act as a county in Wales, as that county stood immediately before the passing of this Act but subject to any provision of this Act, or made under the 1972 Act, redrawing its boundaries.

3.4 Details of the area affected by this review of the preserved county boundary can be found in the Direction at Appendix 1, and are also shown on the plan at Appendix 4.

3.5 The “preserved counties” were preserved by the Local Government (Wales) Act 1994 in order to define county areas for the purposes only of certain statutory provisions listed in Schedule 2 of the 1994 Act. The provisions concerned were found in the following statutes:

The Lieutenancies Act 1997;
The Sheriffs Act 1887;
The Defence Act 1842;
The Licensing Act 1964;
The Sea Fisheries (Shellfish) Act 1967;
The Interpretation Act 1978;
The Justices of the Peace Act 1979;
The Magistrates' Courts Act 1980;
The Representation of the People Act 1983;
The Parliamentary Constituencies Act 1986; as well as
The Local Government Act 1972.

A further description of the relevant provisions of these Acts can be found in summary form at Appendix 2.

Procedure

3.6 Section 60 of the 1972 Act lays down procedural guidelines which are to be followed in carrying out a review. Essentially this imposes upon the Commission an obligation to consult persons interested in the outcome of the review. In accordance with that guidance we wrote on 19 March 2009 to the Unitary Authorities (the County of Powys and the County Borough of Merthyr Tydfil), the Lords-Lieutenant of the preserved counties of Powys and Mid Glamorgan, the Members of Parliament for the local constituencies, the Assembly Members, the local authority associations, the police authorities, the political parties and other interested bodies to inform them of our intention to conduct the review, to explain

the reason for this review and suggested that this would be done by means of an exchange of correspondence.

4. DRAFT PROPOSALS

- 4.1 In our draft proposals, we proposed a minor change to the boundary between the preserved counties of Mid Glamorgan and Powys to reflect the recent changes in the boundary between the County Borough of Merthyr Tydfil and the County of Powys. We said that we had considered the relationship between preserved county and unitary authority boundaries, and that we remained of the view that, wherever possible, preserved county boundaries should be aligned with unitary authority boundaries as this has benefits in terms of the identification and administration of preserved counties.
- 4.3 An explanation of the purpose of this Review was sent to all the councils, bodies and individuals referred to in paragraph 3.6 seeking their views. By public notice we invited any other organisation or person with an interest in the review to submit their views. Copies of the Draft Proposals were made available for inspection at the offices of the two unitary authorities and at the offices of the Commission.

5. REPRESENTATIONS RECEIVED IN RESPONSE TO THE PROPOSAL

- 5.1 We received responses from four bodies or organisations:
- 5.2 **Powys County Council** wrote to say that they supported the Commission's proposed change to the boundary between Powys and Mid Glamorgan in the area of Pontsticill in line with the new boundary between the county of Powys and the County Borough of Merthyr Tydfil.
- 5.3 **Chief Executive to the Dyfed Powys Police Authority** wrote to say that he supports the Commission's proposal.
- 5.4 **Rhondda Cynon Taff Local Health Board (LHB)** wrote to say that their initial observation was that the health implications for Merthyr Tydfil would be minimal. They also stated that they supported the change in principle, but this would be subject to any associated health spend the LHB may incur as a result of this.
- 5.5 **Merthyr Tydfil County Borough Council** wrote to say that they supported the Commission's proposed change since it appeared to be the most reasonable proposition.

6. ASSESSMENT

- 6.1 Section 54(1A) of the Act requires the Commission to make proposals 'for effecting changes in the area of a preserved county which appear to the Commission to be desirable having regard, in particular, to the purposes for which preserved counties

are retained'. These purposes are defined by the statutory provisions listed in Schedule 2 of the 1994 Act (Appendix 3).

