



Local Government and Rating Act 1997

1997 CHAPTER 29

PART II

PARISHES AND PARISH COUNCILS

Modifications etc. (not altering text)

- C1** Pt. II: functions of local authority not to be responsibility of an executive of the authority (E.)
(16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#)

Establishment and review

9 Reviews of parishes by local authorities.

- (1) A district council, or a unitary county council, may conduct a review of the whole or any part of their area for the purpose of considering whether or not to make any recommendations within subsection (2) to the Secretary of State and (if they decide to do so) what recommendations.
- (2) The recommendations which the council may make following the review are recommendations for—
 - (a) the constitution of a new parish by—
 - (i) the establishment as a parish of any area which is not, and is not part of, a parish,
 - (ii) the aggregation of any such area with one or more parishes or parts of parishes,
 - (iii) the aggregation of parts of parishes,
 - (iv) the amalgamation of two or more parishes, or
 - (v) the separation of part of any parish,
 - (b) the abolition of a parish, with or without the distribution of its area among other parishes, or
 - (c) the alteration of the area of a parish.

Status: Point in time view as at 01/04/2002.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Rating Act 1997, Part II. (See end of Document for details)

- (3) Subject to subsection (4), if the council make any recommendation for the constitution of a new parish, they must include recommendations for—
 - (a) the establishment of a new parish council for the parish, ^{F1} . . .
 - ^{F1}(b)

[^{F2}(3A) Where the council make recommendations under subsection (3) they must also make proposals to the Electoral Commission for the electoral arrangements for the new parish council.]

- (4) If the population of a new parish recommended by the council would include fewer than 200 local government electors, the council may include the recommendations mentioned in subsection (3), [^{F3}or make the proposals mentioned in subsection (3A),] but are not under a duty to do so.
- (5) If the council make a recommendation for the alteration of the area of a parish which has a parish council, they may [^{F4}make proposals to the Electoral Commission] for changes to the electoral arrangements for the council.
- (6) If the council make any recommendation within subsection (2), they may [^{F4}make proposals to the Electoral Commission] for the related alteration of the boundaries of any electoral division of a county, or ward of a district, within their area and any consequential alteration in the number of councillors to be elected for the ward.

Textual Amendments

F1 Words in s. 9(3) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para. 3(2)

F2 S. 9(3A) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 3(3)

F3 Words in s. 9(4) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 3(4)

F4 Words in s. 9(5)(6) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 3(5)(6)

10 Procedure on a review.

- (1) If a district council or unitary county council decide to conduct a review under section 9, they must as soon as reasonably practicable take the steps they consider sufficient to secure that persons who may be interested in the review are informed of—
 - (a) the decision to conduct the review,
 - (b) the subject-matter of the review, and
 - (c) the period within which representations about the subject-matter of the review may be made.
- (2) In conducting the review, the council must take into consideration any representations made to them within the period mentioned in subsection (1)(c).
- (3) After conducting the review, unless they decide not to make any recommendations to the Secretary of State [^{F5}or proposals to the Electoral Commission], the council must —
 - (a) prepare draft recommendations [^{F6}or proposals] and take the steps they consider sufficient to secure that persons who may be interested in them are informed of them and of the period within which representations about them may be made,

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- (b) deposit copies of the draft recommendations [^{F6}or proposals] at their principal office and keep the copies available for inspection at that office throughout the period within which representations about them may be made, and
 - (c) take into consideration any such representations made to them within that period.
- (4) If the council then decide to make any recommendations [^{F6}or proposals], they must send them to the Secretary of State [^{F7}and the Electoral Commission] and, as soon as they do so—
- (a) deposit copies of the recommendations [^{F6}or proposals] at their principal office, and
 - (b) take the steps they consider sufficient to secure that persons who may be interested in the recommendations [^{F6}or proposals] are informed of them and of the period within which the copies may be inspected.
- (5) Further, the council must keep the copies available for inspection at their principal office throughout the period within which they may be inspected.

