



# Local Government Act 1992

## 1992 CHAPTER 19

### PART II

#### LOCAL GOVERNMENT CHANGES FOR ENGLAND

##### *Functions of the Local Government Commission*

#### [<sup>F1</sup>13] **Reviews and Recommendations**

- (1) The Secretary of State may request the Electoral Commission to recommend in respect of a specified area in England—
  - (a) whether a structural change should be made;
  - (b) whether a boundary change should be made.
- (2) Where the Electoral Commission receive a request in respect of an area under subsection (1), they may direct the Boundary Committee for England—
  - (a) to conduct a review of the area, and
  - (b) to recommend whether a change of the kind specified in the request should be made.
- (3) The Electoral Commission may direct the Boundary Committee for England—
  - (a) to conduct a review of a specified area in England, and
  - (b) to recommend whether an electoral change should be made in respect of that area.
- (4) The Electoral Commission shall from time to time direct the Boundary Committee for England—
  - (a) to conduct a review of each principal area in England, and
  - (b) to recommend whether an electoral change should be made in respect of that area.
- (5) In carrying out a function under this section the Electoral Commission or the Boundary Committee for England shall have regard to—

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- (a) the need to reflect the identities and interests of local communities,
  - (b) the need to secure effective and convenient local government,
  - (c) the need to secure the matters mentioned in paragraphs 1(2)(a) and 3(2)(a) of Schedule 11 to the Local Government Act 1972 <sup>F2</sup> (equality of representation), and
  - (d) any scheme for elections specified by order under section 86 of the Local Government Act 2000 <sup>F3</sup> (power to specify a scheme for elections).
- (6) The Electoral Commission may give a direction to the Boundary Committee for England about the exercise of a function under this section.
- (7) A direction may, in particular, require the Boundary Committee for England to have regard to—
- (a) guidance given by the Secretary of State as to matters to be taken into account in considering structural or boundary changes;
  - (b) guidance given by the Electoral Commission as to matters to be taken into account in considering electoral changes.]

#### Textual Amendments

- F1** S. 13 substituted (1.4.2002) by [S.I. 2001/3962](#), art. 8, [Sch. 1 para. 1](#)
- F2** c. 70.
- F3** c. 22.

#### Modifications etc. (not altering text)

- C1** S. 13: certain functions transferred (1.4.2002) by [S.I. 2001/3962](#), art. 3(1)(2)(a)

## 14 Changes that may be recommended.

- (1) For the purposes of this Part—
- (a) a structural change is the replacement, in any non-metropolitan area, of the two principal tiers of local government with a single tier;
  - (b) a boundary change is any of the changes specified in subsection (3) below, whether made for the purpose of facilitating a structural change or independently of any such change; and
  - (c) an electoral change is a change of electoral arrangements for any local government area, whether made in consequence of any structural or boundary change or independently of any such change;
- and recommendations by the [<sup>F4</sup>Electoral Commission] for any structural or boundary changes shall include such recommendations as to the matters mentioned in subsection (5) below as the Commission thinks appropriate in connection with the recommended changes.
- (2) In subsection (1)(a) above—
- (a) the reference to a non-metropolitan area is a reference to any area which is or, as a result of any recommended boundary change would be, a non-metropolitan county or a non-metropolitan district; and
  - (b) the reference to the replacement, in any such area, of the two principal tiers of local government with a single tier is a reference to either—