- 6.2 The purpose of the Review is to address the anomaly created through the adoption of the proposals contained in the Commission's "**Review of part of the boundary between the County Borough of Merthyr Tydfil and the County of Powys**" which was published in July 2008. The proposals contained in that report are shown on the plan at Appendix 5, and an Order giving effect to them was made by the Welsh Assembly Government on 7 April 2009.
- 6.3 We have considered the effect which the proposed changes to the preserved county boundaries will have on the parliamentary constituencies. In conducting a review of the parliamentary constituencies in Wales, the Boundary Commission for Wales are required to give effect to the rules set out in Schedule 2 of the Parliamentary Constituencies Act 1986. Rule 4(1) (a) (i) states '*no county or any part of a county shall be included in a constituency which includes the whole or part of any other county.....*'. This rule was amended by the Local Government Act (Wales) 1994 to substitute the term *preserved county* for *county* in Wales.
- 6.4 This rule in effect means that constituency boundaries should not cross preserved county boundaries. In considering the reasons why the preserved counties were retained for this purpose in Wales, as opposed to using counties as in England, one needs to consider the fact that the electorates of the counties in England are, in general, much higher than the counties of Wales. The use of preserved counties, which are much larger in area than the counties or county boroughs, allows the Boundary Commission for Wales a much greater degree of flexibility, in creating constituencies that are close to the electoral quota, than would be possible using the smaller county units.
- 6.10 In terms of this particular purpose for which the preserved counties are being retained, our proposal is perfectly compatible with the determination of parliamentary constituencies by the Boundary Commission for Wales.
- 6.11 In our Proposal at 3.6 above, we have considered the relationship between preserved county and unitary authority boundaries.
- 6.12 With the exception of the minor anomaly identified as a consequence of our July 2008 Review of the boundary between the County of Powys and the County Borough of Merthyr Tydfil in the area of Pontsticill, shown in the plan at Appendix 2b, no other anomalies presently arise from the boundary between the preserved counties of Mid Glamorgan and Powys. We therefore propose a change to the boundary between the preserved counties of Mid Glamorgan and Powys to bring it in line with the boundary between the County Borough of Merthyr Tydfil and the County of Powys following the Order which came into force in April 2009 (a plan showing the amendment of the preserved county boundary can be seen at Appendix 4).

7. PROPOSAL

- 7.1 As considered at 6.12 above, we propose a minor change to the boundary between the preserved counties of Mid Glamorgan and Powys to reflect the recent change to the boundary between the County Borough of Merthyr Tydfil and the County of Powys.

8. ACKNOWLEDGEMENTS

- 8.1 We wish to express our gratitude to all bodies and persons who made representations to us.

9. THE NEXT STEPS

- 9.1 Having completed our review of the boundary between the preserved counties of Powys and Mid Glamorgan and submitted our recommendations to the Welsh Assembly Government, we have fulfilled our statutory obligation under the Direction issued by the Welsh Assembly Government.
- 9.2 It now falls to the Welsh Assembly Government, if it thinks fit, to give effect to these proposals either as submitted by the Commission or with modifications, and if the Welsh Assembly Government decides to give effect to these proposals with modifications, it may direct the Commission to conduct a further review.
- 9.3 Any further representations concerning the matters in the report should be addressed to the Welsh Assembly Government. They should be made as soon as possible and in any event not later than six weeks from the date that the Commission's recommendations are submitted to the Welsh Assembly Government. Representations should be addressed to:

Local Government Modernisation 2 Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ

MR P J WOOD (Chairman)

REV HYWEL MEREDITH DAVIES BD (Deputy Chairman)

MR D J BADER (Member)

E H Lewis BSc. DPM FRSA FCIPD (Secretary)

June 2009

The Welsh Ministers

LOCAL GOVERNMENT ACT 1972 PART IV

REVIEW OF PART OF THE PRESERVED COUNTY BOUNDARIES

**DIRECTION TO THE LOCAL GOVERNMENT BOUNDARY COMMISSION
FOR WALES**

1. In this Direction –

“the Act” means the Local Government Act 1972;

“the Commission” means the Local Government Boundary Commission for Wales;

“preserved county” has the meaning given to it in section 270(1) of the Act.