Textual Amendments

- F5** Words in s. 10(3) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 4(2)(a)
- F6** Words in s. 10(3)(a)(b)(4) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 4(2)(b)(3)(a)
- F7** Words in s. 10(4) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 4(3)(b)

11 Petitions for new parishes.

- (1) If a district council or unitary county council receive a petition which complies with subsection (2) for—
- (a) the constitution as a parish of an area (within their area) which is not wholly or partly within a parish, and
 - (b) the establishment of a parish council for any such area,
- they must send the petition to the Secretary of State.
- (2) The petition must—
- (a) be signed by not less than—
 - (i) 250 local government electors for the area to which it relates, or
 - (ii) 10 per cent. of the local government electors for that area,whichever is the greater number of local government electors, and
 - (b) define the area to which it relates, whether on a map or otherwise.
- (3) But if—
- (a) an earlier petition has been made to the council within the period of two years ending with the day when they received the petition,
 - (b) in the opinion of the council the area to which the later petition relates covers the whole or a significant part of the area to which the earlier petition related, and
 - (c) the council have sent the earlier petition to the Secretary of State under this section,
- the council may send the later petition to the Secretary of State, but are not under a duty to do so.

Status: Point in time view as at 01/04/2002.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Rating Act 1997, Part II. (See end of Document for details)

- (4) Where a council are under a duty, or decide, to send a petition to the Secretary of State under this section, they must send the petition, together with their views about it, to him before the end of the period of three months beginning with the day when they received it.
- (5) For the purposes of this section and sections 12^{F8} . . . and 14—
 - (a) a petition proposing the constitution of any area as a parish is to be treated as if it also proposed the establishment of a parish council for the parish, and
 - (b) a petition proposing the establishment of a parish council for any area is to be treated as if it also proposed the constitution of the area as a parish.
- (6) If a district council receive a petition falling within subsection (1), they must as soon as reasonably practicable notify any county council within whose area the district of the district council is situated of the proposals contained in the petition.
- (7) The county council may send their views about the proposals contained in the petition to the district council or the Secretary of State.

Textual Amendments

F8 Word in s. 11(5) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para. 5

12 Views of local authority about the petition.

- (1) The views which a district council or unitary county council send to the Secretary of State (together with a petition) under section 11 must—
 - (a) show whether or not they agree with the proposals contained in the petition, and
 - (b) summarise any information the council have about the opinions held by local government electors in their area about the proposals,
 and may contain any other information or observations they think fit.
- (2) Where a district council or unitary county council receive a petition which they propose to send to the Secretary of State under section 11 and decide to consider—
 - (a) the electoral arrangements for the proposed parish council, or
 - (b) the related alteration of the boundaries of any electoral division of a county, or ward of a district, within their area and any consequential alteration in the number of councillors for that ward,
 they must inform [^{F9}the Electoral Commission and] the Secretary of State of their decision when they send [^{F10}the Secretary of State] the petition.
- (3) Further, if the council decide to consider either of those matters, they must—
 - (a) as soon as reasonably practicable take the steps they consider sufficient to secure that persons who may be interested in any of those matters are informed of the period within which representations about them may be made, and
 - (b) take into consideration any representations about those matters made to them within the period.
- (4) If the council then decide to make any [^{F11}proposals to the Electoral Commission about those matters, they must send them to the Electoral Commission] about those matters, they must send them to the Secretary of State and, as soon as they do—

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- (a) deposit copies of the [^{F12}proposals] at their principal office, and
 - (b) take the steps they consider sufficient to secure that persons who may be interested in the [^{F12}proposals] are informed of them and of the period within which the copies may be inspected.
- (5) Further, the council must keep the copies available for inspection at their principal office throughout the period within which they may be inspected.
- (6) If the council decide not to make any [^{F13}proposals to the Electoral Commission] about those matters, they must inform [^{F14}the Commission] of their decision as soon as reasonably practicable.
- (7) Any [^{F15}proposals] about those matters must be sent to the [^{F16}Electoral Commission] before the end of the period of six months beginning with the day when the council received the petition.

