
DRAFT STATUTORY INSTRUMENTS

2009 No.

The Local Government (Structural Changes) (Miscellaneous
Amendments and Other Provision) Order 2009

PART 1

GENERAL

Citation and commencement

1. This Order may be cited as the Local Government (Structural Changes) (Miscellaneous Amendments and Other Provision) Order 2009 and shall come into force for the purposes of this article and articles 3 to 7 on the day after that on which it is made, and for all other purposes on 1st April 2009.

PART 2

AMENDMENT OF ORDERS UNDER PART 1 OF THE LOCAL
GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Amendment of the Bedfordshire (Structural Changes) Order 2008

2.—(1) The Bedfordshire (Structural Changes) Order 2008 is amended as follows.

(2) In article 16 (duties of shadow authority: executive arrangements, code of conduct and members' allowances), after paragraph (5) insert—

“(5A) The persons who, on the coming into force of the Local Government (Structural Changes) (Miscellaneous Amendments and Other Provision) Order 2009, are the members of the shadow executive shall—

(a) continue as members of that executive, and

(b) on and after 1st April 2009, shall be the members of the Central Bedfordshire Council's executive for the purposes of Part 2 of the Local Government Act 2000,

until the end of the shadow period, notwithstanding the dissolution on that date of the County Council and district councils by which they were nominated.

(5B) If a member of the executive constituted as mentioned in paragraph (5A)(b) ceases to be a member of that executive before the end of the shadow period, the Central Bedfordshire Council may in accordance with the terms of the constitution of the Council nominate another member of the Council to be a member of its executive.”;

(3) In article 26(1) (cancellation of parish council elections in Bedfordshire in 2008, etc)—

(a) after sub-paragraph (a) insert—

- “(aa) the term of office of those councillors elected in 2004 or at any subsequent election before the 2009 election day for the council of those parishes referred to in sub-paragraph (a) shall end on the fourth day thereafter;”;
- (b) for sub-paragraph (b) substitute—
 - “(b) elections for the return of councillors to the council of the parishes referred to in sub paragraph (a) shall be held on the 2009 election day;”;
- (c) after sub-paragraph (b) insert—
 - “(ba) elections shall not be held in 2010 for the return of councillors to the council of the parishes of Bolnhurst and Keysoe, Caddington, Dean and Shelton, Eaton Bray, Elstow, Harrold, Hyde, Oakley, Odell, Pertenhall and Swineshead, Podington, Riseley, Slip End, Wilshamstead and Wymington;
 - (bb) the term of office of those councillors elected in 2006 or at any subsequent election before the 2011 election day for the council of those parishes referred to in sub-paragraph (ba) shall end on the fourth day thereafter;”.

Amendment of the Cornwall (Structural Change) Order 2008

3. In the Cornwall (Structural Change) Order 2008 in article 3 (single tier local government in Cornwall) after paragraph (2) insert the following—

“(3) If the council for the county of Cornwall passes a resolution that the word “County” should be omitted from its name, its name shall be “The Cornwall Council” and subsection (3) of section 2 of the 1972 Act (constitution of principal counties in England) shall cease to apply so far as it prescribes the name of that council.”.

Amendment of the Northumberland (Structural Change) Order 2008

4. In the Northumberland (Structural Change) Order 2008 in article 3 (single tier local government in Northumberland) after paragraph (2) insert the following—

“(3) If the council for the county of Northumberland passes a resolution that the word “County” should be omitted from its name, its name shall be “The Northumberland Council” and subsection (3) of section 2 of the 1972 Act (constitution of principal counties in England) shall cease to apply so far as it prescribes the name of that council. ”.

Amendment of the Shropshire (Structural Change) Order 2008

5. In the Shropshire (Structural Change) Order in article 3 (single tier local government in Shropshire) after paragraph (2) insert the following—

“(3) If the council for the county of Shropshire passes a resolution that the word “County” should be omitted from its name, its name shall be “The Shropshire Council” and subsection (3) of section 2 of the 1972 Act (constitution of principal counties in England) shall cease to apply so far as it prescribes the name of that council. ”.

