



Local Government Act 1992

1992 CHAPTER 19

PART II

LOCAL GOVERNMENT CHANGES FOR ENGLAND

Supplemental provisions of Part II

24 Abolition of the Local Government Boundary Commission for England

- (1) The Local Government Boundary Commission for England (“the predecessor Commission”) shall cease to exist with the commencement of this section.
- (2) Any property, rights or liabilities to which the predecessor Commission was entitled or subject immediately before the commencement of this section shall become property, rights or liabilities of the Local Government Commission.
- (3) Without prejudice to sections 16 and 17 of the Interpretation Act 1978 (effect of repeals)—
 - (a) where any report or proposals were submitted by the predecessor Commission to the Secretary of State under Part IV of the 1972 Act before the commencement of this section, the provisions of that Part, and of any regulations made under that Part, that cease to have effect for other purposes by virtue of this Act shall continue to have effect for the purpose of enabling effect to be given (with or without modifications) to those proposals and otherwise in relation to that report and those proposals; and
 - (b) where the Local Government Commission undertakes a review under this Part of any area which was the subject of a review which was being conducted by the predecessor Commission at the commencement of this section, the Secretary of State may, by a direction to the Local Government Commission, dispense in relation to that review with such of the requirements of section 15 above as appear to him to be inappropriate in the light of any steps taken before the commencement of this section by the predecessor Commission.

Status: This is the original version (as it was originally enacted).

- (4) If, in the case of any member of the predecessor Commission who ceases to hold office by virtue of subsection (1) above, the Secretary of State determines that there are special circumstances which make it right that that member should receive compensation, he shall pay to that member a sum by way of compensation of such amount as he may determine.
- (5) The approval of the Treasury is required for any determination of the Secretary of State under subsection (4) above; and the sums required by the Secretary of State for making any payment under that subsection shall be paid out of money provided by Parliament.

25 Application of Part II to the Isles of Scilly

The Secretary of State may by order provide that, in their application in relation to the Isles of Scilly, the provisions of this Part shall have effect subject to such modifications as he considers appropriate.

26 Orders, regulations and directions under Part II

- (1) The powers of the Secretary of State under this Part to make orders or regulations shall be exercisable by statutory instrument; and a statutory instrument containing any order or regulations under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament unless—
 - (a) it effects a structural change;
 - (b) it establishes a joint authority for two or more local government areas; or
 - (c) it effects only electoral changes or relates only to parishes.
- (2) No order under this Part effecting a structural change or establishing a joint authority for two or more local government areas shall be made unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament; but an order effecting such a change or establishing a joint authority shall, if apart from this subsection it would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, proceed in that House as if it were not such an instrument.
- (3) Every power of the Secretary of State under this Part to make orders or regulations, or to give directions, shall include power to make different provision for different cases, including different provision for different localities and for different bodies.
- (4) Any power of the Secretary of State by order or regulations under this Part to make incidental, consequential, transitional or supplementary provision shall include power for any incidental, consequential, transitional or supplementary purposes—
 - (a) to apply with or without modifications;
 - (b) to extend, exclude or amend; or
 - (c) to repeal or revoke with or without savings,
 any enactment, any instrument made under any enactment or any charter, whenever granted.
- (5) Any power of the Secretary of State under this Part to make by order or regulations provision for the transfer of any functions, property, rights or liabilities or to make transitional provision in connection with any such transfer or with the establishment of any body shall include, in particular, power to provide—

- (a) for legal proceedings commenced by or against any body to be continued by or against a body to whom functions, property, rights or liabilities are transferred;
 - (b) for the transfer of staff, compensation for loss of office, pensions and other staffing matters; and
 - (c) for treating any body to whom a transfer is made for some or all purposes as the same person in law as the body from whom the transfer is made.
- (6) A direction under any provision of this Part may be varied or revoked by any subsequent direction under that provision; and where the Secretary of State is satisfied that—
- (a) a mistake has occurred in the preparation of an order under any provision of this Part; and
 - (b) the mistake is such that it cannot be rectified by a subsequent order made under that provision by virtue of section 14 of the Interpretation Act 1978 (implied power to amend),
- he may by order under this subsection make such provision as he thinks necessary or expedient for rectifying the mistake.
- (7) In this section—
- “enactment” includes an enactment contained in a provision of this Act (other than a provision of this Part) or in any enactment contained in an Act passed after this Act; and
 - “mistake”, in relation to an order, includes a provision contained in or omitted from the order in reliance on inaccurate or incomplete information supplied by any public body.

27 Amendments relating to local government changes

- (1) Schedule 3 to this Act (which contains consequential amendments in connection with the provisions of this Part) shall have effect.
- (2) In considering the electoral arrangements for any local government area for the purposes of this Part the Secretary of State and the Local Government Commission shall comply, so far as is reasonably practicable, with the rules set out in Schedule 11 to the 1972 Act (rules to be observed in considering electoral arrangements); and accordingly, in that Schedule, references to “either of the Commissions” shall have effect—
 - (a) until the commencement of section 24 above, as including a reference to the Local Government Commission; and
 - (b) thereafter, as if they were references to the Local Government Commission or the Local Government Boundary Commission for Wales.
- (3) In subsection (2) above “electoral arrangements” has the meaning given by subsection (4) of section 14 above for the purposes of subsection (1)(c) of that section.