Textual Amendments

- F9** Words in s. 12(2) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(2)(a)
- F10** Words in s. 12(2) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(2)(b)
- F11** Words in s. 12(4) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(3)(a)
- F12** Words in s. 12(4)(a)(b) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(3)(b)
- F13** Words in s. 12(6) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(4)(a)
- F14** Words in s. 12(6) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(4)(b)
- F15** Words in s. 12(7) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(5)(a)
- F16** Words in s. 12(7) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(5)(b)

[^{F17}13 Consideration by Electoral Commission

- (1) Where the Electoral Commission are sent any proposals under section 9 or 12, or the Secretary of State requests the Commission to advise him on any recommendations made to him under either of those sections, the Commission may direct the Boundary Committee for England to carry out a review of the proposals or recommendations either—
- (a) in accordance with the procedure prescribed in section 15 of the Local Government Act 1992 (procedure on a review); or
 - (b) if they consider it more appropriate in the circumstances, in accordance with the procedure prescribed in section 15A of that Act (alternative procedure on a review),
- and to make recommendations to the Commission.
- (2) The Electoral Commission may advise the Secretary of State to give effect to any recommendations made to him subject to such changes as appear to them to be appropriate.
- (3) The Electoral Commission may give a direction to the Boundary Committee for England about the exercise of a function under this section.
- (4) A direction may, in particular, require the Boundary Committee for England to have regard to—
- (a) any guidance given by the Electoral Commission;
 - (b) guidance given by the Secretary of State as to matters to be taken into account in relation to boundary changes or the constitution of a new parish.]

Status: Point in time view as at 01/04/2002.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Rating Act 1997, Part II. (See end of Document for details)

Textual Amendments

F17 S. 13 substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 7

Modifications etc. (not altering text)

C2 Ss. 13, 14, 17(4): power to transfer or modify functions conferred (30.11.2000 so far as the section confers power to make an order or regulations and otherwise 30.10.2001) by 2000 c. 41, s. 18(3)(b)(4) (with s. 156(6)); S.I. 2001/3526, art. 2(c)
Ss. 13, 14, 17(4): certain functions transferred (1.4.2002) by virtue of S.I. 2001/3962, art. 3(2)(b)

14 Implementation by Secretary of State.

- (1) The Secretary of State may, if he thinks fit, by order give effect to—
- any recommendations made to him under section 9^{F18} . . . ,
 - any petition sent to him under section 11^{F19} . . . ,
- and may do so with or without modifications.

[^{F20}(1A) The Electoral Commission may by order give effect to any proposals sent to them under section 9 or 12 subject to—

- any recommendations made to them on those proposals by the Boundary Committee for England; and
- any modifications to those recommendations agreed with that Committee.]

- (2) An order under [^{F21}subsection (1A)] may also make a related alteration of the boundaries of any electoral division of a county, or ward of a district, within the area of the district council, or unitary county council, concerned and any consequential alteration in the number of councillors to be elected for the ward.

^{F22}(3)

- (4) An order under this section may direct the district council, or unitary county council, concerned—
- to establish a parish council for a new parish constituted by any such order,
 - to make specified electoral arrangements for the parish council, and
 - to make specified provision for the election of the parish council in accordance with the^{M1}Local Government Act 1972 and Part I of the^{M2}Representation of the People Act 1983.

[^{F23}(5) The Electoral Commission may give effect to proposals sent to them under section 12 whether or not the proposals are sent within the period mentioned in section 12(7).

- (6) The Secretary of State may give effect to a petition in accordance with subsection (1) (b) whether or not it is sent to him within the period mentioned in section 11(4).]

Textual Amendments

F18 Words in s. 14(1)(a) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para. 8(2)(a)
F19 Words in s. 14(1)(b) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para. 8(2)(b)
F20 S. 14(1A) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 8(3)
F21 Words in s. 14(2) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 8(4)
F22 S. 14(3) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para. 8(5)
F23 S. 14(5)(6) substituted (1.4.2002) for s. 14(5) by S.I. 2001/3962, art. 9, Sch. 2 para. 8(6)

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Modifications etc. (not altering text)

- C3** Ss. 13, 14, 17(4): power to transfer or modify functions conferred (30.11.2000 so far as the section confers power to make an order or regulations and otherwise 30.10.2001) by 2000 c. 41, s. 18(3)(b)(4) (with s. 156(6)); S.I. 2001/3526, art. 2(c)
Ss. 13, 14, 17(4): certain functions transferred (1.4.2002) by virtue of S.I. 2001/3962, art. 3(2)(b)

Marginal Citations

- M1** 1972 c. 70.
M2 1983 c. 2.

15 Regulations for supplementing orders under section 14.

- (1) The Secretary of State may by regulations of general application make any incidental, consequential, transitional or supplementary provision he thinks necessary or expedient for the purposes or in consequence of any orders made by him under section 14 or for giving full effect to such orders.
- (2) Regulations under subsection (1) are to have effect subject to any provision made by the orders to which they relate.

