
STATUTORY INSTRUMENTS

2008 No. 2867

**The Local Government (Structural Changes)
(Transitional Arrangements) (No.2) Regulations 2008**

PART 8

MISCELLANEOUS TRANSITIONAL PROVISIONS

Application of Part 6 of the Local Government and Housing Act 1989

26.—(1) Part 6 of the Local Government and Housing Act 1989(1) (housing finance) shall have effect, in relation to functions falling to be discharged under that Part before the reorganisation date and as regards the financial year beginning on 1st April 2009, by a preparing council which is a county council, or by a shadow council, as if the council were a local housing authority within the meaning of that Part(2).

(2) In relation to functions falling to be discharged as mentioned in paragraph (1), Part 6 of the Local Government and Housing Act 1989 shall have effect as if a predecessor council were not a local housing authority.

Functions under the Homelessness Act 2002

27. Where functions under the Homelessness Act 2002(3), other than those referred to in regulation 12(1)(c), fall to be discharged by a preparing council which is a county council or by a shadow council—

- (a) before the reorganisation date, and
- (b) as regards the financial year beginning on that date,

references in that Act to a local housing authority shall be taken to include references to a council of either of those descriptions.

Reports of statutory audits, inspections and investigations

28.—(1) A predecessor council which receives from an auditor, inspector or investigator, in the performance of duties under any enactment, a report (whether in draft or final form), shall immediately copy it—

- (a) where its related preparing council has an Implementation Executive, to the proper officer of the Implementation Executive;
- (b) in any other case, to the proper officer of its related preparing or shadow council (as the case may be).

(2) In paragraph (1)—

(1) 1989 c.42.
(2) As to the meaning of “local housing authority” in Part 6 of the 1989 Act, *see* section 88(1) of that Act and sections 1, 2(2) and 434 of the Housing Act 1985 (c.68).
(3) 2002 c.7.

“proper officer” means the officer appointed for the purpose by the council or the Implementation Executive (as the case may be); and

“report” includes the results of an inspection or investigation.

(3) A predecessor council which is minded to vary, in a material respect, any of its policies, procedures or structures—

(a) for the purpose of giving effect to a recommendation made in a report referred to in paragraph (1); or

(b) in consequence of the council’s consideration of such a report,

shall not pass a resolution to vary the policy, procedure or structure in that respect at any time in the period specified in paragraph (4) unless it has complied with the requirements of paragraph (5).

(4) The period referred to in paragraph (3) begins on the date on which these Regulations come into force and ends on the reorganisation date.

(5) The requirements of this paragraph are that the predecessor council—

(a) has consulted its related preparing council or its related shadow council (as the case may be) (“the consultee”) about the proposed variation;

(b) has allowed the consultee a reasonable time within which to respond; and

(c) has taken into account any comments received from the consultee within the period allowed for responding.

(6) For the purposes of paragraphs (1), (3) and (5)—

(a) a preparing council is related to a predecessor council if it is the successor council to the predecessor council; and

(b) a shadow council is related to a predecessor council if it is the successor council to the predecessor council.

Changing governance arrangements: single tier county councils with 2008 elections

29.—(1) This regulation applies to a single tier council which—

(a) is a county council;

(b) is required by a section 7 order to hold an election of its councillors in 2008; and

(c) intends to make a change in governance arrangements to a leader and cabinet executive (England).

(2) In relation to a council to which this regulation applies, the following provisions shall not apply—

(a) subsections (4) and (5) of section 33G of the Local Government Act 2000(4) (implementation: new executive or move to executive arrangements),

(b) paragraph 3(3) of Schedule 4 to the 2007 Act, and

(c) to the extent that it defines “relevant elections”, paragraph 5(1) of that Schedule.

(3) Subsection (2) of section 33G of the Local Government Act 2000, as applied to a council to which this regulation applies by paragraph 3(2) of Schedule 4 to the 2007 Act, shall have effect as if, for the words from the beginning to “elections”, there were substituted “On the day before the first meeting of the council after the reorganisation date,”.

(4) 2000 c.22. Section 33G was inserted by section 64 of the Local Government and Public Involvement in Housing Act 2007 (c.28). Transitional arrangements are contained in Schedule 4 to that Act.

Election of leader: leader and cabinet executives of single tier councils with 2008 elections

30. For the purposes of section 44A(2) of the Local Government Act 2000⁽⁵⁾ (election of leader: whole-council elections), a council of the description specified in regulation 29 shall treat its first meeting after the reorganisation date as its post-election annual meeting⁽⁶⁾.

Review of plans under the Pipelines Safety Regulations 1996

31.—(1) It shall be the duty of each shadow council and each preparing council which is a county council to review and, where appropriate, revise any plan prepared under regulation 25 (emergency plans in case of major accidents) of the Pipelines Safety Regulations 1996⁽⁷⁾ (“a regulation 25 plan”) which, by virtue of regulation 14 of these Regulations, is to have effect in the council’s area on and after the reorganisation date.

(2) The duty imposed by paragraph (1) shall be discharged before the reorganisation date.

(3) On and after the reorganisation date, paragraph (3) of regulation 25 of the Pipelines Safety Regulations 1996 shall have effect in relation to a single tier council for whose area there is a regulation 25 plan as if after “every three years” there were inserted “beginning with the period of three years that commences in the third year after that in which the reorganisation date falls”.

Honorary aldermen

32.—(1) Subsection (1) of section 249 of the 1972 Act (honorary aldermen and freemen) shall have effect in relation to a principal council which is a predecessor council as if, for the words from “as past members” to the end, there were substituted “as past or serving members of the council”.

(2) Where, by virtue of a section 7 order, a local government area is abolished on the reorganisation date, any person who, immediately before that date, is an honorary alderman of the predecessor council for that area shall, on that date—

(a) where there is more than one related single tier council for that area, become an honorary alderman of the council (whether a related single tier council or another local authority) whose area includes the whole or the greater part of the electoral area for which the person was last returned as a councillor of the predecessor council;

(b) in any other case, become an honorary alderman of the related single tier council.

(3) In relation to a person to whom paragraph (2) applies, references in subsections (2) and (4) of section 249 of the 1972 Act which, immediately before the reorganisation date, fall to be construed as references to the predecessor council shall, on and after that date, be construed as references to the council of which that person becomes an honorary alderman on that date.

Honorary freemen

33.—(1) A person who, before the reorganisation date, has been admitted as an honorary freeman of a local government area that is abolished by a section 7 order (an “abolished area”) shall, on that date, be treated as having been admitted as an honorary freeman of the area described in paragraph (2), notwithstanding that the area so described is not on that date an area to which persons may be admitted as honorary freemen⁽⁸⁾.

(2) The area is that which, on the reorganisation date, comprises or includes the abolished area, and for which, on and after that date, there is a single tier of local government.

⁽⁵⁾ Section 44A was inserted by section 67 of the Local Government and Public Involvement in Housing Act 2007.

⁽⁶⁾ See the definition in section 44A(4)(b) of the Local Government Act 2000.

⁽⁷⁾ S.I. 1996/825.

⁽⁸⁾ See section 249(5) of the Local Government Act 1972 (c.70) as to honorary freemen and the local government areas of which there may be honorary freemen .

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
