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## STATUTORY INSTRUMENTS

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# 2008 No. 2113

## The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008

### PART 3 GOVERNANCE

#### **Establishment of parishes and parish councils under the 2007 Act**

7.—(1) This regulation applies—

- (a) in relation to recommendations or proposals made, or a petition received, by a predecessor council under Part 2 of the Local Government and Rating Act 1997 which by virtue of the Schedule to the 2008 Order are to be treated as recommendations made in a community governance review under Part 4 of the 2007 Act; or
- (b) where a predecessor council undertakes, or has undertaken, a community governance review under Part 4 of the 2007 Act,

where the predecessor council has not exercised its powers under section 86 of the 2007 Act to give effect to the review's recommendations before the beginning of the transitional period.

(2) Sections 86 and 96 to 100 of the 2007 Act shall have effect as if the successor council were the principal council.

(3) Where a predecessor council undertakes a community governance review during the transitional period and its successor council is a shadow council—

- (a) section 79(3) of the 2007 Act shall have effect as if the requirement for a district council to notify the county council were a requirement to notify both the county council and the shadow council; and
- (b) section 92 of that Act shall have effect as if the shadow council were a principal council.

(4) In this regulation, “the 2008 Order” means the Local Government and Public Involvement in Health Act (Commencement No.3, Transitional and Saving Provisions and Commencement No.2 (Amendment)) Order 2008(1).

#### **Establishment of parish councils under the Local Government and Rating Act 1997**

8.—(1) This regulation applies where the Secretary of State has given a direction under section 14 of the Local Government and Rating Act 1997(2) requiring a predecessor council to make provision to establish a parish council on or after the reorganisation date.

(2) Where the predecessor council has not complied with the direction before the beginning of the transitional period—

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(1) [2008/337 \(C.13\)](#).

(2) [1997 c.29](#). Part 2 of the Local Government and Rating Act 1997 was repealed by sections 101 and 241 of, and paragraph 10 of Schedule 5 and paragraph 4 of Schedule 18 to, the 2007 Act, but has been saved for certain purposes by article 2 of, and the Schedule to, the 2008 Order.

- (a) references in the direction to the predecessor council shall have effect as references to the successor council; and
  - (b) a successor council which is a county council or a shadow council shall be treated as if it were a unitary county council for the purposes of making an order under section 16 of the Local Government and Rating Act 1997.
- (3) Where the predecessor council has made provision by order to comply with the direction, sections 86 and 98 of the 2007 Act shall have effect for the purposes of enabling the successor council to vary or revoke any incidental, consequential, transitional or supplementary provision made in that order as if—
- (a) the successor council were the principal council; and
  - (b) a community governance review had been undertaken under Part 4 of the 2007 Act.

#### **Old-style executive arrangements**

9. Schedule 4 to the 2007 Act (new arrangements for executives: transitional provision) shall have effect in relation to a predecessor council as if paragraphs 3 and 4 (which provide for a change in a local authority's governance arrangements) were omitted.

#### **Petitions on executive arrangements**

10. Part 2 of the Local Government Act 2000 (arrangements with respect to executives etc) shall have effect in relation to a predecessor council as if any regulations made under section 34 (holding of a referendum about the authority's executive arrangements) did not apply to that council.