
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to charter trustees established by order under section 7 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”).

Part 1 of the 2007 Act provides for the establishment of a single tier of local government for areas in England. The Secretary of State may, by order under section 7 of the 2007 Act, provide for the restructuring of an area in which there are two tiers of local government (namely, a county council and district councils) into a single tier of local government (namely a county council or a district council). Following such a structural change, where there is no suitable local government body such as a parish council, charter trustees will be established to preserve historic property, privileges, rights and traditions presently enjoyed by local residents in council areas which will be abolished.

Regulation 2 contains definitions. Regulation 3 specifies that historic property which relates to the charter trustee area vests in the charter trustees on the date on which a relevant structural change comes into effect, rather than transferring to the single tier council under provisions in the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008. Charter trustees may dispose of certain of that property to the single tier council. Regulation 4 provides that rights exercised by virtue of charters prior to the reorganisation by county and district councils may continue to be exercised in relation to the charter trustee area by charter trustees following the structural change. Regulation 5 provides that charter trustees may acquire or accept gifts of historic or ceremonial property and execute certain work in respect of them.

Provision is made in relation to the appointment and removal from office of additional charter trustees (regulation 6); matters concerning the appointment and terms of office of the mayor and deputy mayor (regulation 7); the organisation of the first annual meeting (regulation 8); subsequent meetings (regulation 9); discharge of functions (regulation 10); the provision of accommodation (regulation 11); funding in the first year, accounts and audit etc (regulations 12 and 13); the application of other statutory provisions (regulation 14); and the payment of subscriptions (regulation 15).

No impact assessment has been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.