2. In exercise of the powers conferred upon the Secretary of State by section 56(1)(c) of the Act¹, which powers are now exercisable by the Welsh Ministers², the Welsh Ministers direct the Commission to conduct a review of part of those preserved counties in Wales, in the area of Pontsticill, listed in the attached Schedule.



Brian Gibbons

Minister for Social Justice and Local Government, one of the Welsh Ministers

27, February 2009

¹ 1972 c.70; section 56 was amended by the Local Government (Wales) Act 1994.

² The powers of the Secretary of State, in so far as exercisable in Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and the functions of the National Assembly for Wales were subsequently transferred to the Welsh Ministers by virtue of Schedule 11 to the Government of Wales Act 2006 (2006 c.38).

Schedule 1

Name	Area
Mid Glamorgan Morgannwy Ganol	The area of the county boroughs of Bridgend, Merthyr Tydfil and Rhondda Cynon Taff
Powys	The area of the former county of Powys with the addition of the community of Llanrhaeadr-ym- Mochnant, Llansilin and Llangedwyn from the county of Clwyd

PROVISIONS APPLYING TO PRESERVED COUNTIES

1. The Lieutenancies Act 1997

A Lord-Lieutenant is appointed by the Crown for each county in England, each county in Wales and each area in Scotland. The counties in Wales for the purposes of the 1997 Act are the preserved counties. The Lord-Lieutenant acts as the Queen's representative who manages the Queen's civic affairs and arranges royal visits.

2. The Sheriffs Act 1887

The Act provides for the appointment of Sheriffs (known when appointed for a county as High Sheriffs) to carry out certain functions to do with the administration of justice, as well as ceremonial functions. The counties in Wales for the purposes of the annual appointment of a Sheriff are the preserved counties.

3. The Defence Act 1842

In Section 19 of the Defence Act 1842 (valuing of premises in default of agreement) and in Sections 23 and 24, "county" in relation to Wales means a preserved county.

4. The Licensing Act 1964

In Section 85 (parties organised for gain), 188 (closing of licensed premises in case of riot) and 193 (disqualification of justices) of the Licensing Act 1964, "county" in relation to Wales means a preserved county.

5. The Sea Fisheries (Shellfish) Act 1967

In Section 10 of the Sea Fisheries (Shellfish) Act 1967 (jurisdiction in relation to fishery) in relation to Wales, the reference to a county includes a reference to a preserved county.

6. The Interpretation Act 1978

In Schedule 1 to the Interpretation Act 1978 (words and expressions defined), "Wales" is defined as 'the combined area of the counties which were created by Section 20 of the Local Government Act 1972, as originally enacted, but subject to any alteration made under Section 73 of that Act (consequential alteration of boundary following alteration of watercourse).'

7. The Justices of the Peace Act 1979

In Section 1 of the Justices of the Peace Act 1979 (commission areas), Section 4 of that Act (petty sessions areas) and Section 19 of that Act (general provisions as to magistrates' courts committees), references to counties are in relation to Wales references to preserved counties.

8. The Magistrates' Courts Act 1980

In Section 1 (issue of summons to accused or warrant for his arrest), Section 2 (jurisdiction to deal with charges) and Section 3 (offences committed on boundaries etc.) of the Magistrates' Courts Act 1980, references to counties are in relation to Wales references to preserved counties.

9. The Representation of the People Act 1983

In the provisions of section 177 of the Representation of the People Act 1983 (local election offence punishable summarily), "county" in relation to Wales means a preserved county. In Schedule 1 to that Act (parliamentary election rules), in the Appendix, in the entry relating to the form of the certificate to be endorsed on the writ, in relation to any constituency in Wales "county" in this form refers to a preserved county.

10. The Parliamentary Constituencies Act 1986

In paragraph 4 sub-paragraph (1) (a) of Schedule 2 to the Parliamentary Constituencies Act 1986 (rules for redistributing seats), "county" means in relation to Wales a preserved county.

