
STATUTORY INSTRUMENTS

1994 No. 867

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Changes for England Regulations 1994

<i>Made</i>	- - - -	<i>22nd March 1994</i>
<i>Laid before Parliament</i>		<i>22nd March 1994</i>
<i>Coming into force</i>	- -	<i>12th April 1994</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 19 and 26 of the Local Government Act 1992(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

PART 1

PRELIMINARY

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Government Changes for England Regulations 1994, and shall come into force on 12th April 1994.

(2) These Regulations make incidental, consequential, transitional and supplementary provision of general application for the purposes of, and in consequence of, orders made by the Secretary of State under section 17 of the Local Government Act 1992 with respect to local government changes in England, and they have effect subject to any provision in the order itself or in any other instrument made under Part II of that Act.

(3) The Local Government Area Changes Regulations 1976(2) shall not apply to any order made under section 17 of the Local Government Act 1992(3).

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires, any reference to “the order” is a reference to any order in relation to which these regulations are applicable.

(2) In these regulations, any reference to—

(1) 1992 c. 19.

(2) S.I. 1976/246, amended by S.I. 1978/247.

(3) See section 19(4) of that Act, which continues the effect of those Regulations in the absence of provision to the contrary.

- (a) “the preliminary date” is a reference to the earliest date on which any action is required to be taken in pursuance of the order;
 - (b) “the electoral date” is a reference to the date on which the first elections of councillors for a local government area are held pursuant to the order;
 - (c) “the establishment date” is a reference to the date on which the councillors elected on the electoral date come into office;
 - (d) “the reorganisation date” is the date on which a structural change or a boundary change comes into effect; and
 - (e) “the shadow commencement date” is a reference to the date on which a shadow authority comes into existence.
- (3) In these Regulations, unless the context otherwise requires:

“abolished authority” means a local authority which is wound up and dissolved on the reorganisation date;

“newly-established authority” means an authority (not being a shadow authority) established by the order;

“parish authority” means, in the case of a parish having a separate parish council, that council, in the case of a parish grouped under a joint parish council, the joint parish council, and in any other case, the parish meeting or the parish trustees of the parish, as may be appropriate;

“shadow authority” means an authority (not being a local authority) which will become a local authority on the reorganisation date;

“transferred area” means each area of land (being the whole or part of a local government area) in respect of which the order effects a boundary change or a structural change (or both such changes) transferring local government functions to an authority specified in the order;

“transferee authority” means that specified authority;

“transferor authority” means the local authority from which such functions are transferred; and

“unitary authority” means any authority which is the sole principal council for its local government area.

- (4) In these Regulations—

“abolished area” means a local government area abolished by the order;

“the Act” means the Local Government Act 1992;

“the 1972 Act” means the Local Government Act 1972(4);

“altered area” means a local government area which is altered or to be altered (but not abolished or created) by the order and which is not the subject of a structural change;

“district” includes a borough and a metropolitan district;

“enactment” includes a local and personal Act and a private Act, any subordinate legislation as defined in section 21 of the Interpretation Act 1978(5), and any scheme made pursuant to any enactment;

“county functions” means the functions which, in a non-metropolitan county not having a unitary authority, are the functions of the county council, “district functions” means the functions which, in a non-metropolitan district not having a unitary authority, are the functions of the district council, and “parish functions” means the functions vested in and exercisable by a parish authority;

(4) 1972 c. 70, as amended.

(5) 1978 c. 30.

“shadow period” means, where a shadow authority is created, the period between the shadow commencement date and the reorganisation date, and in all other cases the period between the preliminary date and the reorganisation date; and

“unparished area” means an area of land not forming part of any parish.

Authorities of the same tier

3. Any reference in these Regulations to a local authority of the same tier is a reference, as respects each transferor authority mentioned in column 1 below, to the transferee authority mentioned in column 2—

1. Transferor authority	2. Transferee authority
A county council	(a) (a) The county council for a non-metropolitan county; or (b) the unitary authority.
A unitary authority	(a) (a) The county council for a non-metropolitan county as respects county functions, and the district council as respects district functions; or (b) the unitary authority. Where the transferred area is transferred from an unparished area into a parish, the parish authority as respects parish functions.
A district council	(a) (a) The district council; or (b) the unitary authority. Where the transferred area is transferred from an unparished area into a parish, the parish authority as respects parish functions.
A parish authority	Where the transferred area is transferred into a parish, the parish authority for that parish. Where the transferred area becomes unparished, the district council, or the unitary authority.