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- (i) the transfer to a council for a county consisting of that area of the functions in relation to that area of district councils; or
    - (ii) the transfer to a district council for that area of the functions in relation to that area of a county council.
- (3) The changes mentioned in subsection (1)(b) above are—
  - (a) the alteration of a local government area, including the alteration of so much of the boundary of any such area as lies below the high-water mark of medium tides, but excluding the extension of any local government area into Wales;
  - (b) the constitution of a new local government area of any description outside Greater London by the amalgamation of two or more such areas of the like description or by the aggregation of parts of such areas of the like description or by the separation of part of any local government area;
  - (c) the abolition of a principal area of any description outside Greater London, or of a metropolitan county, and its distribution among other areas of the like description;
  - (d) the constitution of a new London borough by the amalgamation of two or more London boroughs or by the aggregation of parts of London boroughs or by the separation of part of a London borough;
  - (e) the abolition of a London borough and the distribution of its area among other London boroughs;
  - (f) the constitution of a new parish by—
    - (i) the establishment as a parish of any area which is not a parish or part of one; or
    - (ii) the aggregation of the whole or any part of any such area with one or more parishes or parts of parishes; and
  - (g) the abolition of a parish, with or without the distribution of its area among other parishes.
- (4) In subsection (1)(c) above “electoral arrangements” means—
  - (a) in relation to a principal area—
    - (i) the number of councillors of the council for that area;
    - (ii) the number and boundaries of the electoral areas into which that area is for the time being divided for the purposes of the election of councillors;
    - (iii) the number of councillors to be elected for any electoral area in that principal area<sup>F5</sup> . . .; and
    - (iv) the name of any electoral area;
  - (b) in relation to a parish council—
    - (i) the number of councillors;
    - (ii) the question whether or not the parish or (in the case of a common parish council) any of the parishes should be divided into wards for the purposes of the election of councillors;
    - (iii) the number and boundaries of any such wards;
    - (iv) the number of councillors to be elected for any such ward or, in the case of a common parish, for each parish; and
    - (v) the name of any such ward.
- (5) The matters mentioned in subsection (1) above are—

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- (a) the abolition of any local authority whose functions would all vest in another as a result of any recommended structural change or whose area would be abolished or otherwise substantially affected by any recommended boundary change;
  - (b) the establishment, as a county or district council, of a new authority for any area which would result from any recommended boundary change involving the amalgamation or aggregation of areas or parts of areas or involving other substantial alterations of areas;
  - [<sup>F6</sup>(ba) the establishment of a parish council for any new parish which would result from any recommended boundary change and the electoral arrangements (as defined in subsection (4)(b) above) for the council]
  - (c) the extent to which a structural or boundary change requires (whether because functions become vested in an authority for a smaller area or for any other reason connected with the change) that joint arrangements should be made in relation to functions affected by the change; <sup>F7</sup> . . .
  - (d) whether, in connection with any recommended structural change, any authority should, for the purpose of the vesting of functions under Part II of the <sup>M1</sup>Town and Country Planning Act 1990 (development plans) in that authority—
    - (i) be treated as an authority to whose area Chapter I of that Part (unitary plans) applies, instead of Chapter II (structure and local plans); or
    - (ii) be authorised to include any of the policies mentioned in section 37 or 38 of that Act (mineral and waste plans) in their local plan.
  - [<sup>F8</sup>(e) whether, in connection with any recommended structural or boundary change, there should be any change in police areas (including any change resulting in a reduction or increase in the number of police areas)]
- (6) For the purposes of this Part the establishment of a new authority as the county or district council for any area shall be taken to include provision, subject to any necessary electoral changes—
- (a) for an existing county council to become the district council for any area comprising a part of a county or for any two or more such areas; or
  - (b) for an existing district council to become the county council for an area comprising any one or more districts.
- (7) For the purposes of this section—
- (a) a metropolitan district and a non-metropolitan district shall be regarded as local government areas of a like description and so shall a metropolitan county and a non-metropolitan county; and
  - (b) any county or district resulting from the amalgamation or aggregation of the whole or any part of a metropolitan area with the whole or any part of a non-metropolitan area shall be regarded as a non-metropolitan county or, as the case may be, district.
- [<sup>F9</sup>(8) Notwithstanding section 6(2)(a) of the <sup>M2</sup>Local Government Act 1972, the [<sup>F10</sup>the Boundary Committee for England] may recommend under [<sup>F11</sup>[<sup>F12</sup>section 13(3) or (4)] above] that an electoral division of a non-metropolitan county should return more than one councillor.]