11. The Local Government Act 1972 (as amended by the Local Government (Wales) Act 1994 and The Welsh Assembly Government (Transfer of Functions) Order 1999)

Sub-section (1A) of Section 54 of this Act (proposals for changes in local government areas in Wales) provides "The Welsh Commission may, in consequence of a review conducted by them under this Part of this Act make proposals to the Welsh Assembly Government for effecting changes in the area of a preserved county which appear to the Commission to be desirable having regard, in particular, to the purposes for which the preserved counties are retained."

Section 56(1) of this Act (power of the Welsh Assembly Government to direct holding of reviews) provides:

"(1) The Welsh Assembly Government may direct the Welsh Commission to conduct a review of-

- (a) Wales as a whole,
- (b) any one or more local government areas or parts of such areas in Wales, or
- (c) any one or more preserved counties or parts of such counties,

for the purpose of considering whether or not to make such proposals in relation to the area reviewed as are authorised by section 54 above and what proposals, if any, to make; and the Commission shall, if they think fit, formulate such proposals accordingly."

In Section 224 of this Act (arrangements by principal councils for custody of documents) "county", in relation to Wales, means a preserved county.

In Section 269 of this Act (meaning of “England” and “Wales”), “Wales” means the combined area of the preserved counties and “England” does not include any area which is included in any of the preserved counties.

THE PURPOSES FOR WHICH THE PRESERVED COUNTIES ARE RELEVANT

As noted in Section 1, the LG (W) a 1994 established the purposes for which the preserved counties were to be the relevant areas. However, in many areas further legislation has superseded the provisions made by the LG (VT) a 1994. In this appendix we briefly review those areas of legislation which were relevant at the time of the passing of the LG (VV) A 1994. We highlight those types of administration for which the preserved counties are still relevant and hence which should be considered as part of the Review of the Preserved Counties.

The Lieutenancies Act 1997

The current areas and duties of the Lord-Lieutenants of Great Britain are governed by the Lieutenancies Act 1997. Section 1(1) of the Act says:

"A lord-lieutenant shall be appointed by Her Majesty for each county in England, each county in Wales and each area in Scotland (other than the cities of Aberdeen, Dundee, Edinburgh and Glasgow)."

Section 6 of Schedule 1 says:

"The counties of Wales for the purposes of this Act are the preserved counties, that is to say, the counties in Wales as they stood immediately before the passing of the Local Government (Wales) Act 1994 (but subject to any redrawing of their boundaries by or under that Act or the Local Government Act 1972)."

Hence, any change in the areas of the preserved counties will affect a change in the areas of the Lord-Lieutenants of Wales.

The Sheriffs Act 1887

The areas and duties of the Sheriffs of England and Wales are governed by the Sheriffs Act 1887. Section 3(1) of the Act states that:

"A sheriff shall be appointed annually for every county."

Section 3(4) of the Sheriffs Act 1887 says:

"In this Act "county", in relation to Wales, means a preserved county (as defined by Section 64 of the Local Government (Wales) Act 1994)."

Hence the Sheriffs of Wales are also appointed to the preserved counties. Any change in the areas of the preserved counties will affect a change in the areas of the Sheriffs.

The Defence Act 1842

Under this Act the Lord-Lieutenant and Deputy-Lieutenants of a preserved county are given several duties in relation to the defence of the realm. Prime among these is the right to take land for the defence of the realm without the consent of the owners should the interests of necessity and expediency require this. As noted above, changes to the preserved counties will change the Lieutenancy areas, though the effect of this on these esoteric duties of the Lord-Lieutenant should not be a major concern of the review.

The Sea Fisheries (Shellfish) Act 1967

Section 10 of this Act says that the portion of the sea-shore to which a sea fisheries order applies shall be deemed to lie within the bodies of the various administrative areas

adjoining the sea shore (including the preserved counties). Now that the judicial areas are no longer related to the preserved counties (see below) it is hard to think of a context in which this could be relevant. It is certainly not an issue which should bear on a consideration of what the areas of the preserved counties should be.

