

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the conditions to be met by a parish council in order for it to be an eligible parish council for the purposes of section 8(2) of the Localism Act 2011 (“2011 Act”). An eligible parish council is a local authority for the purposes of Chapter 1 of Part 1 of the 2011 Act and so has a general power of competence in accordance with section 1 of that Act.

The conditions are prescribed in the Schedule to the Order and relate to—

- the council resolving that it meets the other conditions of eligibility;
- the proportion of councillors that are members of the council as a result of having been declared elected following an election, as opposed to being co-opted or appointed;
- the qualifications of the clerk to the parish council.

The conditions in paragraph 2 of the Schedule must be met at the time the resolution in paragraph 1 of the Schedule is passed. If the conditions cease to be met after this time, the council will continue to be eligible until the next relevant annual meeting.

The national training strategy is published by NTS, a partnership of stakeholders led by the National Association of Parish Councils, and may be obtained from the association website at www.nalc.gov.uk.

Article 3 sets out the transitional arrangements which apply where a council ceases to be an eligible parish council (that is, where it does not pass a resolution at the next relevant annual meeting).

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.