#### Textual Amendments

**F4** Words in s. 14(1) substituted (1.4.2002) by S.I. 2001/3962, art. 8, Sch. 1 para. 2(2)

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- F5** Words in s. 14(4)(a)(iii) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 8, **Sch. 1 para. 2(3)**
- F6** S. 14(5)(ba) inserted (19.5.1997) by 1997 c. 29, **ss. 19(2), 34(2)** (with s. 25)
- F7** Word in s. 14(5)(c) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch.**
- F8** S. 14(5)(e) added (1.4.1995) by 1994 c. 29, **s. 39(2)**; S.I. 1994/3262, art. 4, **Sch.**
- F9** S. 14(8) inserted (28.9.2000) by 2000 c. 22, **ss. 89(2), 108(2)**
- F10** Words in s. 14(8) substituted (1.4.2002) by S.I. 2001/3962, art. 8, **Sch. 1 para. 2(4)(a)**
- F11** Words in s. 14(8) substituted (16.2.2001) by 2000 c. 41, **ss. 158(1), Sch. 21**, para. 10 (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I**
- F12** Words in s. 14(8) substituted (1.4.2002) by S.I. 2001/3962, art. 8, **Sch. 1 para. 2(4)(b)**

#### **Modifications etc. (not altering text)**

- C2** S. 14: power to transfer or modify functions conferred (30.11.2000) by 2000 c. 41, **ss. 18(3)(a), 163(3)(d)** (with s. 156(6))
- C3** S. 14: certain functions transferred (1.4.2002) by S.I. 2001/3962, **art. 3(1)(2)(a)**

#### **Marginal Citations**

- M1** 1990 c. 8.
- M2** 1992 c. 19.

## **15 Procedure on a review.**

- (1) As soon as reasonably practicable after being directed to conduct a review, the [F13Boundary Committee for England] shall take such steps as [F13they consider] sufficient to secure that persons who may be interested in the review are informed of—
- the direction requiring that review to be conducted;
  - any other directions under this Part which are relevant to the review; and
  - the period within which representations with respect to the subject-matter of the review may be made.
- (2) As soon as reasonably practicable after [F14being directed to conduct a review of any area under section 13(4) above, the Boundary Committee for England] shall take such steps as [F14they consider] sufficient to secure that persons who may be interested in the review are informed of—
- the fact that the [F14Committee are] to conduct a periodic review of that area;
  - any directions under this Part which are relevant to the review; and
  - the period within which representations with respect to the subject-matter of the review may be made.
- (3) In conducting a review, the [F15Boundary Committee for England] shall—
- take into consideration any representations made to [F15them] within the period mentioned in subsection (1)(c) or (2)(c) above;
  - prepare draft recommendations and take such steps as [F15they consider] sufficient to secure that persons who may be interested in the recommendations are informed of them and of the period within which representations with respect to them may be made;
  - deposit copies of the draft recommendations at the principal office of any principal council [F16or police authority] appearing to that [F15Committee] to be likely to be affected by them; and
  - take into consideration any representations made to that [F15Committee] within that period.

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- [<sup>F17</sup>(4) As soon as the Boundary Committee for England are in a position to submit to the Electoral Commission a report on a review, they shall—
- (a) submit a report to the Commission together with their recommendations;
  - (b) take such steps as they consider sufficient to secure that persons who may be interested in the recommendations are informed of them and of the period within which they may be inspected; and
  - (c) deposit copies of the recommendations at the principal office of any principal council or police authority appearing to the Committee to be likely to be affected by them.]
- (5) Copies of any draft recommendations deposited at the principal office of a principal council under subsection (3)(c) above, and of any recommendations deposited at any such office under subsection (4)(c) above, shall be kept available for inspection at that office throughout the period within which representations with respect to them may be made or, as the case may be, within which they may be inspected.
- [<sup>F18</sup>(6) Where the report on a review is submitted to the Electoral Commission under subsection (4) above, the Commission may—
- (a) direct the Boundary Committee for England to reconsider their recommendations with a view to deciding whether to submit a further report under subsection (4) containing different recommendations; or
  - (b) direct the Boundary Committee for England to conduct a further review of all or part of the area to which the report relates and to make revised recommendations as respects that area; and this section shall apply in relation to the further review with such modifications as may be specified in the direction.]
- [<sup>F19</sup>(7) The Electoral Commission may give a direction to the Boundary Committee for England about the exercise of a function under this section.
- (7A) A direction may, in particular, require the Boundary Committee for England to have regard to—
- (a) guidance given by the Secretary of State as to matters to be taken into account in considering structural or boundary changes;
  - (b) guidance given by the Electoral Commission as to matters to be taken into account in considering electoral changes.]
- (8) This section shall have effect as if the Common Council of the City of London were a principal council and the City of London included the Inner Temple and the Middle Temple.