Amendment of the Wiltshire (Structural Change) Order 2008

6. In the Wiltshire (Structural Change) Order 2008 in article 3 (single tier local government in Wiltshire) after paragraph (2) insert the following—

“(3) If the council for the county of Wiltshire passes a resolution that the word “County” should be omitted from its name, its name shall be “The Wiltshire Council” and subsection (3) of section 2 of the 1972 Act (constitution of principal counties in England) shall cease to apply so far as it prescribes the name of that council. ”.

Amendment of the County Durham (Structural Change) Order 2008

7. In the County Durham (Structural Change) Order 2008 in article 3 (single tier local government in Durham) after paragraph (2) insert the following—

“(3) If the council for the county of Durham passes a resolution that the word “County” should be omitted from its name, its name shall be “The Durham Council” and subsection (3) of section 2 of the 1972 Act (constitution of principal counties in England) shall cease to apply so far as it prescribes the name of that council.”.

PART 3

PROVISIONS RELATING TO CEREMONIAL MATTERS

Charter Trustees

8.—(1) There shall be established for each area listed in the second column of the table in the Schedule to this Order a body corporate to be known by the name specified in relation to that area in the first column of that table.

(2) The charter trustees for a body listed in the first column of the table in the Schedule are the councillors for the time being for the electoral areas specified in the entry for that body in the second column of the Schedule as being comprised in that body’s area.

Market Rights in Chester

9. The rights to hold markets in the City of Chester arising from the various Charters granted by the Earldom of Chester and by the Crown (1), shall vest in Cheshire West and Chester Council.

Lord-Lieutenants

10. In the Lieutenancies Act 1997 (2), in Schedule 1 (counties and areas for the purposes of lieutenancies in Great Britain), in the second column of the table in paragraph 3 —

- (a) for “Bedfordshire” (against the entry “Bedfordshire” in the first column), substitute “Bedford, Central Bedfordshire”;
- (b) for “Cheshire” (against the entry “Cheshire” in the first column) (3) substitute “Cheshire East, Cheshire West and Chester, and”.

Sheriffs

11. In the Sheriffs Act 1887(4), in Schedule 2A (counties in England for the purposes of the Act), in the second column of the table—

- (a) for “Bedfordshire” (against the entry “Bedfordshire” in the first column), substitute “Bedford, Central Bedfordshire”; and
- (b) for “Cheshire” (against the entry “Cheshire” in the first column) (5) substitute “Cheshire East, Cheshire West and Chester, and”.

(1) In particular rights are granted in the Charter of Earl Ranulph III of Chester between 1208 and 1218 which was confirmed by King Henry III on 22 October 1239; and in the Charter of King Edward I dated 12 June 1300, the Great Charter of King Henry VII dated 6 April 1506, and in the Letters patent granted by King Charles II dated 4 February 1685.

(2) 1997 c. 23.

(3) The entry for Cheshire was inserted by S.I. 1997/1992.

(4) 1887 c. 55; Schedule 2A was added by regulation 8 of S.I. 1995/1748.

(5) The entry for Cheshire was inserted by S.I. 1997/1992.

PART 4

PROVISIONS RELATING TO PENSION FUNDS IN BEDFORDSHIRE AND CHESHIRE

Local Government pension funds: Bedfordshire

12. The local government pension fund maintained by Bedfordshire County Council by virtue of regulations under section 7 of the Superannuation Act 1972 (superannuation of persons employed in local government service, etc)(6), together with all other property, rights and liabilities in respect of the fund, shall vest in Bedford Borough Council.

Local Government pension funds: Cheshire

13. The local government pension fund maintained by Cheshire County Council by virtue of regulations under section 7 of the Superannuation Act 1972, together with all other property, rights and liabilities in respect of the fund, shall vest in Cheshire West and Chester Council.

PART 5

AMENDMENT OF PORT HEALTH AUTHORITY ORDERS

Amendment of the Manchester Port Health Authority Order 1977

14.—(1) The Manchester Port Health Authority Order 1977(7) is amended as follows.

