
EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Local Government and Public Involvement in Health Act (“the 2007 Act”) provides for the establishment of a single tier of local government for areas in England. There is a single tier of local government for an area if there is either a county council and no district councils for that area, or a district council and no county council for that area (section 1(2) of the 2007 Act). Where the Secretary of State has received a proposal or a recommendation that there should be a single tier of local government for an area, the Secretary of State may make an order to implement the proposal or recommendation with or without modification. This Order makes provision which is incidental, consequential, transitional and supplementary to the implementation by order of a single tier of local government in Bedfordshire (S.I. 2008/907) (“the Bedfordshire Order”), Cheshire (S.I. 2008/634) (“the Cheshire Order”), Cornwall (S.I. 2008/491) (“the Cornwall Order”), County Durham (S.I. 2008/493) (“the County Durham Order”), Northumberland (S.I. 2008/494) (“the Northumberland Order”), Shropshire (S.I. 2008/492) (“the Shropshire Order”) and Wiltshire (S.I. 2008/490) (“the Wiltshire Order”).

Part 2 of this Order makes amendments to the Bedfordshire Order to provide for the continuation of the shadow executive during the shadow period. The Bedfordshire Order provides for a new single tier district council for Central Bedfordshire and establishes the Central Bedfordshire Council as a shadow authority for specified purposes for the period ending on the fourth day after the ordinary day of election of councillors in 2009 (“the shadow period”). Article 16 of the Bedfordshire Order requires the shadow authority to create a leader and cabinet executive (“the shadow executive”) within the meaning of Part 2 of the Local Government Act 2000. The members of the shadow authority (from which the executive is appointed) are councillors of the Bedfordshire County Council Central electoral divisions, and councillors of Mid Bedfordshire and South Bedfordshire district councils. These authorities are abolished on the 1st April 2009. Part 2 of this Order makes provision to ensure that members of the executive continue as such (for the purposes of Part 2 of the Local Government Act 2000) until the end of the shadow period, notwithstanding that the authorities from which they were appointed cease to exist before that date. Provision is also made to amend the electoral arrangements for parish councils in Bedfordshire set out in the Bedfordshire Order.

Part 2 of this Order amends the Cornwall Order, the Northumberland Order, the Shropshire Order, the Wiltshire Order and the County Durham Order to make provision about the name of the of the council for the county for these areas. Subject to a resolution by the relevant council, the name of that council may omit the word ‘County’, and in such a case section 2(3) of the Local Government Act 1972 does not apply so as to prescribe the name of that council.

Part 3 of this Order makes provision about the appointment of Charter Trustees as appropriate bodies, in which historic rights and privileges may vest, for parts of Cheshire West and Chester, Cheshire East, and County Durham. The transfer of historic rights and privileges to charter trustees will be made in regulations of general application. Special provision is made by this Order in relation to the Market Rights granted by various Charters to Chester City Council, to provide that these rights vest in the Cheshire West and Chester Council.

Part 3 of this Order also makes amendments to primary legislation which are consequential on the establishment of new authorities by the Bedfordshire Order and the Cheshire Order. The abolition of the Bedfordshire County Council by the Bedfordshire Order, and of Cheshire County Council by the Cheshire Order mean that certain Acts which use local authority boundaries in Bedfordshire and

Cheshire to define geographical areas require amendment. Articles 10 and 11 of this Order amend the Lieutenancies Act 1997 and the Sheriffs Act 1887 to substitute reference to the new authorities.

Part 4 of this Order makes provision about the vesting of the local government pension fund that is maintained by Bedfordshire County Council and the fund that is maintained by Cheshire County Council. The Superannuation Act 1972 enables the Secretary of State to make provision about pensions, allowances or gratuities which may be paid to persons employed in local government service. As a result of regulations made under this power, Bedfordshire County Council and Cheshire County Council both maintain pension funds. These authorities are being abolished, and Part 4 of this Order therefore makes provision about the vesting of these funds in Bedford Borough Council and Cheshire West and Chester Council respectively.

Part 5 of this Order amends the following Port Health Authority Orders: the Manchester Port Health Authority Order 1977(S.I.1977/1460), The Plymouth Port Health Authority Order 1977 (S.I. 1977/1457), The River Blyth Port Health Authority Order 1977 (S.I. 1977/1459), The Falmouth & Truro Port Health Authority Order 1988 (S.I. 1988/2075), The Fowey Port Health Authority Order 1979 (S.I.1979/1085) and the Penwith Port Health Authority Order 1980 (S.I.1980/1330). These Port Authority Orders made under Part 1 of the Public Health (Control of Disease) Act 1984 (“the 1984 Act”) set out the legal framework relating to the membership and administration of Port Health Authorities appointed by the Secretary of State. These Orders are amended to reflect the changes to local authority arrangements as a consequence of the Cheshire Order, the Cornwall Order and the Northumberland Order.

Part 6 of this Order makes provision as to the Conservation Boards for the Chilterns Area of Outstanding Natural Beauty and the Cotswolds Area of Outstanding Natural Beauty to reflect the changes to local authority arrangements as a consequence of the Bedfordshire Order and the Wiltshire Order. Similar provision is made as to the National Park Authorities for the New Forest and the Peak District to reflect the changes as a consequence of the Wiltshire Order and the Cheshire Order.

Part 7 of this Order makes a number of miscellaneous amendments. These include amendments to primary legislation which use local authority boundaries to define geographical areas and which are updated to refer to the new local authority arrangements. Provision is also made in this Part as to the River Tweed Commission consequential upon the Northumberland Order. Provision is also made to designate Central Bedfordshire Council as the relevant council for Bedfordshire and Luton Coroner’s District within the meaning of section 1(1A) of the Coroners Act 1988. The relevant council is responsible for the appointment of coroners and has other functions in connection with coroners under the 1988 Act.

A full impact assessment has not been produced for this Order as no impact on the private or voluntary sectors is foreseen.