The Interpretation Act 1978

Schedule 2 Section 9 of the LG (W) a 1978 amended this Act such that the following definition of "Wales" now appears in Schedule 1:

" "Wales" means *the combined area of the counties which were created by Section 20 of the (1972 c. 701 Local Government Act 1972, as originally enacted but subject to any alteration made under section 73 of that Act (consequential alteration of boundary following alteration of watercourse).* "

Note that this definition does not actually involve the preserved counties but the counties of the 1972 Act as first created. The only way a change can be made to the area defined as "Wales" would be via an alteration of a watercourse. Hence, any changes to the preserved counties will not affect this definition. It is worth noting that this definition of "Wales" is different to that within the LGA 1972 (see below).

The Justices of the Peace Act 1979

The Magistrates Court Act 1980

The Licensing Act 1964

Those parts of the Justices of the Peace Act 1979 and the Magistrates Court Act 1980 relevant to the preserved counties were superseded by the Justices of the Peace Act 1997. This Act, as originally enacted, did refer to the preserved counties as the basis for "commission areas", "petty sessions areas" and "magistrates' courts committee (MCC) areas". However, these sections of the 1997 Act have now been amended by the Access to Justice Act 1999. The preserved counties are no longer referred to in the amended Justices of the Peace Act 1997.

Section 1 of the amended Justices of the Peace Act 1997 now stipulates that the commission areas shall be as specified by the Lord Chancellor by order made by statutory instrument. Similarly, Section 4 of the amended 1997 Act now stipulates that the petty sessions areas shall be as specified by the Lord Chancellor by order made by statutory instrument. Similarly Section 27A of the amended Act now stipulates that the MCC areas shall be as specified by the Lord Chancellor by order made by statutory instrument.

Under SI 2001/695, the MCC areas of Wales are defined by reference to the local government principal areas of Wales and NOT to the preserved counties.

Dyfed Powys: *Carmarthenshire, Ceredigion, Pembrokeshire, Powys*

Gwent: *Blaenau Gwent, Caerphilly, Monmouthshire, Newport, Torfaen*

North Wales: *Isle of Anglesey, Denbighshire, Flintshire, Gwynedd, Wrexham, Conwy*

South Wales: *Bridgend, Cardiff, Swansea, Merthyr Tydfil, Neath Port Talbot, Rhondda Cynon Taff, Vale of Glamorgan*

Under SI 2001/696, the commission areas are defined by reference to the MCC areas and to local government areas:

Dyfed Powys: *the areas of Dyfed Powys MCC*

Gwent: *the area of Gwent MCC*

North Wales: *the areas of North Wales MCC*

South Wales: *that part of the area of the South Wales MCC comprising the local government areas of Cardiff, Merthyr Tydfil, Rhondda Cynon Ta ff, Vale of Glamorgan*

West Glamorgan: *that part of the area of the South Wales MCC comprising the local government areas of Swansea, Neath Port Talbot*

Under SI 2001/694 the petty sessions areas within each MCC area are listed. The petty sessions areas are not generally related to preserved counties or local government areas (except insofar that they must lie within an MCC area). A map showing the petty sessions areas is maintained by the Lord Chancellor.

Hence, the legislation defining areas for magistrates' courts committees, commission areas or petty sessions areas makes no reference to the preserved counties. In some places these areas already cross preserved county boundaries. For example, the whole of the Caerphilly local government area is already in the Gwent MCC area and commission area. There is no need to amend the preserved counties to facilitate this. Hence, in considering changes to the preserved counties, the arrangements for the MCC areas, commission areas or petty sessions areas are no longer a relevant factor.

The licensing districts of the Licensing Act 1964 are the petty sessions areas. These are no longer based upon the preserved counties.

