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STATUTORY INSTRUMENTS

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**2018 No. 930**

**The Local Government (Structural Changes)  
(General) (Amendment) Regulations 2018**

**Amendment of the Local Government (Structural Changes) (Transitional Arrangements) (No. 2) Regulations 2008**

5.—(1) The Local Government (Structural Changes) (Transitional Arrangements) (No. 2) Regulations 2008(1) are amended in accordance with paragraphs (2) to (11).

(2) In regulation 9 (interim acting and local returning officers, etc.)—

(a) in paragraphs (1) and (2)(b) for “30th November 2008” substitute “the relevant date”;

(b) in paragraph (7)—

(i) for “1st December 2008” substitute “the day after the relevant date”; and

(ii) for “1st April 2009” substitute “the reorganisation date”; and

(c) after paragraph (11) insert—

“(12) In this regulation “the relevant date” means the 30th November that immediately precedes the reorganisation date.”.

(3) In regulation 11 (plans required before reorganisation date) in paragraph (1) for “31st March 2009” substitute “the day before the reorganisation date”.

(4) In regulation 12 (plans, reviews, schemes, etc.)—

(a) in the heading—

(i) after “reviews,” insert “rules,”; and

(ii) for “12 months” substitute “24 months”;

(b) in paragraph (1)—

(i) in sub-paragraph (a)(i) for “167” substitute “166A”;

(ii) in sub-paragraph (a)(iii) omit “and”; and

(iii) after sub-paragraph (a)(iv) insert—

“(v) a council tax reduction scheme under section 13A(2) (reductions by billing authority) of the Local Government Finance Act 1992(2); and

(vi) rules determined under section 47(1)(a) (discretionary relief) of the Local Government Finance Act 1988(3);”;

(c) in paragraphs (1)(b)(i) and (3)(a) for “section 28D of the Disability Discrimination Act 1995” substitute “Schedule 10 to the Equality Act 2010(4)”;

(d) in paragraph (2)(a) for “(iv)” substitute “(vi)”;

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(1) S.I. 2008/2867, amended by S.I. 2009/276, S.I. 2010/602 and S.I. 2010/1172.

(2) 1992 c.14. Section 13A was inserted by the Local Government Finance Act 2012 (c. 17), section 10(1).

(3) 1988 c. 41. Section 47(1) was amended by the Localism Act 2011 (c. 20), section 69(1) and by the Local Government Finance Act 1992 (c. 14), section 117(1) and Schedule 13, paragraph 65(1).

(4) 2010 c. 15. Schedule 10 was amended by paragraph 20(3) of Schedule 13 to the Education Act 2011 (c. 21) and by S.I. 2012/976.

- (e) in paragraph (5)—
  - (i) after “review,” in each place in which it occurs insert “rules,”;
  - (ii) after “published,” in the second place in which it occurs insert “as soon as practicable and”;
  - (iii) for “12 months” substitute “24 months”;
- (f) in paragraph (6)—
  - (i) after “plans,” insert “rules,”; and
  - (ii) in sub-paragraph (b) after “review,” insert “rules,”;
- (g) in paragraph (7) after “review,” in each place in which it occurs insert “rules,”;
- (h) in paragraph (8)—
  - (i) for “three” substitute “five”;
  - (ii) for “2011” substitute “2021, or the five year period specified by the related preparing or shadow council or by the single tier council under section 5(6C) of that Act(5)”;
- (i) in paragraph (9) for “2010” substitute “2019”; and
- (j) after paragraph (9) insert—
 

