
STATUTORY INSTRUMENTS

1996 No. 330

**The Local Government Changes for England
(Miscellaneous Provision) Regulations 1996**

PART III

STATUS, RIGHTS, PRIVILEGES ETC.

Preservation of rights and privileges of existing areas

4.—(1) Subject to any provision made by a grant under Her Majesty's prerogative or any provision of a charter granted by Her Majesty under section 245 of the 1972 Act (status of certain districts etc), any privileges or rights belonging immediately before the reorganisation date to the inhabitants of any area by virtue of—

- (a) the provisions of subsection (1) of section 246 of the 1972 Act (preservation of powers, privileges and rights of existing cities or boroughs); or
- (b) any provision made under subsection (2)(b) of that section by a charter granted under section 245 of that Act,

shall, notwithstanding any boundary change effected by the order, belong on and after that date to the inhabitants of that area.

(2) Subsection (2) of section 246 of the 1972 Act shall apply in relation to a charter granted by Her Majesty under section 245 of that Act with respect to a new district as if—

- (a) the reference in paragraph (a) of that subsection to any powers to appoint local officers of dignity exercisable as mentioned in that paragraph were a reference to any powers to appoint local officers of dignity exercisable immediately before the reorganisation date by the council of an existing district the whole or part of which becomes comprised in the area of the new district; and
- (b) the reference in paragraph (b) of that subsection to any privileges or rights belonging as mentioned in that paragraph were a reference to any privileges or rights belonging immediately before the reorganisation date, by virtue of any such provision as is mentioned in paragraph (1) above, to the inhabitants of any area the whole or part of which becomes comprised in the area of the new district.

Freemen

5.—(1) Nothing in the order shall affect any person's status, or the right of any person to be admitted, as a freeman of any place.

(2) Section 248 of the 1972 Act (freemen and inhabitants of pre-1974 boroughs) shall have effect in relation to a city or town the whole or part of which is situated in a county in which there are no district councils as if—

- (a) the references in subsections (2) and (3) to the relevant district council were references to the relevant county council; and

- (b) the reference in subsection (2) to the council of the district were a reference to the council of the county.

Honorary aldermen and freemen

6.—(1) Services rendered to the council of a principal area the whole or part of which becomes, by virtue of a boundary change effected by the order, comprised in another principal area may, for the purposes of section 249 of the 1972 Act (honorary aldermen and freemen)⁽¹⁾, be treated as services rendered to the council of that other principal area.

(2) Section 249(1) of the 1972 Act shall have effect, in relation to a principal council which is to be wound up and dissolved by the order, as if the words from “but” to the end of that subsection were omitted.

(3) Where, by virtue of a boundary change effected by the order, an existing principal area is abolished on the reorganisation date, any person who, immediately before that date, is an honorary alderman of the council of that area shall, on that date, become an honorary alderman of—

- (a) the council of the principal area in which the whole of the existing principal area becomes comprised on that date; or
- (b) where that area becomes comprised partly in each of two or more principal areas on that date, the council of the principal area in which the whole or the greater part of the relevant electoral area becomes comprised;

and, in relation to such a person—

- (i) “relevant electoral area” means the electoral area of the existing principal area for which that person was last returned as a councillor before the title of honorary alderman was conferred on him; and
- (ii) references in section 249(2) and (4) of the 1972 Act which, immediately before the reorganisation date, fall to be construed as references to the council of the existing principal area shall, on and after that date, be construed as references to the council of which that person becomes an honorary alderman on that date.

(4) Nothing in the order shall affect the status of any person who is immediately before the reorganisation date an honorary freeman of any city, borough or royal borough.

Transfer of armorial bearings from abolished authorities

7. Section 247 of the 1972 Act (transfer of armorial bearings) shall apply in relation to new and abolished authorities as it applies to the new and existing local authorities mentioned in that section but as if the reference to April 1, 1974 were a reference to the reorganisation date.

(1) Subsections (7) and (9) (which relate to Wales) are added by paragraph 55 of Schedule 15 to the 1994 Act: see [S.I. 1995/852](#).