The Representation of the People Act 1983

The Parliamentary Constituencies Act 1986

These Acts relate to the role of the preserved counties as a basis for parliamentary constituencies in Wales. In theory, these should be based within preserved counties although the regulations (Schedule 2 of the 1986 Act) give the Boundary Commissions a fair degree of discretion. The current parliamentary constituencies of Wales are laid out in the Parliamentary Constituencies (Wales) Order 1995 (SI 1995J1036). These constituencies were based within the "counties" of the LGA 1972 as they then existed, although the actual constituencies are described in terms of the local government "districts" and their wards as they then existed. The geography on which the constituencies were based has altered radically. Whilst the preserved counties still exist for the purpose of parliamentary constituencies, there have already been changes in the area of these compared to the areas of the "counties" at the time of SI 1995J1036. The "districts" have all been abolished. Neither of these has necessitated a change to parliamentary constituencies. The geography of SI 1995/1036 does not have to be amended to keep pace with changes to preserved counties or local government areas. Hence, any changes recommended by the Commission will not necessitate a change in parliamentary constituencies. We note that a general review of parliamentary constituencies will be conducted over the next few years. Given that the present boundaries are actually defined in terms of the former local government districts, it certain that any future definitions will be in terms of the present local government "principal areas".

The Local Government Act 1972

As has been noted above, Section 20(6) of 1972 Act provides for the retention of the preserved counties for certain administrative purposes (listed in Part II of Schedule 4 of the Act). As also noted above, Section 56(1) enables the Welsh Assembly Government to direct the Commission to review the areas of the preserved counties and section 54(IA) enables the Commission to recommend changes in the preserved counties following such

a review. These provisions will remain unaltered by any changes in the areas of the preserved counties and are not relevant factors in the review.

Section 269 of the 1972 Act says:

"In this Act "Wales" means the combined area of the preserved counties and "England" does not include any area which is included in any of the preserved counties."

Note that this is slightly different to the definition of "Wales" in the Interpretation Act 1978. The latter Act only allows for a change in the area it defines as "Wales" subsequent to the alteration of a watercourse (see above). The area that the LGA 1972 defines as "Wales" could be altered by a change in the area of one or more preserved county if this involved adding to or subtracting from that preserved county an area which had previously been part of the area the Act defines as "England". However, such a scenario cannot happen under the present review. Any changes to the preserved counties brought about by this review will not alter the definitions of "Wales" in either the Interpretation Act 1978 or the LGA 1972 and, hence, this issue is not a relevant factor in this review.

Section 219 of the LGA 1972 (sheriffs and under-sheriffs) contains various provisions relating to sheriffs and under-sheriffs. Subsections (1), (5) and (9) are of relevance to the preserved counties. We reproduce these:

"(1) Sheriffs appointed for a county or Greater London shall be known as high sheriffs, and reference in any enactment or instrument to a sheriff shall be construed accordingly in relation to sheriffs for a county or Greater London"

"(5) Where the area for which an under-sheriff acts is situated in two or more counties, the duty imposed by section 23 of the Sheriffs Act 1887 of appointing the under-sheriff for that area shall be discharged by the high sheriff of the county containing the greater part of that area, after consulting any other high sheriff concerned, and if any question arises as to which county claims the greater part of an under-sheriff's area, it shall be determined by the Lord Chancellor. "

"(9) In subsections (1) and (5) above "county" in relation to Wales, means a preserved county. "

Section 219(9) ties in with the use of the preserved counties for the Sheriffs Act 1887. Clearly, changes to the preserved counties will affect the Sheriffs of Wales and, hence, these should form a factor in the review.