PART 2

GENERAL MATTERS

Continuity of matters

4.—(1) Anything which, before the reorganisation date, is in the process of being done by, to or in relation to a transferor authority—

- (a) with respect to the transferred area; and
- (b) in the exercise of, or in connection with its functions and powers as a local authority for that area—

may be continued by or in relation to the transferee authority of the same tier.

- (2) For the purposes of paragraph (1) (but without prejudice to its generality)—
- (i) the things which may be continued shall include any legal actions or proceedings, any written application, note, direction, objection or representation of any kind, the enforcement of any byelaws (including any regulation, scale of charges, lists of tolls and any table of fees and payments) and any licence or registration effected pursuant to any enactment; and
 - (ii) anything being done by, to or in relation to a transferor authority shall include anything which is deemed to be being done by that authority, or is treated as being so done.
- (3) Where a matter is continued pursuant to paragraph (1)—
- (a) any act or omission by or in relation to the transferor authority before the reorganisation date shall be treated as an act or omission of the transferee authority; and
 - (b) any reference to the transferor authority in any document relating to such a matter shall be construed as a reference to the transferee authority.

References in enactments

5.—(1) In this regulation, “provision” means any provision in any enactment other than the order, and includes a provision made in any direction or scheme made under any enactment, whenever enacted.

(2) This regulation shall apply on and after the reorganisation date.

(3) Any reference in a provision to a named area which is altered by the order shall, so far as is required for continuing the effect of the provision, be construed as a reference to the area as so altered.

(4) Any reference in a provision to a named abolished area shall, so far as is required for continuing the effect of the provision, be construed as a reference to the transferred area.

(5) Any reference in a provision to a named abolished authority shall, so far as is required for continuing the effect of the provision, be construed as a reference to the transferee authority.

(6) Any reference in a provision to a county council shall, so far as is required for continuing the effect of the provision, be construed as including a district council to which county functions have been transferred pursuant to a structural change.

(7) Any reference in a provision to a district council shall, so far as is required for continuing the effect of the provision, be construed as including a county council to which district functions have been transferred pursuant to a structural change.

(8) Nothing in this regulation or these regulations shall require a reference to a named area or an abolished area to be construed as a reference to that area as altered or transferred by the order for the purposes of any enactment which specifies the locality of any family health service authority, the region of any regional health authority, or the district of any district health authority(6).

(9) Nothing in this regulation or these regulations shall, unless specific provision is made in the order, affect:

- (i) the boundaries of any police area(7) or of any area specified in regulations made under section 22(3) of the Gaming Act 1968(8); or

(6) The areas of such authorities are established by order made under the National Health Service Act 1977 (c. 49), as amended by the National Health Service and Community Care Act 1990 (c. 19). Section 8 of the 1977 Act is the relevant provision with regard to regional and district health authorities, and section 10 the relevant provision with regard to family health service authorities.

(7) As defined in Schedule 1 to the Interpretation Act 1978 (c. 30).

(8) 1968 c. 65.

- (ii) any scheme made pursuant to sections 62 to 64B of the Rent Act 1977⁽⁹⁾; or
 - (iii) the trusts of any charity.
- (10) Nothing in this regulation shall apply:
- (a) where a structural change is effected, to any provision requiring consultation, collaboration or joint action of any kind between a council of a county and a council of a district within that county; or
 - (b) so as to affect the application of any provision to an event or state of affairs which occurred or appertaining before the reorganisation date.

Councillors

6.—(1) Any persons in office immediately before the reorganisation date as councillors for an altered area shall continue as councillors for the altered area until the date on which they would ordinarily have retired had the order not been made.

(2) Where any casual vacancy for the office of councillor arises in an altered area on or before the reorganisation date, that vacancy shall be treated as a vacancy for a councillor of the altered area.

(3) Notwithstanding section 7 of the 1972 Act, any persons in office as councillors of an abolished authority immediately before the reorganisation date shall retire on that date.

