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STATUTORY INSTRUMENTS

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**1995 No. 402**

**The Local Government Changes For England (Property Transfer and Transitional Payments) Regulations 1995**

**PART I**  
**GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Local Government Changes for England (Property Transfer and Transitional Payments) Regulations 1995 and shall come into force on 14th March 1995.

**Interpretation**

2.—(1) In these Regulations —

“the Act” means the Local Government Act 1992;

“the 1989 Act” means the Local Government and Housing Act 1989(1) ;

“the 1992 Act” means the Local Government Finance Act 1992(2) ;

“abolished authority” means a principal council which is or is to be wound up and dissolved by a section 17 order;

“council tax base”, in relation to any authority, means the amount calculated by the authority as its council tax base for a financial year in accordance with the relevant rules;

“investment” does not include any land held as an investment;

“relevant instrument” means a statutory instrument made under the Act or, in connection with the Act or such an instrument, under any other Act;

“relevant rules”, in relation to the council tax base for a financial year, means the rules for the time being effective as regards the financial year under regulations made by the Secretary of State under section 33(5) or, as the case may require, section 44(5) of the 1992 Act;

“the reorganisation date”, in relation to an authority, means the date (being 1st April in any year) which is specified as such in a section 17 order;

“the Residuary Body” means the Local Government Residuary Body (England)(3) ;

“section 17 order” means an order under section 17 of the Act; and

“successor authority”, in relation to an abolished authority, means —

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(1) 1989 c. 42.

(2) 1992 c. 14.

(3) see Local Government Residuary Body (England) Order 1995 [S.I.1995/401](#).

- (a) where a section 17 order gives effect to a structural change, an authority to which any functions of the abolished authority are or are to be transferred on the reorganisation date; and
  - (b) where such an order gives effect to a boundary change, an authority whose area, on and after that date, includes, or is to include, an area which, before that date, is the whole or any part of the area of the abolished authority.
- (2) In these Regulations —
- (a) any reference to a transferred area is a reference to an area in relation to which, immediately before the reorganisation date, a principal council (other than an abolished authority) (“the relinquishing authority”) exercises functions which, by virtue of a structural or boundary change effected by a section 17 order, it ceases to exercise on that date; and
  - (b) any reference to the acquiring authority in relation to such an area is a reference to the authority which, by virtue of such a change, exercises or is to exercise those functions in relation to the area on and after that date.
- (3) Any reference in these Regulations to any rights or liabilities of an authority includes a reference to rights or liabilities acquired or incurred by any predecessor in title of the authority.