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STATUTORY INSTRUMENTS

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**1994 No. 867**

**The Local Government Changes for England Regulations 1994**

**PART 5**

**OTHER LOCAL MATTERS**

**Electoral registers**

**18.** Each registration officer<sup>(1)</sup> 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<sup>(2)</sup>;

“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.

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(1) 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.

(2) 1947 c. 41, as amended.

(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<sup>(3)</sup> (“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);
- (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<sup>(4)</sup> 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<sup>(5)</sup>.

(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<sup>(6)</sup> 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

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(3) 1964 c. 48.

(4) 1887 c. 55.

(5) 12 & 13 Geo. 6, Ch. 76.

(6) 1953 c. 37.

“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 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(7) 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”.

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*Status: This is the original version (as it was originally made).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

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### **Food safety**

**24.** In subsection (5) of section 27 (Appointment of public analysts) of the Food Safety Act 1990<sup>(8)</sup>, 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)”.

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<sup>(8)</sup> 1990 c. 16.