
STATUTORY INSTRUMENTS

2008 No. 625

The Local Government (Parishes and Parish Councils) (England) Regulations 2008

PART 3

OTHER CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

10.—(1) Any person in office immediately before the order date as a parish councillor for an area which is altered by the order (“an altered area”) shall, unless he resigns his office or it otherwise becomes vacant, continue as parish councillor for the area as so altered until the date on which he would ordinarily have retired had the order not been made.

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

(3) Notwithstanding subsection (3) of section 16 of the 1972 Act (parish councillors), any persons in office as parish councillors of an abolished authority immediately before the order date shall retire on that date.

Electoral registers

11. Each registration officer shall make such rearrangement or adaptation of the register of local government electors as may be necessary for the purposes or in consequence of any reorganisation order.

Staff: continuity of employment

12.—(1) This regulation applies to any person who ceases to be employed by an abolished authority or a transferor authority (“the authority”) where—

- (a) the termination of his employment is attributable to the winding-up and dissolution of the authority;
- (b) within four weeks of the date of the termination of that employment he is employed by another parish council (“the new employer”); and
- (c) by virtue of section 138 of the Employment Rights Act 1996⁽¹⁾ (no dismissal in cases of renewal of contract or re-engagement) (“the 1996 Act”) that subsequent employment precludes his receiving any redundancy payment under Part 11 of that Act with respect to his terminated employment.

(2) The period during which a person to whom this regulation applies was employed by the authority shall count as a period of employment with the new employer for the purposes of computing his period of continuous service for the purposes of the 1996 Act and the change of employer shall not break the continuity of his employment.

(3) A person to whom this regulation applies shall be entitled to count the period of his employment with the authority as a period of employment with his new employer for the purposes of any provision of his contract which depends on his length of service.

Minutes of last meeting

13.—(1) This regulation applies to the minutes of the last meeting of—

- (a) an abolished authority;
- (b) a committee or sub-committee of such an authority; and
- (c) a joint committee which ceases to exist by reason of the winding-up and dissolution of such an authority.

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

(3) In every other case, as soon as practicable after the last meeting, the minutes shall be circulated to the chairman and every other member present at the meeting; and

- (a) the chairman may sign the minutes after taking into consideration any representations made by any such member within seven days of the date on which those minutes were sent to him; or
- (b) if the chairman is unable to sign the minutes, the proper officer of the principal council in whose area the area of the abolished authority is situated may nominate another person who was present at the meeting to sign the minutes.

(4) Any minutes purporting to be signed in accordance with paragraph (2) or (3) shall be received in evidence without further proof and, unless the contrary is proved—

- (a) the meeting shall be deemed to have been duly convened and held;
- (b) those present at the meeting shall be deemed to have been qualified to attend and vote; and
- (c) where the meeting was of a committee, a sub-committee or a joint committee, it shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

Audit

14.—(1) Any functions under Part 2 (accounts and audit of public bodies) of the Audit Commission Act 1998(2) (“the 1998 Act”) exercisable by or in relation to an abolished authority in respect of any financial year ending before the order date shall be exercisable on or after that date by or in relation to the transferee authority or, if there is more than one transferee authority, such one of them as is specified for the purposes of this paragraph in the reorganisation order.

(2) In the following paragraphs “the relevant authority” means the transferee authority by which functions under Part 2 of the 1998 Act are exercisable on or after the order date.

(3) Without prejudice to the generality of paragraph (1), the relevant authority—

- (a) shall ensure that the accounts of the abolished authority are made up, balanced and audited; and
- (b) may recover any sum or amount which, but for the reorganisation order, would have been recoverable for the benefit of the abolished authority in accordance with section 18(2) of the 1998 Act.

(4) For the purposes of paragraph (1), anything done before the order date by or in relation to an abolished authority in the exercise of its functions under Part 2 of the 1998 Act shall be treated on and after that date as if it had been done by or in relation to the relevant authority.

(5) A transferee authority which is not a relevant authority shall provide the relevant authority with such information as it may reasonably require to enable it to discharge its functions under paragraph (1); and shall, if so requested, provide copies of, or otherwise afford access to, such documents or other material in their possession or under their control as the relevant authority may specify.

Charter trustees

15.—(1) The following provisions of this regulation apply in any case where, in consequence of a reorganisation order, a city or town for which charter trustees have been constituted by or under any enactment becomes wholly comprised in a parish or in two or more parishes.

(2) On the date on which the first parish councillors for the parish or parishes (as the case may be) come into office—

- (a) the charter trustees shall be dissolved;
- (b) the mayor and deputy mayor (if any) shall cease to hold office as such;
- (c) the appointment of any local officer of dignity shall be treated as if it had been made by the parish council;
- (d) all property, rights and liabilities (of whatever description) of the charter trustees shall become property, rights and liabilities of the parish council; and
- (e) any legal proceedings to which the charter trustees are party may, subject to rules of court, be prosecuted or defended (as the case may be) by the parish council.

(3) Without prejudice to paragraph (2), regulation 5 (continuity of matters) shall apply in a case to which this regulation applies as if the charter trustees were a transferor authority and the parish council were a transferee authority.

(4) In paragraphs (2) and (3) “the parish council”—

- (a) in relation to a city or town which becomes comprised in the area of a single parish, means the council of that parish;
- (b) in relation to a city or town which becomes comprised in the area of more than one parish, means the council of such one of those parishes as is specified in the reorganisation order.

(5) The accounts of the charter trustees and of its committees and officers shall be made up to the date referred to in paragraph (2), and shall be audited in the same manner, and subject to the same procedures and penalties, as if the charter trustees had not been dissolved.