Matters not affected

7. The following matters which have been acquired or have accrued before the reorganisation date shall continue unaffected by the order and by these regulations—

- (a) the status of any London borough, royal borough or city;
- (b) the status of any person as a freeman or as an honorary alderman⁽¹⁰⁾;
- (c) the power of any person or court to alter the trusts of a charity; and
- (d) any right—
 - (i) of burial; or
 - (ii) to construct a grave or vault; or
 - (iii) to place, maintain or inscribe a tombstone or memorial.

Validity of certain matters

8. Nothing in the order or in these regulations shall affect the validity of:

- (a) any certificate or licence issued, or notice given under the Marriage Act 1949⁽¹¹⁾, or any marriage solemnised after the reorganisation date in any registration district altered or established in consequence of the order on the authority of such a certificate or licence; or
- (b) the registration of any building for the solemnisation of marriages under section 41 of that Act or the appointment of any person as an authorised person under section 43 of that Act.

⁽⁹⁾ 1977 c. 42.

⁽¹⁰⁾ See sections 248 and 249 of the Local Government Act 1972.

⁽¹¹⁾ 1949 c. 76.

PART 3

SHADOW AUTHORITIES

Application of Part

9. This Part applies where the order establishing an authority (“the authority”) includes provision for a phase as a shadow authority, and any reference to the 1983 Act is a reference to the local government elections provisions of the Representation of the People Act 1983⁽¹²⁾ and the relevant electoral rules made pursuant to section 36 of that Act⁽¹³⁾.

Elections for the shadow authority

- 10.**—(1) The returning officer for the election of the council for the shadow authority shall be—
- (a) the returning officer appointed under section 35 of the 1983 Act for the local government area for which the elections are held; or
 - (b) where there is no such officer or more than one such officer for the area in question, the officer specified or the person named in the order to so act.
- (2) Elections for councillors of a shadow authority shall be conducted in accordance with the 1983 Act.
- (3) The elected councillors shall retire four days after the next ordinary day of election of councillors.
- (4) The returning officer shall convene, and make all necessary arrangements for, the first meeting of the shadow authority, which shall be held on the establishment date.

Functions and powers of the shadow authority

- 11.**—(1) Between the establishment date and the reorganisation date, the authority shall be a shadow authority, and shall have only the function and powers described in this regulation.
- (2) The shadow authority shall take all such practicable steps as are necessary or expedient—
- (a) to commence and sustain the running of the authority as a shadow authority for the duration of the shadow period;
 - (b) to prepare the authority for the assumption, as a newly-established authority, of local government functions and full local authority powers on the reorganisation date;
 - (c) to prepare any budgets or plans required by the newly-established authority when those functions are assumed; and
 - (d) to liaise with any transferor authority for the purpose of ensuring continuity of public service delivery on and after that date.
- (3) Subject to paragraph (5), the shadow authority may exercise any of the 1972 Act powers specified in column 1 of the following Table and described in column 2—

1. Section—	2. Power—
101	Arrangement for discharge of functions
102	Appointment of committees
111	Subsidiary powers of local authorities

⁽¹²⁾ 1983 c. 2.

⁽¹³⁾ The Local Elections (Principal Areas) Rules S.I. 1986/2214, as amended by S.I. 1987/261 and S.I. 1990/158.

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

1. Section—	2. Power—
112	Appointment of staff
113	Placing of staff of local authorities at disposal of other local authorities
120	Acquisition of land by principal councils
123	Disposal of land by principal councils
132	Provision of offices by principal councils
135	Contracts of local authorities
139	Acceptance of gifts of property
140, 140A, 140B & 140C	Insurance
142	Provision of information, etc. relating to matters affecting local government

(4) Subject to paragraph (5), the shadow authority shall have all other powers of a local authority of the same tier.

(5) The powers conferred by paragraphs (3) and (4) may be exercised by the shadow authority only—

- (a) in the discharge of its functions conferred by paragraph (2) or in preparation for the discharge of the functions conferred on the newly-established authority on the reorganisation date; and
- (b) in the same manner, and subject to the same regulation, controls and constraints as if it were an ordinary local authority of the same tier.

(6) The following provisions of the 1972 Act shall apply to the shadow authority notwithstanding it does not have the functions and full powers of a local authority—

Section/Part	Description
Parts V & VA	General Provisions as to members and Proceedings of Local Authorities, Access to Meetings and Documents of Certain Authorities, Committees and Sub-Committees
Section 103	Expenses of joint committees
Section 106	Standing orders
Section 146	Transfer of securities on alteration of area, etc.