16 Establishment of new parish councils by local authorities.

- (1) This section applies where a parish has no separate parish council.
- (2) Subject to subsection (3), the district council or unitary county council within whose area the parish is situated must establish a separate parish council for the parish if—
 - (a) the population includes at least 200 local government electors, or
 - (b) the population includes more than 150 but fewer than 200 local government electors and the parish meeting resolve that there should be a parish council.
- (3) Where the parish is within subsection (2)(a) or (b) and grouped under a common parish council, the district council or unitary county council concerned may establish a separate parish council for the parish, but are not under a duty to do so.
- (4) The district council or unitary county council concerned may establish a separate parish council for the parish if it is not within subsection (2)(a) or (b) but the parish meeting resolve that there should be a separate parish council.
- (5) The power of a district council or unitary county council under this section is exercisable by order.

17 Electoral arrangements.

- (1) Where a district council or unitary county council by order establish a separate parish council for a parish under section 16, they must by the order—
 - (a) make any electoral arrangements which appear to them to be necessary for the separate parish council, and
 - (b) make any other provision which appears to them to be necessary for the election of the parish council in accordance with the ^{M3}Local Government Act 1972 and Part I of the ^{M4}Representation of the People Act 1983.

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- (2) A district council or unitary county council may conduct a review of the electoral arrangements for the council of a parish in their area for the purpose of considering whether or not to make any changes to the arrangements and, if so, what changes.
- (3) If following a review under this section the council decide that changes should be made to the electoral arrangements, they may by order give effect to all or any of the changes.
- (4) Subsection (3) does not apply if the electoral arrangements for the parish council have been made or altered by or in pursuance of an order under section 14, or by an order under Part IV of the ^{M5}Local Government Act 1972 or section 17 of the ^{M6}Local Government Act 1992, and—
 - (a) the period of five years beginning with the day on which the order was made has not expired, and
 - (b) the [^{F24}Electoral Commission have] not consented to the council making the changes.
- (5) The power of a council to make an order under this section includes power to vary or revoke any order previously made under section 16 or this section.

Textual Amendments

F24 Words in s. 17(4)(b) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 9

Modifications etc. (not altering text)

C4 Ss. 13, 14, 17(4): power to transfer or modify functions conferred (30.11.2000 so far as the section confers power to make an order or regulations and otherwise 30.10.2001) by 2000 c. 41, s. 18(3)(b)(4) (with s. 156(6)); S.I. 2001/3526, art. 2(c)
Ss. 13,14, 17(4): certain functions transferred (1.4.2002) by virtue of S.I. 2001/3962, art. 3(2)(b)

Marginal Citations

M3 1972 c. 70.
M4 1983 c. 2.
M5 1972 c. 70.
M6 1992 c. 19.

18 Considerations in deciding about electoral arrangements.

- (1) This section applies where ^{F25} . . . [^{F26}the Electoral Commission], a district council or a unitary county council (“the authority”) are considering electoral arrangements under sections 9 to 17.
- (2) When considering whether a parish should be divided into parish wards, the authority must consider whether—
 - (a) the number or distribution of the local government electors of the parish is such as to make a single election of parish councillors impracticable or inconvenient, and
 - (b) it is desirable that any area or areas of the parish should be separately represented on the parish council.

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Changes to legislation: There are currently no known outstanding effects for the Local Government and Rating Act 1997, Part II. (See end of Document for details)

- (3) Where the authority decide that a parish should be divided into parish wards and are considering the size and boundaries of the wards and the number of parish councillors to be elected for each ward, the authority must have regard to—
- (a) any change in the number or distribution of local government electors for the parish that is likely to occur in the five years beginning with their consideration,
 - (b) the desirability of fixing boundaries which are and will remain easily identifiable, and
 - (c) any local ties which will be broken by the fixing of any particular boundaries.
- (4) Where the authority decide that a parish should not be divided into parish wards and are considering the number of councillors to be elected for the parish, the authority must have regard to—
- (a) the number of the local government electors for the parish, and
 - (b) any change in that number which is likely to occur in the period of five years beginning with their decision.

