



Isle of Man

Ellan Vannin

SD No. 2015/0362

**GARFF (LOCAL GOVERNMENT DISTRICT)
ORDER 2015**



GARFF (LOCAL GOVERNMENT DISTRICT) ORDER 2015

Index

Article	Page
1 Title	5
2 Commencement	5
3 Interpretation.....	5
4 Purpose.....	6
5 Commissioners of the Garff Parish District	6
6 Transfer of property, contracts etc	6
7 Byelaws	6
8 Differential Rating	6
9 Boundary of the Garff Parish District	7
10 Division of Garff Parish District into wards	7
11 Elections to the Garff Parish District.....	8
12 Casual vacancies	8
13 Dissolution of former authorities	8
14 Transitional provisions	8
15 Provisions consequential on dissolutions etc	8
16 Consequential amendments.....	9
17 Implementation of Order.....	9
18 Revocation	9
SCHEDULE 1	11
TRANSFER OF PROPERTY ETC	
	11
SCHEDULE 2	15
MAP OF GARFF PARISH DISTRICT	15

Statutory Document No. 2015/0362



Local Government Act 1985

GARFF (LOCAL GOVERNMENT DISTRICT) ORDER 2015

Approved by Tynwald: 15 December 2015
Coming into Operation: in accordance with article 2

The Department of Infrastructure with the consent of the local authorities of Laxey, Lonan and Maughold, makes the following Order under section 6A of the Local Government Act 1985.

1 Title

This Order is the Garff (Local Government District) Order 2015.

2 Commencement

If approved by Tynwald, this Order comes into operation¹ –

- (a) for the purposes of preparing for elections to the Commissioners, on 1 January 2016;
- (b) for all purposes other than article 13, on 1 April 2016; and
- (c) for the purposes of article 13, on 1 May 2016.

3 Interpretation

In this Order –

“**the Act**” means the Local Government Act 1985;

“**the appointed day**” means the 1 May 2016;

“**the Clerks**” means the Clerks of the former authorities;

“**the Commissioners**” means the Commissioners of the Local Government District of Garff;

“**the former authorities**” means the former housing authority and the former local authorities;

“**the former housing authority**” means Cooil Roi Housing Authority as it existed immediately before the appointed day;

¹ Tynwald approval is required by section 6A(5) of the Act

“**the former local authorities**” means the commissioners of the village district of Laxey, and the commissioners of the parish districts of Lonan and Maughold as they exist immediately before the appointed day; and

“**the Garff Parish District**” means the Local Government District of Garff constituted under Article 5.

4 Purpose

This Order unites, with effect from the appointed day, the village district of Laxey and the parish districts of Lonan and Maughold as a new local government district to be known as the Garff Parish District.

5 Commissioners of the Garff Parish District

- (1) The Commissioners of the Garff Parish District will be a body corporate by the name of the Garff Parish District.
- (2) There shall be nine Commissioners².
- (3) Members of the former local authorities shall go out of office on 1 May 2016.
- (4) New members of the Garff Parish District take up office on the appointed day and hold office for a 4 year term (and their successors shall take up office in each fourth succeeding year, other than when filling a casual vacancy in their number).

6 Transfer of property, contracts etc

Schedule 1 has effect with respect to the transfer of the property, rights, staff and liabilities of the former authorities.

7 Byelaws

- (1) All byelaws made by the commissioners of the parish authorities of Lonan and Maughold are repealed with effect from the appointed day.
- (2) Any byelaws made by the commissioners of the village district of Laxey continue to have effect after the appointed day, but any reference in those byelaws to the district of Laxey shall be construed as referring to the Laxey ward of the Garff Parish District.

8 Differential Rating

- (1) This article sets out the procedure by which the rates for Garff Parish District are to be determined for the financial years 2016-17 to 2021-22.

² Article 10 provides that there shall be 3 Commissioners for each of the three wards of the new district.

- (2) For the financial year 2016-17 each of the former local authorities shall levy a rate on the hereditaments in its district as it stands on 31st March 2016, and section 11(1) of the *Local Government Act 2006* has effect in relation to that year as if the reference to “its expenses” were a reference to the expenses of the Commissioners, so far as referable to the area of the former local authority.

In deciding the rate under this paragraph the former local authority must have regard to the likely changes in expenditure and income which will arise in relation to their district as a result of the creation of the new District of Garff.

- (3) For the financial years 2017-18 to 2020-21 the rate in the pound which is payable for a hereditament is found by the formula—

$$PxEF.$$

Here—

P is the rate poundage set for the year by the Commissioners for the whole of the new District of Garff in accordance with section 11 of the Local Government Act 2006; and

EF is the equalisation factor to be applied for that financial year in the ward of the District of Garff in which the hereditament in question is situate as shown in the Table below.