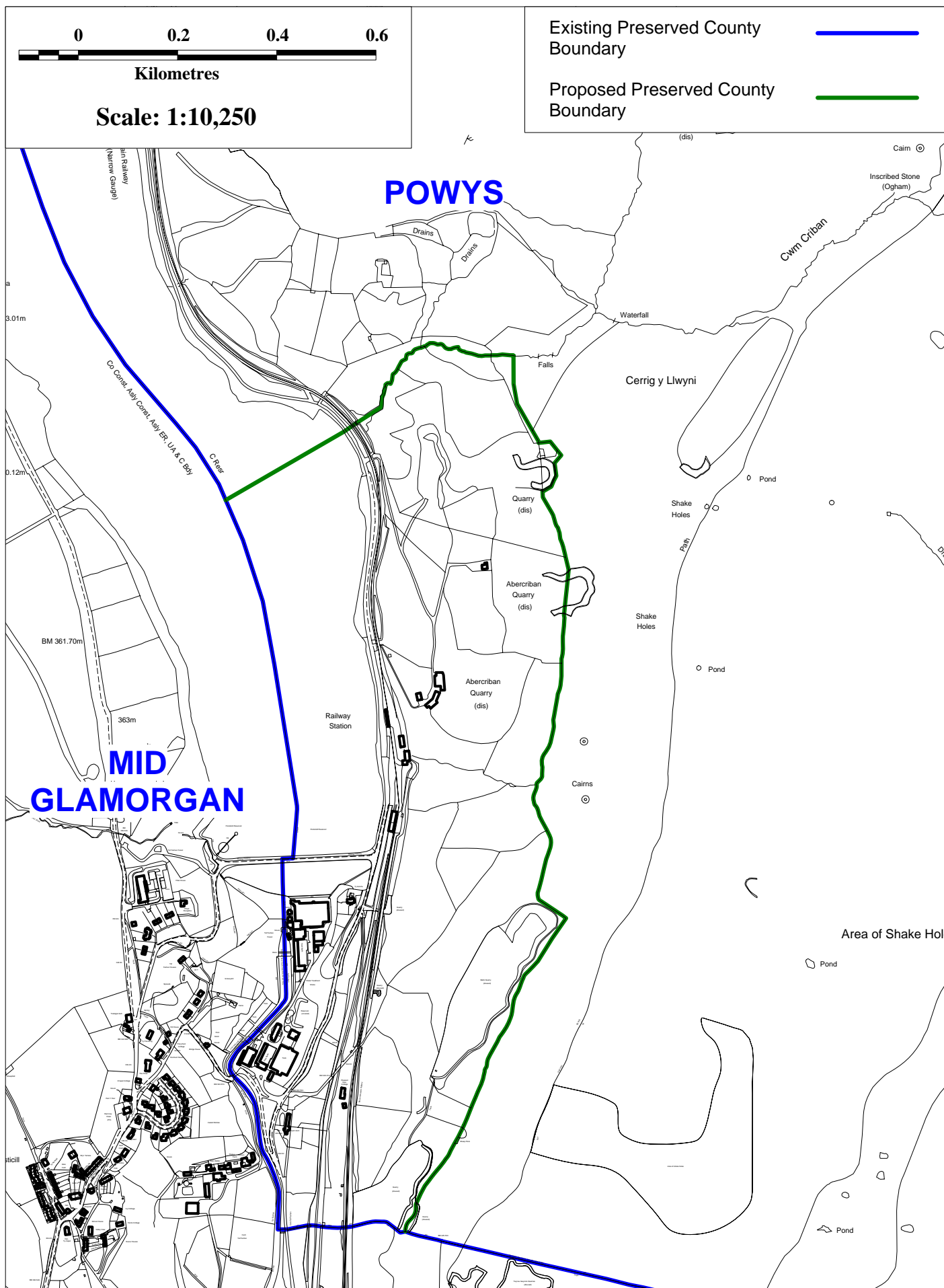
Subsection (1) and (3) of Section 224 (Arrangements by principal councils for the custody of documents) of the LGA 1972 say:

"(1) Without prejudice to the powers of the custos rotulorum to give directions as to the documents of any county, a principal council shall make proper arrangements with respect to any