#### Textual Amendments

- F13** Words in s. 15(1) substituted (1.4.2002) by [S.I. 2001/3962](#), art. 8, [Sch. 1 para. 3\(2\)](#)
- F14** Words in s. 15(2) substituted (1.4.2002) by [S.I. 2001/3962](#), art. 8, [Sch. 1 para. 3\(3\)](#)
- F15** Words in s. 15(3) substituted (1.4.2002) by [S.I. 2001/3962](#), art. 8, [Sch. 1 para. 3\(4\)](#)
- F16** Words in s. 15(3)(c)(4)(c) substituted (1.4.1995) by 1994 c. 29, [s. 39\(3\)](#); [S.I. 1994/3262](#), art. 4, [Sch.](#)
- F17** S. 15(4) substituted (1.4.2002) by [S.I. 2001/3962](#), art. 8, [Sch. 1 para. 3\(5\)](#)
- F18** S. 15(6) substituted (1.4.2002) by [S.I. 2001/3962](#), art. 8, [Sch. 1 para. 3\(6\)](#)
- F19** S. 15(7)(7A) substituted (1.4.2002) for s. 15(7) by [S.I. 2001/3962](#), art. 8, [Sch. 1 para. 3\(7\)](#)

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#### Modifications etc. (not altering text)

- C4 S. 15: power to transfer or modify functions conferred (30.11.2000) by 2000 c. 41, ss. 18(3)(a), 163(3)(d), (with s. 156(6))
- C5 S. 15: certain functions transferred (1.4.2002) by S.I. 2001/3962, art. 3(1)(2)(a)

### [<sup>F20</sup>15A Alternative procedure on a review

- (1) Where the Electoral Commission consider it appropriate they may direct the Boundary Committee for England not to follow the procedure on a review set out in section 15 above but—
- to take sufficient steps to secure that persons who may be interested in the matters which are the subject of review are informed of them and of the period within which representations about them may be made;
  - to take into consideration any such representations made to them within that period; and
  - to inform any person who has made representations of the recommendations which are made to the Electoral Commission.]

#### Textual Amendments

- F20 S. 15A inserted (1.4.2002) by S.I. 2001/3962, art. 8, Sch. 1 para. 4

## 16 Consultation with the Audit Commission.

- (1) The Audit Commission shall, if so required by the [<sup>F21</sup>Electoral Commission, the Boundary Committee for England or the Secretary of State], provide <sup>F22</sup>. . . a written opinion as to the likely impact of any proposed structural changes on economy, efficiency and effectiveness in the provision of services provided by such bodies [<sup>F23</sup>subject to audit] as are likely to be affected by the changes.
- (2) The Audit Commission may require any body [<sup>F23</sup>subject to audit] to supply the Audit Commission with all such information as it may reasonably require for the provision of an opinion under this section.
- (3) The Audit Commission shall charge the [<sup>F21</sup>Electoral Commission, the Boundary Committee for England or the Secretary of State] such fees for opinions provided under this section as will cover the full cost of providing them.
- [<sup>F24</sup>(4) Any reference in the Audit Commission Act 1998 to the Audit Commission’s functions under that Act shall include a reference to its functions under this section.
- (5) In this section—
- “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England and Wales, and
- “body subject to audit” has the same meaning as in the Audit Commission Act 1998.]

#### Textual Amendments

- F21 Words in s. 16(1)(3) substituted (1.4.2002) by S.I. 2001/3962, art. 8, Sch. 1 para. 5(2)
- F22 Words in s. 16(1) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 8, Sch. 1 para. 5(3)

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| <p><b>F23</b> Words in s. 16(1)(2) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), <b>Sch. 3 para. 24(1)</b></p> <p><b>F24</b> S. 16(4)(5) inserted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), <b>Sch. 3 para. 24(2)</b></p> |
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