
STATUTORY INSTRUMENTS

2008 No. 2176

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

PART 1

GENERAL

Information for facilitating implementation of Regulations

3.—(1) This regulation has effect for the purpose of facilitating the implementation of these Regulations.

(2) A predecessor council shall supply to the successor council—

- (a) details of every relevant contract;
- (b) details of every relevant action or proceeding; and
- (c) such other information relating to the predecessor council's property, rights or liabilities as the successor council may reasonably request.

(3) Those details and that information shall be provided—

- (a) where paragraph (4) applies, not later than the day before the reorganisation date;
- (b) in any other case, as soon as practicable and not later than the end of the relevant period.

(4) This paragraph applies where the predecessor council and the successor council agree that—

- (a) details of—
 - (i) a relevant contract entered into before the beginning of the preliminary period; or
 - (ii) a relevant action or proceeding arising before the beginning of the preliminary period, or
- (b) such other information relating to the predecessor council's property, rights or liabilities as may be specified (whether generally or by reference to a particular class or description),

do not need to be provided by the end of the relevant period.

(5) A person authorised in that behalf by the successor council shall be entitled, at any reasonable time before the reorganisation date, on producing, if so required, evidence of his authority—

- (a) to inspect any record belonging to or under the control of the predecessor council which relates to any relevant contract, action or proceeding or any property, rights or liabilities mentioned in paragraph (2); and
- (b) to take, or be supplied with, a copy of any such record or part of it.

(6) The rights conferred by paragraph (5) include the right to require any record which is not in legible form to be made available in legible form for the purposes of inspection or copying or being supplied with copies.

(7) In this regulation—

“the preliminary period” means the period beginning on the date on which the section 7 order relevant to the predecessor council comes into force and ending on the reorganisation date;

“record” includes material in whatever form or medium which conveys or is capable of conveying information;

“relevant action or proceeding”, means an action or proceeding—

- (a) to which a predecessor council is a party; and
- (b) which, in that council’s opinion, is unlikely to have been determined or settled before the reorganisation date;

“relevant contract” means a contract entered into by a predecessor council the period of which extends, or may, under the terms of the contract, be extended, beyond the reorganisation date; and

“relevant period”—

- (a) as regards details referred to in paragraph (2)(a) and (b), means—
 - (i) where the relevant action or proceeding arises, or the relevant contract is entered into, before the date on which the preliminary period begins, the period beginning on that date and ending six months before the reorganisation date;
 - (ii) where the relevant action or proceeding arises, or the relevant contract is entered into on or after the date on which the preliminary period begins, the period beginning on the date on which the action or proceeding arises or the contract is entered into and ending on whichever is the earlier of the reorganisation date and the date that falls four months after that on which the action or proceeding arose or the contract was entered into;
- (b) as regards information referred to in paragraph (2)(c), means—
 - (i) where the request is made at least six weeks before the reorganisation date, the period of six weeks beginning with the date of the making of the request; and
 - (ii) where the request is made within six weeks of the reorganisation date, the period beginning with the date of the making of the request and ending on the day before the reorganisation date.