
STATUTORY INSTRUMENTS

2008 No. 2113

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

PART 3

GOVERNANCE

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⁽¹⁾ 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—

- (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.

⁽¹⁾ 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 Part 2 of the Local Government and Rating Act 1997 was repealed by sections 101 and 241 of, and paragraph 10 of Schedule 5 and paragraph 4 of Schedule 18 to, the 2007 Act, but has been saved for certain purposes by article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.