Financial year	Factor to be applied		
	Laxey	Lonan	Maughold
2017-18	1.33	0.78	0.82
2018-19	1.25	0.83	0.87
2019-20	1.16	0.89	0.91
2020-21	1.08	0.94	0.96

9 Boundary of the Garff Parish District

- (1) The boundary of the Garff Parish District is shown by a line in red on the plan in Schedule 2.
- (2) A certified copy of the plan must be deposited at the General Registry by the Department.
- (3) The Commissioners must arrange for a copy of the plan to be available for inspection at its principal office at all reasonable times by any person.

10 Division of Garff Parish District into wards

- (1) The boundaries of the former local authorities become, with effect from the appointed day, the boundaries of the new wards within the Garff Parish District and those wards are to be known respectively as the Laxey Ward, the Lonan Ward and the Maughold Ward.

- (2) Each ward shall elect 3 of the Commissioners.
- (3) The areas of the new wards are shown by different colours on the plan in Schedule 2.

11 Elections to the Garff Parish District

- (1) Subject to section 6 of the Local Elections Act 1986, for the purpose of holding elections to the Garff Parish District, any voter whose name is entered (at 1st April 2016) on the register of electors for any of the former local authorities, is qualified to vote in the first elections of the Commissioners.
- (2) Elections for the new members of the Garff Parish District are to be held in April 2016 in accordance with the provisions of section 3(1) of the Local Elections Act 1986 and the Local Election Rules 2003³ and, in relation to anything to be done, or required to be done by the local authority constituted under article 5, any reference in those Rules to any of the former local authorities is to be construed as referring to the new District of Garff or one of the new wards constituted under article 10, as the case requires.

12 Casual vacancies

No election is to be held to fill a casual vacancy in the members of the former local authorities arising on or after 1 January 2016 unless the number of members of the authority would, but for the election, fall below 3.

13 Dissolution of former authorities

On the appointed day the former authorities are dissolved.

14 Transitional provisions

- (1) Subject to the provisions of this Order, anything done prior to the appointed day in relation to the area of any of the former local authorities is to be taken as from that day and have effect in relation to that area (despite the creation of the new parish district) as if it had been done by the Commissioners.
- (2) Any reference in any enactment to a former local authority shall with effect from the appointed day be taken as reference to the new Garff Parish District or one of the new wards as the case may be.

15 Provisions consequential on dissolutions etc

All acts duly done and decisions duly made before the appointed day by or on behalf of a former authority continue to have all such force and effect as they

³ SD 888/03 as amended by SD 40/08 and SD 1082/11

had immediately before that day, subject to any express provision to the contrary made by this Order.

16 Consequential amendments

- (1) In the Northern Swimming Pool Board Order 2000⁴ in article 1(2) in the definition of “constituent authorities” for “Maughold” substitute “Garff (but only in the respect of the ward of Maughold)”.
- (2) In the Ramsey and Northern Districts Housing Order 1976⁵ in article 2 in the definition of “Combination authorities” for “Maughold” substitute “Garff (but only in the respect of the ward of Maughold)”.

17 Implementation of Order

The former authorities and their employees must cooperate with each other and generally exercise their functions so as to facilitate the implementation of this Order.

18 Revocation

The Cooil Roi Housing Order 1981⁶ is revoked.

MADE 14 NOVEMBER 2015

P A GAWNE
Minister for Infrastructure

⁴ SD 610/00

⁵ GC 169/81

⁶ GC 169/81.

SCHEDULE 1**TRANSFER OF PROPERTY ETC**

[Article 6]

1 Transfer of property

- (1) All real and personal property which immediately before the appointed day is vested in or held by the former authorities vests, on that date, in the Commissioners without any conveyance or other assurance for the purpose of its functions.
- (2) If any question arises whether any property, which immediately before the appointed day was vested in or held by the former authorities was so vested or held for the purpose of its functions, the question may be referred by the Commissioners, or by any other interested person, to the Department.
- (3) On such a reference the Department, after giving the Commissioners and any other interested person an opportunity to be heard, may declare that the property in question was or was not vested or held as mentioned in that sub-paragraph (2).
- (4) A declaration under sub-paragraph (3) is conclusive and binding for all purposes and on all persons, except a purchaser for money or money's worth of an interest in the property by virtue of a transaction entered into or taking effect before the reference was made, and persons deriving title under such a purchaser.

