
STATUTORY INSTRUMENTS

1999 No. 545

The Local Government (Parishes and Parish Councils) Regulations 1999

**PART I
GENERAL**

Citation and commencement

1. These Regulations may be cited as the Local Government (Parishes and Parish Councils) Regulations 1999 and shall come into force on 1st April 1999.

Interpretation

2. In these Regulations—

“the Act” means the Local Government and Rating Act 1997;

“the 1992 Act” means the Local Government Act 1992(1);

“the 1972 Act” means the Local Government Act 1972(2);

“abolished authority” means a parish council which is wound up and dissolved by an order;

“enactment” includes a local and personal Act, a private Act and any subordinate legislation within the meaning of the Interpretation Act 1978(3);

“existing”, in relation to an area affected by an order, means that area as it exists on the date the order is made;

“order” means an order under section 14 (implementation by Secretary of State) of the Act;

“order date” means the date (being 1st April in any year) which is specified as such in the order;

“proper officer”, in relation to any purpose and any body, means the person appointed for that purpose by that body;

“transferor authority” means a parish council which, in consequence of an order, ceases to exercise functions in relation to an area (“transferred area”) on the order date; and

“transferee authority” means—

- (a) a parish council by which, in consequence of an order, functions in relation to a transferred area are exercisable on and after the order date;
- (b) where there is no such council, the district council or unitary county council in whose area the transferred area is situated.

(1) 1992 c. 19.

(2) 1972 c. 70.

(3) 1978 c. 30; see section 21.

Application of Regulations

3. These Regulations (which make incidental, consequential, transitional and supplementary provision for the purposes and in consequence of orders, and for giving full effect to them) apply to every order, but have effect, in each case, subject to any relevant agreement under section 20 (agreements as to incidental matters) of the 1992 Act⁽⁴⁾ (as well as having effect subject to the provisions of the order, as provided by section 15(2) of the Act).

Matters not affected

4. Nothing in these Regulations shall affect—
- (a) the status of any city;
 - (b) the status of any person who is an honorary freeman of any parish having the status of a city or entitled to be called or styled a royal town;
 - (c) any person’s status, or the right of any person to be admitted, as a freeman of any place;
 - (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.

Continuity of matters

5.—(1) Any thing which, at the order date, is in the process of being done by or in relation to a transferor authority in the exercise of, or in connection with, any of its functions in relation to a transferred area may be continued by or in relation to the transferee authority.

(2) Any thing done before the order date by or in relation to a transferor authority in the exercise of, or in connection with, any of its functions in relation to a transferred area shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the transferee authority.

(3) References in paragraphs (1) and (2) to things done by or in relation to a transferor authority include references to things which, by virtue of any enactment, are treated as having been done by or in relation to that authority.

(4) So far as is required for giving effect to paragraphs (1) and (2), any reference in any document to a transferor authority shall be construed as a reference to the transferee authority.

Maps

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

- (a) [the office] [a London office] of the Secretary of State; and
- (b) the offices of the district council or unitary county council in whose area a parish affected by the order is situated.

(2) The prints deposited in accordance with paragraph (1) shall be available for inspection by any person at any reasonable time.

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

- (a) Ordnance Survey;
- (b) the Registrar General;

(4) By virtue of section 23(9) of the Local Government and Rating Act 1997, section 20 of the Local Government Act 1992 applies to orders under section 14 of the 1997 Act as it applies to orders under Part II of the 1992 Act.

- (c) the Land Registry;
- (d) the Valuation Office;
- (e) the Boundary Commission for England; and
- (f) the Local Government Commission for England.

Mereing of boundaries

7.—(1) The boundaries of any area established by an order shall be mered by Ordnance Survey.

(2) Where—

- (a) a boundary of any area is defined on a map referred to in the order by reference to proposed works; and
- (b) those works have not been executed at the time the boundary is mered,

the boundary shall be mered as if it had not been so defined.