

Draft Regulations laid before Parliament under section 15(11) of the Cities and Local Government Devolution Act 2016, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No.

LOCAL GOVERNMENT, ENGLAND

The Buckinghamshire (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2019

Made - - - - *****

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 15(1), (3) and (9) of the Cities and Local Government Devolution Act 2016(1) (“the 2016 Act”), makes the following Regulations.

In accordance with section 15(5)(2) of the 2016 Act, Buckinghamshire County Council, being a relevant local authority to whom the Regulations apply, has 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.

In accordance with section 15(12) of the 2016 Act the Secretary of State has laid before Parliament a report explaining the effect of these Regulations and why he considers it appropriate to make the Regulations(3).

Citation and commencement

1. These Regulations may be cited as the Buckinghamshire (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2019 and come into force on the day after that on which they are made.

(1) 2016 c.1.

(2) 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.

(3) Section 15(13) provides that the report laid in accordance with section 15(12) must include a description of any consultation taken into account by the Secretary of State, information about any representations considered by the Secretary of State in connection with the regulations and any other evidence or contextual information which it is considered appropriate to include.

Interpretation

2. In these Regulations—

“the 2007 Act” means the Local Government and Public Involvement in Health Act 2007⁽⁴⁾;

“the relevant authorities” means Aylesbury Vale District Council, Buckinghamshire County Council, Chiltern District Council, South Bucks District Council and Wycombe District 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 2021 (but without affecting any Order made under Part 1 of the 2007 Act as it has been applied under these Regulations).

(4) 2007 c. 28. Relevant amendments were made to section 7 by the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Buckinghamshire (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2019 No. 332

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

Date

Name
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local
Government

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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 Buckinghamshire.

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 Buckinghamshire. 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. Section 3 is modified to ensure that an authority making a proposal on its own initiative must have regard to any relevant guidance from the Secretary of State and to allow such an authority to make a proposal jointly with any other authority. Section 7 is modified to allow the Secretary of State to implement by order a proposal made on an authority’s own initiative; and to disapply the requirement for the Secretary of State to consult the affected authorities before implementing such a proposal.

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 2021.

The Secretary of State has laid a report before Parliament in accordance with section 15(12) of the 2016 Act explaining the effect of these Regulations and why he considers it appropriate to make the Regulations. A copy of this report may be obtained from the National Archives legislation website at <http://www.legislation.gov.uk/> or in hard copy from the Secretary of State on request.

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.