
STATUTORY INSTRUMENTS

1995 No. 1055

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Changes For
England (No. 2) Regulations 1995

<i>Made</i>	- - - -	<i>11th April 1995</i>
<i>Laid before Parliament</i>		<i>12th April 1995</i>
<i>Coming into force</i>	- -	<i>4th May 1995</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 19 and 26 of the Local Government Act 1992⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Changes for England (No. 2) Regulations 1995 and shall come into force on 4th May 1995.

(2) In these Regulations, “the 1994 Regulations” means the Local Government Changes for England Regulations 1994⁽²⁾.

Amendment of 1994 Regulations

2.—(1) The 1994 Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (interpretation), in paragraph (4), after the definitions of “county functions”, “district functions” and “parish functions”, the following definition shall be inserted—

““head of paid service”, in relation to an authority, means the officer of that authority who is designated as such under section 4 of the Local Government and Housing Act 1989;”⁽³⁾

(3) In regulation 10, the words “and first meetings” shall be inserted after the word “elections”.

(4) In regulation 11 (functions and powers of the shadow authority)—

(a) in paragraph (6), in the Table—

(1) 1992 c. 19.

(2) S.I.1994/867; amended by S.I. 1995/590 which substituted regulation 10 of, and added a Schedule to, the 1994 Regulations.

(3) 1989 c. 42.

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(i) the following entries shall be inserted after the entry relating to section 103 of the 1972 Act—

“Section 104	Disqualification for membership of committees and joint committees
Section 105	Disability for voting on account of interest in contracts, etc.,”

(ii) the following entries shall be inserted after the entry relating to section 106 of the 1972 Act—

“Section 115	Accountability of officers
Section 116	Members of local authorities not to be appointed as officers
Section 117	Disclosure by officers of interest in contracts
Section 128	Consents to land transactions by local authorities and protection of purchasers
Section 131	Savings; and”

(iii) the following shall be added after the entry relating to section 146 of the 1972 Act—

“Section 151	Financial administration; and”
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(b) in paragraph (7)—

(i) in sub-paragraph (c), for the words from “Section 18” to “members” there shall be substituted the words “Part I (locally authority members, officers, staff and committees etc.)”; and

(ii) after sub-paragraph (g) the following shall be added—

“(h) Part III of the Local Government Act 1974 (local government administration);

(i) Part VIII of the Local Government Finance Act 1988 (financial administration); and

(j) the Local Government (Committees and Political Groups) Regulations 1990.”(4)

(5) In regulation 28 (minutes of last meeting), in paragraph (1), after the words “abolished authority” there shall be added the words “a committee or sub-committee of such an authority or a joint committee appointed by two or more such authorities”.

(6) In the Schedule the following paragraphs shall be added after paragraph 1—

“Elections of shadow authorities

2.—(1) Section 36(4) of the 1983 Act (payment of election expenses) shall not apply to the election of councillors of a shadow authority.

(4) The Local Government Act 1972 (c. 70); the Local Government Act 1974 (c. 7); the Local Government Finance Act 1988 (c. 41) and the Local Government (Committees and Political Groups) Regulations 1990 (S.I. 1990/1499; amended by S.I. 1991/1398 and 1993/1339).

(2) All expenditure properly incurred by the returning officer or other officer in relation to the holding of such an election shall be paid in the first instance by the relevant authority and shall be defrayed by all the transferor authorities—

- (a) in such proportions as may be agreed between them; or
- (b) in default of such agreement, as may be determined by the Secretary of State.

(3) In relation to such an election, “the appropriate officer”, in Parts II and III of the 1983 Act, does not have the meaning given by section 67(7) of that Act but means the returning officer.

(4) The councillors elected at such an election shall come into office on the fourth day after that election.

(5) In this Schedule—

“the returning officer”, in relation to the election of councillors of a shadow authority, means the returning officer appointed under 35 of the 1983 Act by such transferor authority as may be specified in the order; and

any reference to the relevant authority is a reference to that transferor authority.

Declaration of acceptance of office

3. For the purpose of taking and receiving delivery of declarations of acceptance of the office of councillor of any shadow authority before the first meeting of that authority, the head of paid service of the relevant authority—

- (a) shall be deemed to be and shall act as the proper officer of the shadow authority; and
- (b) shall transfer any such declaration which has been delivered to him to the custody of the proper officer of the shadow authority on the appointment of the latter.

First meetings of shadow authorities

4.—(1) The first meeting of a shadow authority shall be held within 21 days immediately following the day of election of councillors of the authority and shall be treated as the annual meeting of the authority for the year in which the election is held.

(2) The meeting shall be convened by the head of paid service of the relevant authority and shall be held at such place and time as he may appoint.

(3) The notice of the meeting required by paragraph 4(2) of Schedule 12 to the 1972 Act shall be published at the place where the meeting is to be held and the summons to attend the meeting shall be signed by the person convening it.”.

Signed by authority of the Secretary of State for the Environment

11th April 1995

Robert Jones
Parliamentary Under Secretary of State,
Department of the Environment

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further provision of general application for the purposes, or in consequence of, orders under section 17 of the Local Government Act 1992 with respect to local government changes in England.

Regulation 2 amends the Local Government Changes for England Regulations 1994 and makes provision in respect of the first meetings of “shadow authorities” established by such orders and the functions of those authorities.