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## STATUTORY INSTRUMENTS

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### 2008 No. 2176

## The Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008

### PART 5

### DISPUTES

#### Disputes

**17.—**(1) Any question as to the interpretation or application of any provision of these Regulations may be determined—

- (a) in the case of a question as to the interpretation or application of regulation 9, by the Charity Commissioners; and
- (b) in any other case, by a person agreed on by the parties concerned or, failing their agreement, appointed by the Secretary of State.

(2) Subject to paragraph (3), where any question as to the interpretation or application of any provision of these Regulations which relates to the vesting of any property, or the transfer of rights or liabilities, is referred for determination under paragraph (1) before the end of the period of 12 months beginning on the reorganisation date—

- (a) the provision of these Regulations which is in question shall not have, or shall cease to have, effect for the purposes of the vesting of the property, or the transfer of the rights or liabilities concerned; and
- (b) pending the determination of the question, the property, rights or liabilities concerned shall vest in, or transfer to, the caretaker council on trust for itself and the other successor councils.

(3) Where the question referred for determination relates to—

- (a) property vested in a nominated council under regulation 10; or
- (b) property vested in, or rights or liabilities transferred to, a caretaker council under regulation 13(4),

the property, rights or liabilities shall continue in the possession of that council pending the determination of the question.

(4) The determination may make any provision that might be contained in an agreement.

(5) Where a determination provides for the transfer to only one successor council of any property, rights or liabilities or, in the case of rights or liabilities, to two or more successor councils jointly and severally—

- (a) the property, rights or liabilities concerned shall, by virtue of the determination, vest in, or transfer to, the council specified in the determination or, as the case may be, jointly and severally in the councils so specified; and

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- (b) the provision of these Regulations which would have applied to the property, rights or liabilities if the vesting or transfer had been effected by that provision shall apply to the property, rights or liabilities.