“(10) Where a single tier council is taking steps under paragraph (5) to prepare a council tax reduction scheme under section 13A(2) of the Local Government Finance Act 1992 paragraph 5(1) of Schedule 1A to that Act does not apply.”.
- (5) In regulation 18 (interpretation of Part 6) omit the definitions of “the 2004 Regulations” and “the Regional Regulations”.
- (6) In regulation 19 (local development documents)—
  - (a) omit paragraph (2); and
  - (b) after paragraph (3) insert—
    - “(4) A single tier council must adopt a local development document under section 23 of the 2004 Act to apply to the whole of its area within a period of five years starting with the reorganisation date.
    - (5) On or after the reorganisation date and prior to adoption of a document to apply to the whole of its area as required by paragraph (4) a single tier council may revise or replace a document referred to in paragraph (1) for a part of its area which was the area of a predecessor council.
    - (6) In revising or replacing a document in accordance with paragraph (5), a single tier council may adopt, with or without modification, a document which was prepared but not adopted by a predecessor council before the reorganisation date.
    - (7) Where—
      - (a) a predecessor council has not before the reorganisation date prepared or adopted a local development document under section 23 of the 2004 Act; and
      - (b) the single tier council has not yet adopted such a document for the whole of its area as required by paragraph (4),

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(5) Section 5 of the Licensing Act 2003 requires a licensing authority to determine and publish its licensing policy for each five year period ending with 6 January 2016 and for each subsequent five year period. Section 5 was amended by section 122 of the Police Reform and Social Responsibility Act 2011 (c. 13) to substitute for the reference to three years in subsection (1) reference to a period of five years, to insert the definition of “five year period” and “licensing statement” in subsection (8) and to insert subsections (6A) to (6C) to allow an authority to replace its policy at any time within the five year period and to specify the five year period to which the policy relates. There are other amendments not relevant to this provision.

the single tier council may prepare and adopt such a document for the part of its area which was the area of the predecessor council.”.

- (7) Omit regulations 20 to 23.
  - (8) In regulation 25 (schools forums)—
    - (a) in paragraph (1) for sub-paragraph (a) substitute—
      - “(a) the governing bodies and head teachers of schools in its area that are—
        - (i) 16-19 providers;
        - (ii) alternative provision Academies;
        - (iii) early years providers;
        - (iv) mainstream Academies;
        - (v) maintained by a local authority; or
        - (vi) special Academies,
  - within the meaning of regulation 1(3) of the Schools Forums (England) Regulations 2012<sup>(6)</sup>; and”;
  - (b) in paragraph (3)—
    - (i) for “The Schools Forums (England) Regulations 2002” substitute “The Schools Forums (England) Regulations 2012”;
    - (ii) in sub-paragraph (b) for “regulation 2 (establishment of schools forum)” substitute “regulation 3 (constitution of schools forum)”;
    - (iii) in sub-paragraph (c) for “regulation 9” substitute “regulation 10”.
- (9) In regulation 26(1) for “1st April 2009” substitute “1st April 2019”.
- (10) In regulation 32 (honorary aldermen)—
  - (a) in the title, for “aldermen” substitute “titles”;
  - (b) in each place in which it occurs after “alderman” insert “or alderwoman”;
  - (c) in paragraph (1) for “aldermen and freemen” substitute “titles”<sup>(7)</sup>; and
  - (d) after paragraph (3) insert—
    - “(4) A person who, before the reorganisation date, has been admitted as an honorary freeman or freewoman of a local government area that is abolished by a section 7 order (an “abolished area”) shall, on that date, be treated as having been admitted as an honorary freeman or freewoman of the area which, on the reorganisation date, comprises or includes that abolished area.”.
- (11) Omit regulation 33 (honorary freemen).

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<sup>(6)</sup> S.I. 2012/2261, amended by S.I. 2012/2991, S.I. 2015/2033, S.I. 2017/44 and S.I. 2018/10.

<sup>(7)</sup> Section 249 of the Local Government Act 1972 (c. 70) was amended by the Local Democracy, Economic Development and Construction Act 2009 (c. 20), section 29 to substitute “titles” for “aldermen and freemen”, to insert references to “alderwomen” and to substitute provision in relation to the criteria and procedure for admission to such status.