

Section 11 LOCAL GOVERNMENT ACT 1972

**RYEDALE DISTRICT
(PARISHES OF FARNDALE EAST AND FARNDALE WEST)
GROUPING ORDER 2018**

Order grouping the parishes of Farndale East and Farndale West under a common parish council.

Made this 23 day of May 2018

WHEREAS –

- (1) The parishes of Farndale East and Farndale West are neighbouring parishes and the Parish Meetings of both parishes have applied to the Ryedale District Council (“the District Council”) for an Order grouping parishes under a common parish council.
- (2) Farndale East has a Parish Council. Farndale West has a parish meeting but does not have a parish council nor does it form part of another parish council.

NOW THEREFORE the District Council, in exercise of its powers under section 11 of the Local Government Act 1972 (“the 1972 Act”) and of all other powers enabling them, in that behalf, hereby make the following order:

Grouping parishes

1. The Parishes of Farndale East and Farndale West shall be grouped under a common parish council. The group shall be named “ the Farndale Group” and the common parish council shall be named “ Farndale Parish Council ”.

Numbers of parish councillors

2. The common parish council shall consist of ten (10) councillors of whom [5] shall be elected to represent the parish of Farndale East and [5] shall be elected to represent the parish of Farndale West.

Interim electoral arrangements

3. The first election of Parish Councillors shall be held on such date as the Returning Officer for Ryedale District shall decide and shall be conducted in accordance with the Parish Council Election Rules in force or in the absence of an election prior to the parish elections in 2019 Parish Councillors shall be appointed pursuant to section 91 of the Local Government Act 1972 as amended (Temporary appointment of members of parish councils) ; and the Parish Councillors so elected or appointed shall hold office until the ordinary day of retirement of Parish Councillors in the year 2019.
4. The Farndale East Parish Council shall be dissolved from the date of date of this Order.
5. The annual meeting of the common parish council in 2018 shall be held on or within 14 days after the day on which the first parish councillors take office or are appointed and shall be convened by the Clerk of Farndale Parish Council or any acting clerk .
6. There shall be a separate parish meeting for each parish. Sub-paragraph 14(3) of Schedule 12 of the 1972 Act shall not apply.

7. Where under the provisions of an enactment or instrument the consent of the parish meeting for a parish is required in respect of any act done, or proposed to be done, by a parish council, the consent of the parish meeting of each parish affected by the act shall be necessary in respect of such act done or proposed to be done, by the common parish council.
8. For the purposes of the application to the parishes of all or any of the provisions of sections 298-303 of the Charities Act 2011 and of any provision of the Local Government Act 1972 with respect to the custody of parish documents, so as to preserve the separate rights of each parish, the common parish council shall be deemed to be a separate parish council for each parish PROVIDED that the consent of the parish meeting for any parish shall be required to any act of the common parish council under the said provisions which relates only to the affairs of that parish.
9. The annual assemblies of the parish meetings of Farndale East and Farndale West shall be held before the fourth day after the ordinary election of councillors.

Transfer of property, rights and liabilities

10. All property, staff and liabilities vested in or attaching to the Farndale East Parish Council and Farndale West Parish Meeting shall by virtue of this Order on the date of this order be transferred to and vest in or attach to the common parish council. All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the Farndale East Parish Council and Farndale West parish meeting shall as from the date of this order be of full force and effect in favour of, or against, the common parish council. Any action or proceeding or any cause of action or proceeding, pending or existing at such day by, or against, the Farndale East Parish Council and Farndale West parish meeting shall not be prejudicially affected by this Order and may be continued, prosecuted and enforced by or against the common parish council.

Accounts

12. The accounts of the Parish Council of Farndale East and Farndale West parish meeting and the committees and offices thereof shall be made up to the date of this order and shall be audited in like manner and subject to the same incidents and consequences as if this Order had not been made PROVIDED that any sum certified by an auditor as due from any person shall be paid to the common parish council.

Precept

13. The Parish Council shall be responsible for administering the precepts for the parishes for 2018/19 and beyond and shall comply with all financial governance applicable to same. The Parish Council will receive from the District Council two payments by instalments.
14. All properties in the parish of Farndale East shall be subject to the Council Tax precept determined by the District Council for 2018/19 and beyond. All properties in the parish of Farndale West shall be subject to the Council tax precept determined by the District Council for 2018/19 and beyond.
15. The Interpretation Act 1978 shall apply for the interpretation of an Act of Parliament.

16. This Order may be cited as the Ryedale District (Parishes of Farndale East and Farndale West) Grouping Order 2018 and shall come into operation on the making hereof.

THE COMMON SEAL of THE)
RYEDALE DISTRICT COUNCIL)
was hereunto affixed and is)
authenticated by:)



Anthony Winstanley

Council Solicitor

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