(7) The shadow authority shall, notwithstanding it does not have the functions and full powers of a local authority, be treated as a local authority for the purposes of:

- (a) Part III (Accounts and Audit) of the Local Government Finance Act 1982⁽¹⁴⁾;
- (b) Part IV of the Local Government and Housing Act 1989⁽¹⁵⁾;
- (c) Section 18 (Schemes for basic, attendance and special responsibility allowances for local authority members) and section 31 (National Code of Local Government Conduct) of the Local Government and Housing Act 1989;

⁽¹⁴⁾ 1982 c. 32.

⁽¹⁵⁾ 1989 c. 42.

- (d) Sections 174, 175 and 176 of the 1972 Act;
- (e) Sections 173, 173A and 178 of the 1972 Act;
- (f) Sections 3(5) and 5(4) of, and paragraphs 2(4) and 5(4) of Schedule 2 to the 1972 Act; and
- (g) The Local Authorities (Standing Orders) Regulations 1993⁽¹⁶⁾.

Duty of transferor authority to assist the shadow authority

12.—(1) During the shadow period, it shall be the duty of each transferor authority to give the shadow authority all such assistance and information as is reasonably required for the purposes of this Part.

(2) The transferor authority shall not, notwithstanding any enactment, undertake as a local authority any activity mentioned in or pursuant to, regulation 11(2)(c).

Assumption by newly-established authority of functions and full powers

13. On the reorganisation date, the authority shall cease to be a shadow authority, and shall assume the functions and full powers of a local authority.

PART 4

TOWN AND COUNTRY PLANNING

Interpretation of Part

14. Subject to regulation 16(1) in this Part, “the 1990 Act” means the Town and Country Planning Act 1990⁽¹⁷⁾, and “provision” means a provision of a development plan (as defined in s.336(1) of that Act⁽¹⁸⁾).

Continuity of plan provisions

15.—(1) Any provision applying to a transferred area or an altered area shall continue to apply to that area notwithstanding the order, until replaced by a provision which so applies, and which is expressed to supersede the preserved provision.

(2) Where the order discontinues any functions under Part II of the 1990 Act, and confers other functions under that Part of that Act, regulation 4 (Continuity of matters) shall apply as if the order effected a transfer of functions from the authority in respect of whom the functions were discontinued to the authority on whom the other functions are conferred.

Inclusion of unadopted proposals in preparation of development plans

16.—(1) In this regulation, any reference to the 1990 Act is a reference to that Act in the form in which it was in force immediately before commencement of the Planning and Compensation Act 1991 or as amended by that Act.

(2) A transferee authority may, when preparing, altering or replacing a development plan, include proposals, which have not yet been adopted, in respect of a development plan which was being made, altered or replaced by a transferor authority prior to the reorganisation date in respect of an area for which the transferee authority has a duty to prepare a development plan.

⁽¹⁶⁾ S.I. 1993/202.

⁽¹⁷⁾ 1990 c. 8.

⁽¹⁸⁾ This definition was amended by the Planning and Compensation Act 1991 (c. 34), Schedule 4, paragraph 34.

(3) The transferee authority shall publish a statement identifying a proposal so included.

(4) Where the transferee authority is satisfied that there has been no significant change in circumstances affecting the proposal, it need not repeat any step taken by the transferor authority in respect of that proposal for the purpose of complying with the 1990 Act or with regulations made thereunder.

(5) Where an examination in public has been held by the transferor authority into matters affecting the consideration of proposals for the alteration or replacement of a structure plan and the transferee authority wishes, in accordance with paragraph (2) to include any such proposals, the transferee authority need not cause an inquiry or other hearing to be held to consider objections relating to such matters, and sections 16 and 42 of the 1990 Act shall be construed accordingly⁽¹⁹⁾.

(6) Where an inquiry or other hearing is held for the purpose of considering an objection to proposals in respect of a development plan, the person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that the objection is in respect of a proposal identified in accordance with paragraph (3) above and the person objecting has had his objection in respect of the proposal heard at an inquiry or other hearing held by the transferor authority or, where a matter affecting consideration of the proposal to which the objection relates has been considered at an examination in public considered by such an authority.

