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STATUTORY INSTRUMENTS

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**2008 No. 2867**

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

**PART 2**

**CONTINUITY AND RESPONSIBILITY FOR FUNCTIONS**

**Continuity: references in enactments, etc**

**3.—(1)** In relation to an area for which, as a result of a section 7 order, there is a district council but no county council, any reference in an enactment to a county council or a county shall, so far as is required for giving effect to the enactment, be construed as including a reference to a district council or, as the case may be, a district.

(2) In relation to an area for which, as a result of a section 7 order, there is a county council but no district councils, any reference in an enactment to a district council or a district shall, so far as is required for giving effect to the enactment, be construed as including a reference to a county council or, as the case may be, a county.

(3) A provision of an enactment in which a predecessor council or its area is mentioned by name shall have effect on and after the reorganisation date, as if, for the name of that council or its area, there were substituted the name of its related single tier council or of the area of that council or, as the case may be, the names of its related single tier councils or of the areas of those councils.

(4) A provision of an enactment which, immediately before the reorganisation date, applies to an area (however defined) that is affected by a section 7 order, shall on and after that date continue to apply to, but only to, the area to which it applied immediately before that date.

(5) Where a provision referred to in paragraph (4) applies as regards the whole or part of the area of a predecessor council by reason only of a resolution passed or order made by that council, the resolution or order shall have effect on and after the reorganisation date as if—

- (a) it had been passed or made by the related single tier council as regards the whole or, as the case may be, the relevant part of its area; or
- (b) where there are two or more related single tier councils, and the area comprises the whole or part of the area of any of those councils, it had been passed or made by that council as regards the whole or the relevant part of its area.

(6) In paragraphs (1) to (4) “enactment” includes a local and personal Act, a private Act, any statutory instrument to which the Statutory Instruments Act 1946(1) applies (whenever the Act or instrument is passed or made) and any charter or other grant under the royal prerogative (whenever granted) but does not include—

- (a) an Act of the Scottish Parliament or Northern Ireland legislation;
- (b) an order under section 7 or 10 of the 2007 Act or regulations under section 14 of that Act;
- (c) as regards paragraph (2)—

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(1) 1946 c.36. See section 1(1) and (2) and S.I. 1948/1.

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

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- (i) section 245 of the 1972 Act (status of certain districts, parishes and communities);
- (ii) an Order in Council under section 247 of the 1972 Act (transfer of armorial bearings from old to new authorities).