2 Transfer of rights etc.

- (1) All rights and obligations which immediately before the appointed day were enforceable by or against one of the former authorities and are enjoyed or incurred for the purpose of their functions must on and after that date be enforceable by or against the Commissioners.
- (2) Unless the context otherwise requires, all references to the former authorities, so far as they relate to their functions and not otherwise, in any agreement, deed, instrument, licence, consent, application, notice or other document are to be construed as references to the Commissioners.
- (3) This Schedule does not affect the validity of anything done by or in relation to the former authorities before the appointed day; and anything which on that date is in process of being done by or in relation to the former authorities so far as it relates to any of their functions, may be continued by or in relation to the Commissioners.
- (4) Anything made or done by the former local authorities or the former housing authority, so far as it relates to any of their functions, if in force

on the appointed day, has effect as if made or done by the Commissioners so far as that is required for continuing its effect after that day.

3 Transfer of staff

- (1) Any person who immediately before the appointed day was employed by the former authorities wholly or mainly for or in connection with their functions must on that day become employed by the Commissioners without further appointment on and subject to the like terms and conditions as those on and subject to which he or she was employed immediately before the appointed day.

This is subject to sub-paragraph (2) and any direction under it.

- (2) If a person referred to in sub-paragraph (1) was not employed by the former authorities immediately before the appointed day, the Department may direct that sub-paragraph (1) shall not apply to that person, or shall apply to him or her subject to such modifications as are specified in the direction.
- (3) The Department may direct that, in relation to any person referred to in sub-paragraph (1) who was employed by the former authorities immediately before the appointed day, that sub-paragraph must have effect with the substitution for “1 May 2016”(in the second place) of such date (not being earlier than 1st April 2016) as is specified in the direction.
- (4) The Department, after consultation with the Public Sector Pensions Authority and Douglas Corporation, may, before or as soon as is practicable after the appointed day, give directions with respect to the superannuation of persons referred to in sub-paragraph (1) to whom a scheme under section 8 (local government) of the *Superannuation Act 1984*⁷) applied immediately before that date.
- (5) Directions under sub-paragraph (4) shall secure that, at the election of a person to whom sub-paragraph (1) applies the scheme referred to in sub-paragraph (4) shall continue to apply to him or her, and that scheme shall have effect subject to any such directions.
- (6) Before giving any direction under sub-paragraph (4) the Department may consult the Clerk to the Commissioners and such organisations (if any) as appear to the Department to be representative of persons to whom sub-paragraph (1) applies.

⁷ Transitional provisions under Schedule 1 of the Public Sector Pensions Act 2011 enable existing local government pension schemes made under the Superannuation Act 1984 to remain under former arrangements.

4 Provision of information

- (1) No later than 3 months before the appointed day, the Clerks of each of the former authorities must provide to each of the other Clerks the following information as that Clerk may require relating to the authority of which he or she is the Clerk —
 - (a) any property vested in or held by that authority for the purpose of its functions;
 - (b) any rights, obligations and liabilities enforceable by or against that authority for the purpose of those functions;
 - (c) any persons employed by that authority for the purpose of its functions, and the terms and conditions on and subject to which they are employed;
 - (d) any legal proceedings pending by or against that authority in connection with those functions; and
 - (e) any action taken by that authority in the exercise of those functions.
- (2) The Clerk of each authority may allow a person authorised for the purpose by another authority, on production of his or her authorisation, to inspect and take copies of any books, records, accounts or other documents in the possession or under the control of the authority and relating to that authority's functions.
- (3) Any person authorised as mentioned in sub-paragraph (2) —
 - (a) is entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with the records or accounts in question; and
 - (b) may require the person by whom or on whose behalf the computer is or has been used, or any person having charge of or otherwise concerned with the operation of the computer, apparatus or material, to afford him or her such assistance as he or she may reasonably require.
- (4) If an authority fails to comply with a requirement under sub-paragraph (1) or (2), any of the other authorities may apply to the High Court for an order enforcing compliance with the requirement.

5 Transfer of liabilities

- (1) Subject to the provisions of this Schedule, every debt and other liability, whether liquidated or unliquidated and including stock and mortgage debts and loan charges which immediately the appointed day had been incurred but not discharged by the former authorities are on the appointed day transferred to and attach to the Commissioners and must

be paid or discharged by and may be recovered against the Commissioners accordingly.

- (2) Nothing in this Order invalidates or affects any cheque or paying order issued by the former authorities in respect of any liability referred to in this paragraph, or any authority for the payment of the amount of such cheque or order, and the Commissioners must make arrangements for payment of the amount of any such cheque or order on due presentation after the appointed day.

6 Miscellaneous

- (1) All contracts, deeds, bonds, agreements and other instruments subsisting immediately before the appointed day in favour of or against and all notices then in force which were given by or to the former authorities are to be taken, on or after the appointed day, to be of full force and effect in favour of or against the Commissioners.
- (2) Any action or proceeding or any cause of action or proceeding, pending or existing immediately before the appointed day by or against the former authorities shall not be prejudicially affected by reason of this Order and may be continued, prosecuted and enforced by or against the Commissioners.