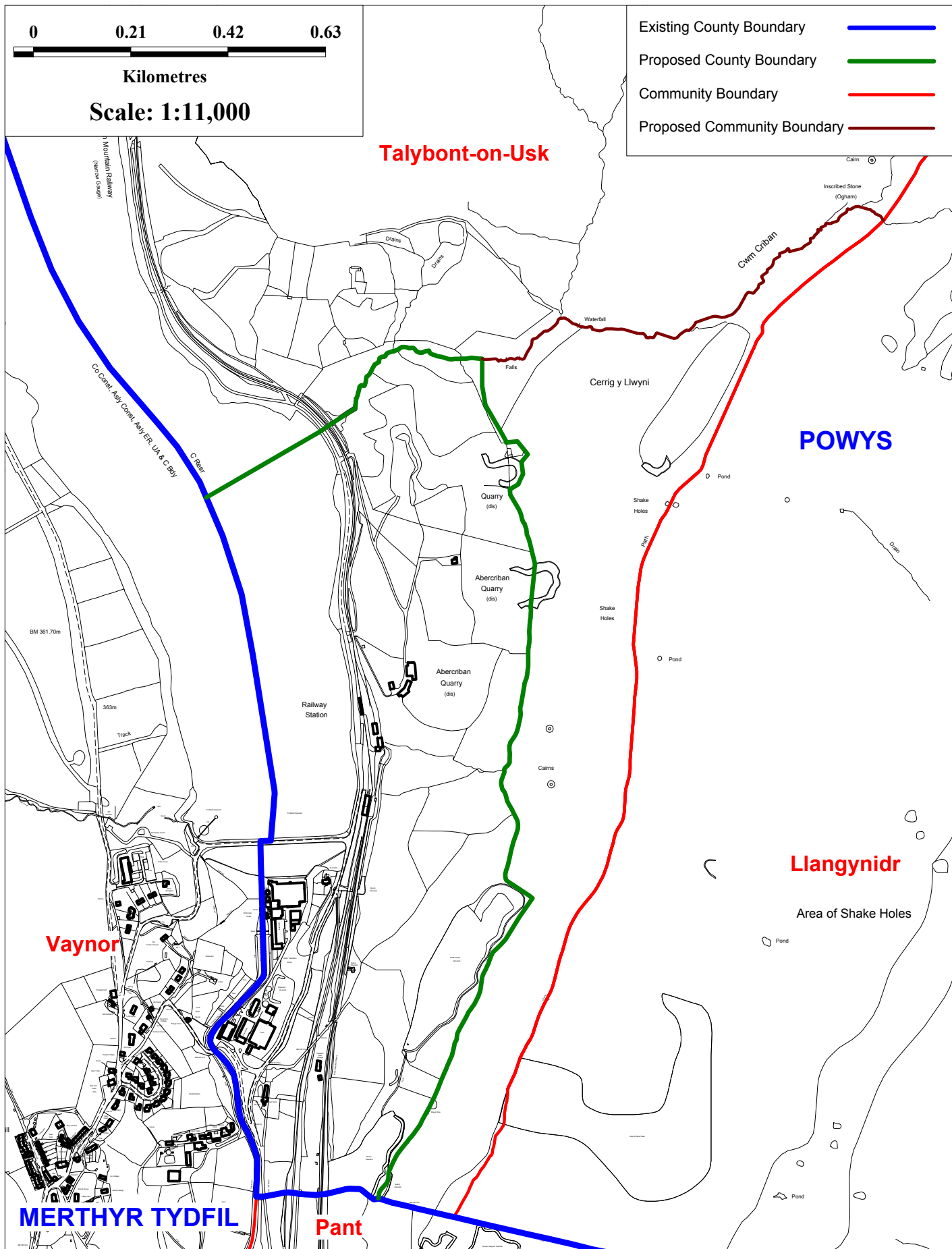
documents that belong to or are in the custody of the council or any of their officers.

(3) In subsection (1) above "county", in relation to Wales, means a preserved county. "

We noted in Section 2 that the Lord-Lieutenant is also the Custos Rotulorum for each preserved county in Wales. The main role of the Custos Rotulorum is the responsibility for the records of the courts of Quarter Session held from the sixteenth century to 1971. These important sets of historical documents are based on the historic Counties. Changes to the preserved counties will affect the area of the Custos Rotulorum and hence, the geographical basis of the responsibility for these records.



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