(2) In article 1 (citation, commencement and interpretation), in paragraph (3), for “Ellesmere Port and Neston Borough Council, Vale Royal District Council” substitute “Cheshire West and Chester Council”.

(3) In article 2 (port health authority), in paragraph (3)—

- (a) for “Ellesmere Port and Neston Borough Council” substitute “Cheshire West and Chester Council”;
- (b) for the number shown against the substituted “Cheshire West and Chester Council for “1” substitute “2”; and
- (c) omit “Vale Royal District Council” and the number shown against the name of that Council.

(4) For article 8 (expenses), substitute—

“Expenses

8. The riparian authorities shall contribute towards any expenses incurred or to be incurred by the joint board by virtue of the authority conferred upon them by this order in the following proportions—

<i>Local authority</i>	<i>Contribution</i>
Manchester City Council	Four- fourteenths

(6) 1972 c. 11 The relevant operative regulations are S.I. 1997/1612, S.I. 1998/1831, S.I. 1999/3259, S.I. 2000/2552, S.I. 2007/1166, S.I. 2008/238, S.I. 2008/239, S.I. 2008/1083, S.I. 2008/2425, S.I. 2008/2989, S.I. 2008/3245.

(7) S.I. 1977/1460.

<i>Local authority</i>	<i>Contribution</i>
Salford City Council	Four- fourteenths
Trafford Borough Council	One- fourteenth
Cheshire West and Chester Council	Two- fourteenths
Halton Borough Council	One- fourteenth
Warrington Borough Council	One- fourteenth
Wirral Borough Council	One- fourteenth”

Amendment of the Plymouth Port Health Authority Order 1977

15. In the Plymouth Port Health Authority Order 1977(8) in article 1 (citation, commencement and interpretation), for paragraph (3) substitute —

“(3) The riparian authorities specified for the purposes of this order are the City Council, the council for the county of Cornwall and South Hams District Council.”.

Amendment of the River Blyth Port Health Authority Order 1977

16.—(1) The River Blyth Port Health Authority Order 1977(9) is amended as follows.

(2) In article 1 (citation, commencement and interpretation)—

(a) in paragraph (2)—

(i) after the definition of “the Act” insert—

““the Council” means the council for the county of Northumberland;”;

(ii) omit the definition of “the joint board”; and

(b) omit paragraph (3).

(3) In article 2 (port health authority), in paragraph (1), for “a joint board” substitute—

“the Council”.

(4) Omit articles 3, 4 and 5 (provisions relating to the joint board);

(5) In article 6 (jurisdiction)—

(a) for “The joint board” substitute “The Council”; and

(b) omit “of the riparian authorities”.

(6) For the heading to article 7(functions assigned to the Joint Board), substitute—

“Functions of the Port Health Authority”

(7) In article 7—

(a) in paragraph (1)—

(i) for the words from the beginning to “local authority” substitute “The Council, as port health authority, shall have its functions, rights and liabilities”; and

(ii) for “their jurisdiction”, substitute “its jurisdiction”; and

(b) in paragraph (2), for “the functions, rights and liabilities assigned to the joint board” substitute “the Council’s functions, rights and liabilities”.

(8) [S.I. 1977/1457](#).

(9) [S.I. 1977/1459](#).

- (8) Omit articles 8 and 9 (expenses and audit).

Amendment of the Falmouth & Truro Port Health Authority Order 1988

- 17.**—(1) The Falmouth & Truro Port Health Authority Order 1988⁽¹⁰⁾ is amended as follows.
- (2) In article 1(citation, commencement and interpretation), in paragraph (2)—
- (a) after the definition of “the Act”, insert—
- ““the Council” means the council for the county of Cornwall”; and
- (b) omit the definition of “the joint board”.
- (3) Omit article 2 (specified riparian authorities).
- (4) In article 3 (the port health authority)—
- (a) in paragraph (1), for “joint board” substitute “Council”; and
- (b) omit paragraphs (3) and (4).
- (5) Omit articles 4, 5 and 6 (provisions relating to the joint board).
- (6) In article 7 (jurisdiction), for “The joint board” substitute “The Council”.
- (7) For the heading to article 8 (functions assigned to the joint board), substitute—

“Functions of the Port Health Authority.”