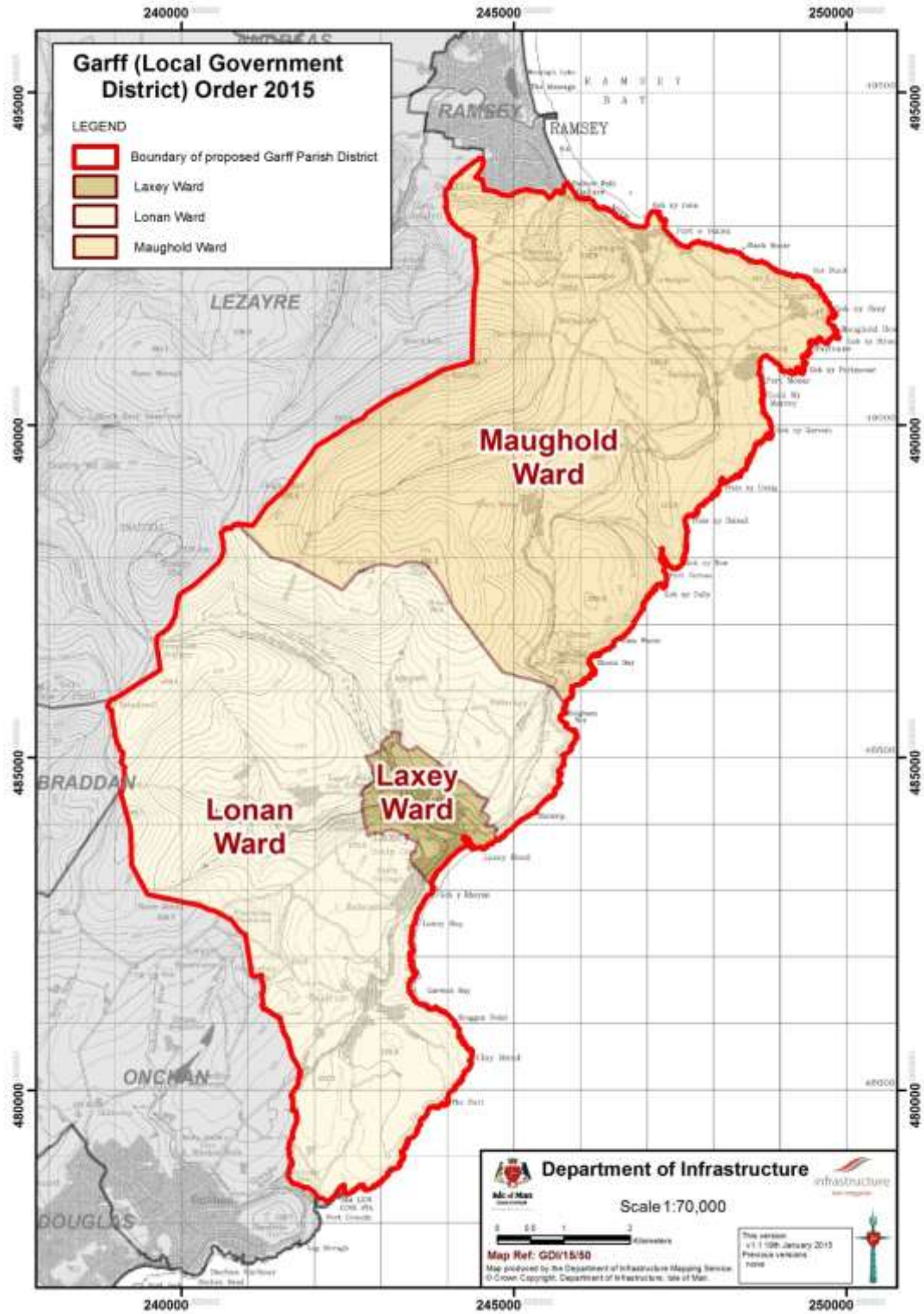
7 Disputes

- (1) Any question as to whether —
 - (a) the terms and conditions of employment of a person transferred under paragraph 3 are less favourable, or
 - (b) the duties of such a person are not reasonably comparablemust be determined by an employment tribunal appointed under section 4 of the Tribunals Act 2006.

SCHEDULE 2

MAP OF GARFF PARISH DISTRICT

[Article 9 and 10]



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

This Order unites with effect from 1st May 2016 the village districts of Laxey and the parish districts of Maughold and Lonan as a single local government district to be known as the Garff Parish District. The Order provides for the transition from the present districts to the new district. It also revokes the Cooil Roi Housing Order 1981 as the functions of the Cooil Roi Housing Authority are transferred to the Commissioners of the new district.