Inclusion of certain policies in another development plan

17.—(1) This regulation applies where—

- (a) a development plan is operative in the area of the transferee authority;
- (b) development plan proposals are being prepared by that authority;
- (c) that authority has published a statement identifying a policy included in the plan as an existing policy; and
- (d) a local inquiry or other hearing is held for the purpose of considering any objection to the proposals—

and in this regulation, “existing policy” means a policy or proposal the substance of which (however expressed) was contained in a development plan which was operative as mentioned in paragraph (1) (a) above.

(2) Where this regulation applies, the person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that—

- (a) the objection is to a policy identified in the statement published as mentioned in paragraph (1)(c) of this regulation;
- (b) the policy so identified is an existing policy; and
- (c) there has been no significant change in circumstances affecting the existing policy since it first formed part of the plan mentioned in paragraph (1)(a).

⁽¹⁹⁾ Subsections (1), (1A) and (1B) of section 16 were substituted by paragraph 7 of Schedule 4 to the 1991 Act. Subsection (3) of that section was amended by paragraph 22 of Schedule 3 to the Tribunals and Inquiries Act 1992 (c. 53). Subsections (1), (2) and (2A) of section 42 were substituted by paragraph 18 of Schedule 4 to the 1991 Act. Subsection (6) of section 42 was amended by paragraph 24 of Schedule 3 to the Tribunals and Inquiries Act 1992.

PART 5

OTHER LOCAL MATTERS

Electoral registers

18. Each registration officer⁽²⁰⁾ shall make such rearrangement of, or adaptation of the register of local government electors as may be necessary for the purposes of, and in consequence of the order.

Fire Services disciplinary proceedings

19.—(1) In this regulation—

“disciplinary proceedings” includes an appeal;

“offence” means an offence against discipline within the meaning of regulations in force under the Fire Services Act 1947⁽²¹⁾;

“member” means any member of a fire brigade who would, except for the provisions of this regulation, be transferred on the reorganisation date pursuant to the order;

“transferee brigade” means the fire brigade to which a member is transferred; and

“transferor brigade” means the fire brigade from which a member is transferred.

(2) Where, before the reorganisation date, a report, complaint or other allegation is received from which it appears that a member may have committed an offence, then—

(a) if the transferor brigade continues to exist after the reorganisation date, the chief officer of the transferor brigade may postpone the member’s transfer for the purposes of investigating the matter, or of any disciplinary proceedings;

(b) otherwise, the investigation or disciplinary proceedings may be continued by the transferee brigade as if the alleged offence had been committed while the member was a member of that brigade.

(3) Where paragraph (2)(a) applies, the member shall be transferred on a date to be determined by the chief officer of the transferor brigade after consultation with the chief officer of the transferee brigade, and, notwithstanding any other provision, that date shall be treated for all purposes as the date on which the member was transferred.

Police disciplinary proceedings

20.—(1) This regulation shall have effect in relation to any member of a police force (“the officer”) who is transferred from one police force (“the transferor force”) to another (“the transferee force”) pursuant to an order.

(2) Where a report or allegation is received before the reorganisation date from which it appears that the officer may have committed an offence against discipline, within the meaning of any regulations in force under section 33 of the Police Act 1964⁽²²⁾ (“the 1964 Act”):

(a) if the transferor force is to continue to exist on and after the reorganisation date, the chief constable of that force may postpone the transfer of the officer for the purpose of facilitating the investigation of the matter and any disciplinary proceedings arising therefrom (including any appeal under section 37 of the 1964 Act);

⁽²⁰⁾ As to electoral registration officers and the register of local government electors, see sections 8 to 13 of the Representation of the People Act 1983.

⁽²¹⁾ 1947 c. 41, as amended.

⁽²²⁾ 1964 c. 48.

- (b) otherwise, any investigation and any disciplinary proceedings (including any such appeal) may be continued by the transferee force as if the alleged offence had been committed while the officer was a member of the transferee force.

(3) Where paragraph (2)(a) applies, the officer shall be transferred on a date to be determined by the chief constable of the transferor force after consultation with the chief constable of the transferee force, and notwithstanding any other provision, that date shall be treated for all purposes as the date on which the officer was transferred.

Sheriffs

21.—(1) In this regulation, “sheriff’s area” means a county or Greater London (excluding the City and the Temples), “the transferor sheriff” means the high sheriff for the sheriff’s area in which a transferred area is located prior to the reorganisation date and any reference to “the transferee sheriff” is a reference to the high sheriff for the sheriff’s area in which a transferred area is located on and after the reorganisation date.

