
STATUTORY INSTRUMENTS

1996 No. 610

LOCAL GOVERNMENT, ENGLAND AND WALES

The Charter Trustees (Amendment) Regulations 1996

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| <i>Made</i> | - - - - | <i>7th March 1996</i> |
| <i>Laid before Parliament</i> | | <i>8th March 1996</i> |
| <i>Coming into force</i> | - - | <i>29th March 1996</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 and commencement

1. These Regulations may be cited as the Charter Trustees (Amendment) Regulations and shall come into force on 29th March 1996.

Amendment of the Charter Trustees Regulations 1996

2.—(1) The Charter Trustees Regulation 1996⁽²⁾ shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 5, for “regulation 12(2)” shall be substituted “regulation 13(2)”.

(3) In regulation 7, for paragraph (7), there shall be substituted—

“(7) Section 80(1)(e) of the 1972 Act shall apply to a local government elector being appointed, or holding office as, a charter trustee as it applies to a person being elected to, or being a member of a local authority, as substituted as follows —

“(e) is disqualified for being a member of the relevant council under Part III of the Representation of the People Act 1983 or for being a charter trustee under Part III of the Local Government Act 1982 as modified by the Charter Trustee Regulations 1996, and in this paragraph “the relevant council” means the council of the county or district in which is comprised the area for which charter trustees are established by any statutory instrument made under Part II of the Local Government Act 1992.”

(1) 1992 c. 19.
(2) S.I. 1996/263.

(7A) Section 19(2)(b) of the Local Government Finance Act 1982 shall apply to a local government elector holding office as a charter trustee as it applies to a member of a local authority.”

(4) After regulation 11, insert—

“Transfer of property, etc

11A.—(1) Regulation 6 of the 1995 Regulations (vesting of property etc. of abolished authorities) shall not apply with respect to any property of an abolished authority which vests in charter trustees by virtue of this regulation.

(2) Where charter trustees are established for the whole or any part of the area of an abolished authority any property of that authority which is historic property shall, on the reorganisation date, vest in those charter trustees.

(3) Charter trustees may dispose of any historic property which vests in them by virtue of paragraph (2) above to the relevant council if the property in question has a closer association with the area of that council than it does with the area for which the charter trustees act.

(4) Regulation 19 of the 1995 Regulations (disputes) shall apply to the interpretation and application of this regulation as it applies to the interpretation and application of those Regulations.

(5) In this regulation—

“the 1995 Regulations” means the Local Government Changes for England (Property Transfer and Transitional Payments) Regulations 1995,⁽³⁾ and “abolished authority” and “the reorganisation date” have the same meanings as in those Regulations; and

“historic property” means any historic and ceremonial property held by an abolished authority other than—

- (i) land and buildings, and
- (ii) any property held for the purposes of any statutory function, and in particular means charters, insignia and plate.”

(5) In regulation 13(2), in the subsection substituted for subsection (3) of section 41 of the Local Government Finance Act 1992, for “regulation 12(2) of the Charter Trustees Regulations 1996” shall be substituted “regulation 13(2) of the Charter Trustees Regulations 1996”.

Signed by authority of the Secretary of State

7th March 1996

David Curry
Minister of State,
Department of the Environment

(3) [S.I. 1995/402](#); amended by [S.I. 1995/2796](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Charter Trustees Regulations 1996 ([S.I. 1996/263](#)) (“the 1996 Regulations”). Regulation 2(2) and (5) amends incorrect cross references in the 1996 Regulations, and regulation 2(3) substitutes regulation 7(7) to clarify the position regarding the application of section 80(1)(e) of the Local Government Act 1972 to charter trustees established under the Local Government Act 1992, and to apply section 19(2)(b) of the Local Government Finance Act 1982 to local government electors holding office as charter trustees. Regulation 2(4) inserts regulation 11A into the 1996 Regulations. The new provision operates to transfer historic and ceremonial property held by abolished authorities to charter trustees established under the 1996 Regulations; charter trustees may dispose of certain of that property to the relevant council (defined in regulation 2(1) of the 1996 Regulations).