- (8) In article 8—
- (a) in paragraph (1)—
- (i) for the words from the beginning to “local authority” substitute “The Council, as port health authority, shall have its functions, rights and liabilities”; and
- (ii) for “their jurisdiction” substitute “its jurisdiction”; and
- (b) in paragraph (2), for “the functions, rights and liabilities assigned to the joint board” substitute “the Council’s functions, rights and liabilities”.
- (9) Omit articles 9 and 10 (expenses and audit).

The Fowey Port Health Authority Order 1979

- 18.**—(1) The Fowey Port Health Authority Order 1979⁽¹¹⁾ is amended as follows.
- (2) In article 1 (citation, commencement and interpretation)—
- (a) in paragraph (2)—
- (i) after the definition of “the Act”, insert—
- ““the Council” means the council for the county of Cornwall”;
- (ii) omit the definition of “the joint board”; and
- (b) omit article 1(3).
- (3) In article 2 (port health authority)—
- (a) in paragraph (1), for “a joint board” substitute “the Council”;
- (b) omit paragraphs 2(2) and 2(3) (provisions relating to the joint board).
- (4) Omit articles 3, 4 and 5 (provisions relating to the joint board).
- (5) In article 6 (jurisdiction)—

⁽¹⁰⁾ S.I. 1988/2075 amended by S.I. 2002/2000.

⁽¹¹⁾ S.I. 1979/1085.

- (a) in paragraph (1)—
 - (i) for “the joint board” substitute “the Council”; and
 - (ii) omit “of the specified riparian authorities”;
 - (b) omit paragraph (2).
- (6) For the heading to article 7 (functions assigned to Joint Board), substitute—

“Functions of the Port Health Authority”

- (7) In article 7—
- (a) in paragraph (1)—
 - (i) for the words from the beginning to “local authority” substitute “The Council, as port health authority, shall have its functions, rights and liabilities”;
 - (ii) for “their jurisdiction”, substitute “its jurisdiction”; and
 - (b) in paragraph (2), for “the functions, rights and liabilities assigned to the joint board” substitute “the Council’s functions, rights and liabilities”.
- (8) Omit articles 9 and 10 (expenses and audit).

Amendment of the Penwith Port Health Authority Order 1980

19. In the Penwith Port Health Authority Order 1980(12), in article 1(2), for “District Council of Penwith” substitute “council for the county of Cornwall”.

PART 6

AMENDMENT OF PROVISIONS RELATING TO CERTAIN CONSERVATION BOARDS AND NATIONAL PARK AUTHORITIES

Amendment of the Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004

20.—(1) The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004(13) is amended as follows.

- (2) In article 4 (specified number of Board members), in paragraph (1), for “15” substitute “13”.
- (3) In Schedule 1 (specified local authorities)—
 - (a) omit “Bedfordshire County Council”;
 - (b) after Aylesbury Vale District Council insert “the Central Bedfordshire Council(14)”; and
 - (c) omit “Mid Bedfordshire District Council” and “South Bedfordshire District Council”.

Amendment of the Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004

21.—(1) The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004(15) is amended as follows.

(12) [S.I. 1980/1330](#).

(13) [S.I. 2004/1778](#).

(14) [S.I. 2008/907](#); see the definition in article 2.

(15) [S.I. 2004/1777](#).

- (2) In article 4 (specified number of Board members)—
 - (a) in paragraph (1), for “17” substitute “15”;
 - (b) in paragraph (2), for “15” substitute “14”.
- (3) In Schedule 1 (specified local authorities)—
 - (a) omit “North Wiltshire District Council” and “West Wiltshire District Council”.

Amendment of the New Forest National Park Authority (Establishment) Order 2005

22. The New Forest National Park Authority (Establishment) Order 2005(16) is amended, in article 5 (appointment of local authority members of the authority)—

- (a) by the substitution for paragraph (b) of—
 - “(b) two members shall be appointed by the council for the county of Wiltshire;”;
- (b) in sub-paragraph (c), at the end insert “and”; and
- (c) omit sub-paragraph (d).