(2) Any person who, immediately before the reorganisation date, is qualified to be appointed transferor sheriff by reason of holding land in the transferred area shall continue to be so qualified for a period of two years from the date of that change.

(3) The transferor sheriff shall, on or about the reorganisation date—

- (a) perform (so far as they relate to persons or things in the transferred area) all the duties which are required by section 28(1) of the Sheriffs Act 1887⁽²³⁾ to be performed at the expiration of a sheriff’s term of office; and
- (b) transfer to the custody of the transferee sheriff all documents of whatever description relating to the transferred area.

(4) In section 28(1) and (2) of the Sheriffs Act 1887, any reference to an “incoming sheriff” shall, from the reorganisation date, be construed as a reference to “the transferee sheriff”.

Registration service

22.—(1) In this regulation, “the 1949 Act” means the Marriage Act 1949⁽²⁴⁾.

(2) Where notice of marriage is given before the reorganisation date to any superintendent registrar whose district will be altered or abolished by the order and the marriage is not solemnised before that date, the following shall apply:

- (a) where the district is altered, the provisions of the 1949 Act with regard to the issue of a certificate or a certificate and licence shall apply as if the alteration had not taken place;
- (b) where the district is abolished, section 15(1) of the Registration Service Act 1953⁽²⁵⁾ shall apply with the modification, for the purposes of this regulation only, as if there were inserted after the words “to such person as the Registrar General may designate” the words “and in an case where a district has been abolished the Registrar General shall authorise the superintendent registrar for any other district to act for the purposes of the Local Government Changes for England Regulations 1994 as superintendent registrar for the district which has been abolished”, and a superintendent registrar so appointed is referred to in this regulation as an “authorised superintendent registrar”, and
 - (i) the notice of marriage shall have effect as if it had been given to the authorised superintendent registrar, and the authorised superintendent registrar shall cause any notice or exact copy of particulars entered in the marriage notice book and required to

⁽²³⁾ 1887 c. 55.

⁽²⁴⁾ 12 & 13 Geo. 6, Ch. 76.

⁽²⁵⁾ 1953 c. 37.

be displayed under section 31(1) of the 1949 Act to be affixed in some conspicuous place in his or her office from the reorganisation date for any unexpired portion of the period mentioned in that subsection;

- (ii) the authorised superintendent registrar, and any other superintendent registrar so empowered by the 1949 Act may issue a certificate or a certificate and licence for the solemnisation of the marriage notwithstanding that the building in which the marriage is solemnised is not within that superintendent registrar's district or within the district where one of the persons to be married has resided; and
- (iii) the authorised superintendent registrar may arrange for the solemnisation of the marriage in his or her office where the persons to be married had stated in the notice that they wished to be married in the office of the superintendent registrar to whom notice was given.

(3) For the purposes of any notice of marriage to be given on or after the reorganisation date, the alteration or establishment of any registration district by the order shall be deemed to take effect 32 days before the reorganisation date.

(4) The superintendent registrar of any registration district which will be abolished on the relevant date shall for one month before that date display the name and address of the successor registrar in a conspicuous position in his or her office, and shall give that information to every person giving notice of marriage.

(5) Where any birth (including a still-birth) or death—

- (a) occurs before the reorganisation date in a registration sub-district which is altered or abolished by the order on that date; and
- (b) the birth or death is not registered before that date—

the birth or death shall be registered by the registrar of births and deaths for the sub-district in which the place of birth or death is located on that date.

Coroners

23. The Coroners (Compensation) Regulations 1975(26) shall apply in consequence of the order, with the following modifications:

In regulation 2 of the 1975 Regulations—

- (a) for the definition of “the Act” there shall be substituted ““the Act” means the Local Government Act 1992”; and
- (b) for the definition of “material date”, there shall be substituted ““the material date” means the reorganisation date”.

Food safety

24. In subsection (5) of section 27 (Appointment of public analysts) of the Food Safety Act 1990(27), there shall be inserted after the words “does not include the council of a non-metropolitan district” the words “(except where the county functions have been transferred to that council pursuant to a structural change)”.

(26) S.I. 195/353.

(27) 1990 c. 16.

