
DRAFT STATUTORY INSTRUMENTS

2018 No.

LOCAL GOVERNMENT, ENGLAND

The Dorset (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2018

Made - - - - *****

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 15 of the Cities and Local Government Devolution Act 2016(a) (“the 2016 Act”), makes the following Regulations.

In accordance with section 15(4) and (5)(b) of the 2016 Act, Bournemouth Borough Council, Dorset County Council, East Dorset District Council, North Dorset District Council, Poole Borough Council, Purbeck District Council, West Dorset District Council and Weymouth and Portland Borough Council, being relevant local authorities to whom the Regulations apply, have consented to the making of these Regulations.

A draft of these Regulations was laid before and approved by a resolution of each House of Parliament in accordance with section 15(11) of the 2016 Act.

Citation and commencement

1. These Regulations may be cited as the Dorset (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2018 and come into force on the day after that on which they are made.

Interpretation

2. In these Regulations—

“the 2007 Act” means the Local Government and Public Involvement in Health Act 2007(c);

“the relevant authorities” means Bournemouth Borough Council, Christchurch Borough Council, Dorset County Council, East Dorset District Council, North Dorset District Council,

(a) 2016 c. 1.

(b) Section 15(4) provides that regulations may only be made with the consent of the local authorities to whom the regulations apply, subject to subsection (5). Section 15(5) provides that regulations may be made under section 15 if at least one relevant local authority in a non-unitary district council area consents. “Relevant local authority” is defined by sections 15(6) and (7). Under section 15(8) subsections (5) to (7) expire at the end of 31st March 2019.

(c) 2007 c. 28. Relevant amendments were made to section 7 by the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

Poole Borough Council, Purbeck District Council, West Dorset District Council and Weymouth and Portland Borough Council.

Application of Part 1 of the 2007 Act

3. Chapter 1 of Part 1 (structural and boundary change) of the 2007 Act applies in relation to the relevant authorities as if—

- (a) in subsection (1) of section 2 (invitations and directions for proposals for single tier of local government), after “any principal authority to make”, there were inserted “, or any principal authority may make on its own initiative,”;
- (b) in section 3 (invitations, directions and proposals: supplementary)—
 - (i) in subsection (5), after “a direction under that section,”, there were inserted “or in determining whether to make a proposal on its own initiative under that section,”; and
 - (ii) after subsection (6) there were inserted—

“(6A) An authority making a proposal under section 2 on its own initiative may make its own proposal or make a proposal jointly with any other authority.”;
- (c) in section 7 (implementation of proposals by order)—
 - (i) in subsection (1) after “in response to an invitation or direction”, there were inserted “or on an authority’s own initiative”; and
 - (ii) in subsection (3) after “implementing a proposal”, there were inserted “received in response to an invitation or direction”.

Pre-commencement proposals

4. A proposal made by any of the relevant authorities before the date that these Regulations come into force that otherwise complies with section 2 of the 2007 Act (as modified by these Regulations) shall be treated as a proposal made under that section.

Expiry of Regulations

5. These Regulations expire at the end of March 2020 (but without affecting any Order made under Part 1 of the 2007 Act as it has been applied under these Regulations).

Signed by authority of the Secretary of State for Housing, Communities and Local Government

	<i>Name</i>
	Parliamentary Under Secretary of State
Date	Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify provisions related to structural changes in the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) as they apply to Bournemouth, Dorset and Poole.

Regulation 3 modifies certain provisions of Part 1 of the 2007 Act for the purposes of structural change to provide for a single tier of local government in Bournemouth, Dorset and Poole. Section 2 of the 2007 Act is modified to allow for a proposal for structural change in its area to be made by a local authority without the requirement of an invitation from the Secretary of State.

Regulation 4 provides for the relevant provisions of the 2007 Act as modified by these Regulations to apply to the implementation of a proposal made before the coming into force of these Regulations.

Regulation 5 provides for the expiry of these Regulations at the end of March 2020.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

© Crown copyright 2018

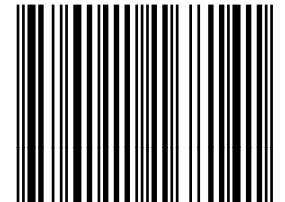
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.25

UK201803281008 04/2018 19585

<http://www.legislation.gov.uk/id/ukdsi/2018/9780111168141>

ISBN 978-0-11-116814-1



9 780111 168141