Amendment of the National Park Authorities Order 1996

23. The National Park Authorities (England) Order 1996(17) is amended, in Schedule 1 (membership of National Park Authorities), in Part 2 (appointment of local authority members)—

- (a) in the entries in the second column corresponding to that in the first column “Peak District National Park Authority” for “Cheshire County Council” substitute “Cheshire East Council”;
- (b) omit the entries in the second and third columns relating to Macclesfield Borough Council; and
- (c) in the entry in the third column corresponding to that in the second column “High Peak Borough Council”, for “1” substitute “2”.

PART 7

MISCELLANEOUS AMENDMENTS

Amendment of the Agricultural Wages Act 1948

24. In the Agricultural Wages Act 1948(18), in Schedule 2(19) (combinations of counties for which agricultural wages committees are to be initially established), in the table of counties in England—

- (a) for “Bedfordshire” substitute “Bedford, Central Bedfordshire”;
- (b) for “Cheshire” substitute “Cheshire East, Cheshire West and Chester”.

Amendment of the Regional Development Agencies Act 1998

25. In the Regional Development Agencies Act 1998(20) in Schedule 1 (regions), in the second column of the table—

(16) S.I. 2005/421.

(17) S.I. 1996/1243, amended by S.I. 2006/3165.

(18) 1948 c.47.

(19) Schedule 2 substituted by S.I. 1974/514.

(20) 1998 c. 45.

- (a) for “Bedfordshire” (against the entry “Eastern” in the first column) substitute “Bedford, Central Bedfordshire”;
- (b) for “Cheshire” (against the entry “North West” in the first column) substitute “Cheshire East, Cheshire West and Chester”.

Amendment of the European Parliamentary Elections Act 2002

26. In the European Parliamentary Elections Act 2002(21) in Schedule 1 (electoral regions in England) in the second column of the Table—

- (a) for “County of Bedfordshire” (against the entry “Eastern” in the first column) substitute—
“County of Bedford
County of Central Bedfordshire”; and
- (b) for “County of Cheshire” (against the entry “North West” in the first column) substitute—
“County of Cheshire East
County of Cheshire West and Chester”.

Amendment of the Scotland Act 1998 (River Tweed) Order 2006

27.—(1) In the Scotland Act 1998 (River Tweed) Order 2006 (‘The 2006 Order’) (22), to the extent that the 2006 Order applies to England, in Schedule 1 (representative commissioners) for ‘Berwick-upon-Tweed District Council’ substitute “The council for the county of Northumberland”.

(2) Commissioners appointed by Berwick-Upon-Tweed District Council shall continue to hold office until their period of appointment comes to an end, and shall be treated for the purposes of Schedule 1 to the 2006 Order as if they were appointed by the council for the county of Northumberland.

Coroners Act 1988: designation of relevant council

28. The Central Bedfordshire Council (23) is the relevant council within the meaning of section 1(1A) of the Coroners Act 1988 (24) for the Bedfordshire and Luton Coroner’s District (25).

Amendment of the Bedfordshire (Coroners) Order 1997

29. In article 2 of the Bedfordshire (Coroners) Order 1997(26), omit paragraph (2).

(21) 2002 c. 24.

(22) S.I. 2006/2913.

(23) S.I. 2008/907; see the definition in article 2

(24) 1998 c.13; sub-section 1(1A) was substituted, together with sub-section (1), for sub-section (1) as originally enacted, by regulation 2(2) of the Local Government Reorganisation (Amendment of Coroners Act 1988) Regulations 1996 (S.I. 1996 No. 655).

(25) The Bedfordshire and Luton Coroner’s District was constituted by article 2(1) of the Bedfordshire (Coroners) Order 1997 S.I. No 494.

(26) S.I. 1997 No. 494.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Local Government (Structural Changes) (Miscellaneous Amendments and Other Provision) Order 2009 No. 837

Signed by authority of the Secretary of State for Communities and Local Government

Date

name
Minister of State
Department for Communities and Local
Government