PART 6

PARISHES

Charter trustees

25.—(1) This regulation applies where a city or town for which charter trustees have been constituted pursuant to section 246(4) of the 1972 Act—

- (a) becomes a parish; or
- (b) becomes wholly comprised in a parish; or
- (c) becomes wholly comprised in two or more parishes.

(2) In this regulation, any reference to the parish is a reference to the parish mentioned in paragraph 1(a) to (c), and any reference to the parish council is a reference to the council for that parish.

(3) The charter trustees shall be dissolved.

(4) The mayor or deputy mayor shall cease to hold office as such.

(5) Any local officer of dignity appointed pursuant to section 246(4)(c) of the 1972 Act shall hold office as if appointed by the parish council.

(6) The following matters owned, vested in, or exercisable by the charter trustees shall be transferred to the parish council—

- (a) all property of whatever description;
- (b) all rights, liabilities, contracts or other written instruments of whatever description; and
- (c) any legal actions or proceedings.

(7) Regulation 4 (Continuity of matters) shall apply as if the charter trustees were a transferor authority, and the parish council were a transferee authority of the same tier.

(8) The accounts of the charter trustees and of its committees and officers shall be made up to the dissolution of the charter trustees, and shall be audited in the same way, and subject to the same procedures and penalties as if the charter trustees had not been dissolved.

PART 7

INCIDENTAL AND CONSEQUENTIAL

Inspection of documents by authorities

26.—(1) The right conferred by this regulation shall be exercisable—

- (a) during the shadow period, by a shadow authority (if any); and
- (b) between the preliminary date and the reorganisation date, by a local authority which is to become a transferee authority—

against an authority which is to become a transferor authority.

(2) An authority shall have the right, through a duly authorised officer and for the purposes of its functions or prospective functions, at all reasonable times to inspect and take copies of any books, documents, papers or records of whatever description, wherever held and in whatever form.

(3) The authority against which the right is exercised shall supply all such information and assistance as may reasonably be required for, in, and in relation to, the exercise of the right.

Maps

27.—(1) A print of any map referred to in the order shall be deposited in—

- (a) the principal offices of the Secretary of State; and
- (b) the offices of each local authority whose area is affected by the order.

The prints so deposited shall be available for inspection by any person at any reasonable time.

(2) Prints of any such map shall also be supplied to—

- Ordnance Survey;
- the Registrar General;
- the Land Registry;
- the Valuation Office; and
- the Boundary Commission for England.

Minutes of last meetings

28.—(1) This regulation applies to the minutes of the last meeting of an abolished authority.

(2) Where practicable, the minutes should be signed at the conclusion of the last meeting by the person who chaired that meeting.

(3) If this is not practicable, the minutes shall be circulated to all members present at the meeting. Any representations made within seven days of despatch of such minutes to members shall be taken into account. Thereafter, the person who chaired the meeting may sign the minutes.

(4) If for any reason the person who chaired the meeting is unable to sign the minutes, the Secretary of State may nominate another person who was present at the meeting for this purpose.

(5) When the minutes are signed in accordance with this regulation, they are to be treated for all purposes as the duly approved minutes of an ordinary meeting of the authority.

Signed by authority of the Secretary of State

22nd March 1994

David Curry
Minister of State,
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Local Government Act 1992 makes provision for local government changes in England. There are three types of change: a boundary change to a local government area; a structural change, where, instead of a two-tier system of a county council and a district council there is a single principal authority (which is either a district council with the additional functions of a county council or a county council with the additional functions of a district council); and an electoral change. The Local Government Commission for England conducts a review of a local government area and decides whether to make recommendations to the Secretary of State about such changes. Where recommendations for change are made, the Secretary of State may make an order giving effect to those recommendations with or without modifications.

These Regulations make incidental, consequential, transitional and supplementary provision of general application for the purposes of, and in consequence of such orders. They deal with continuity of certain general and local matters, and make arrangements with regard to elections of shadow authorities which are to prepare for a change and assume on the relevant reorganisation date the full powers and status of a local authority.

Specific provisions deal with relevant local matters, including town and country planning matters, charter trustees, fire service and police disciplinary matters, the registration service, sheriffs and coroners.

These Regulations apply subject to the provisions of the order itself or of another statutory instrument made pursuant to Part II of the Act.

Separate regulations will deal with finance matters, transfer of property matters, the setting-up of a residuary body and other necessary subjects.