Textual Amendments

- F25** Words in s. 18(1) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para. 10(a)
F26 Words in s. 18(1) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 10(b)

19 Reviews of parishes by Local Government Commission.

- (1) In section 13 of the ^{M7}Local Government Act 1992 (duty of Local Government Commission for England to conduct reviews and make recommendations) after subsection (1) there is inserted—

“(1A) If the Secretary of State so directs, the Local Government Commission shall, in accordance with this Part and any directions given under it—

- (a) conduct a review of such areas in England as are specified in the direction or are of a description so specified; and
- (b) recommend to the Secretary of State as respects each of those areas either—
 - (i) that he should make such parish boundary changes or parish electoral changes as are specified in the recommendations; or
 - (ii) that he should make no such changes.

(1B) Recommendations under subsection (1A) above for parish boundary changes may include recommendations for the related alteration of the boundaries of any electoral division of a county or ward of a district and any consequential alteration in the number of councillors to be elected for the ward.

(1C) For the purposes of subsections (1A) and (1B) above—

- (a) a parish boundary change means a boundary change which is the alteration of the area of a parish, the constitution of a new parish or the abolition of a parish; and
- (b) a parish electoral change means an electoral change which is a change of the electoral arrangements mentioned in section 14(4)(b) below”.

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- (2) In section 14 of the Act of 1992 (changes that may be recommended by the Commission), in subsection (5), after paragraph (b) there is inserted—
- “(ba) the establishment of a parish council for any new parish which would result from any recommended boundary change and the electoral arrangements (as defined in subsection (4)(b) above) for the council”.

Marginal Citations

M7 1992 c. 19.

20 Election of parish councillors.

- (1) In section 17(3) of the ^{M8}Local Government Act 1992 (provisions which may be included in orders implementing recommendations of Local Government Commission), after paragraph (e) there is inserted—
- “(ea) in the case of an order containing provision for a structural change by which the functions of district councils in relation to any area are transferred to a council for a county consisting of that area, the ordinary year of election and the order of retirement of parish councillors for any parish situated in the area”.
- (2) Where—
- (a) an order under section 17 of the ^{M9}Local Government Act 1992 has been made before the coming into force of this section, and
- (b) the order includes provision for any structural change by which the functions of district councils in relation to any area are transferred to a council for a county consisting of that area,
- the Secretary of State may by order make provision with respect to the ordinary year of election and the order of retirement of parish councillors for any parish situated in that area.
- (3) In subsection (2) “structural change” has the same meaning as in Part II of the Local Government Act 1992 (see section 14).

Marginal Citations

M8 1992 c. 19.

M9 1992 c. 19.

Consultation

21 Consultation with parish councils.

- (1) Where a county council or a district council are to consider any proposal relating to a matter designated for the purposes of this subsection, the council must—
- (a) afford parish councils within their area an opportunity to make representations to them about the proposal,

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- (b) before taking any decision in relation to the proposal, take into account any representations about the proposal made to them by any parish council within their area, and
 - (c) when they take a decision with respect to the proposal, notify without delay any parish council within their area by whom any representations about the proposal have been made.
- (2) If a parish council have given written notice to a county council or district council whose area they are within—
- (a) that they wish to be consulted about a specified proposal to be considered by the council which relates to a matter designated for the purposes of this subsection, or
 - (b) that they wish to be consulted about any proposal to be considered by the council which relates to such a matter,
- the county council or district council must take the steps mentioned in subsection (1) in relation to that parish council.
- (3) An order under this section may prescribe circumstances (including, in particular, the need to act with urgency) in which subsections (1) and (2) do not apply.
- (4) A contravention of the duty imposed by subsection (1) or (2) does not affect the validity of any decision of a county council or district council or of anything done in pursuance of any such decision.
- (5) For the purposes of this section, a parish council is within the area of a county council or district council if—
- (a) the parish is situated within the county or (as the case may be) the district, or
 - (b) where it is the council of a group of parishes, the area of the group is situated wholly or in part within the county or (as the case may be) the district.
- (6) In this section “designated” means designated by an order made by the Secretary of State.

Supplemental

22 Exercise of functions.

- (1) In exercising their powers under sections 9 to 12 and 17(2), a district council or unitary county council must have regard to any guidance given by the Secretary of State [^{F27}or by the Electoral Commission].
- (2) The functions of district councils and unitary county councils under sections 9, 11 and 12, and of the [^{F28}Electoral Commission] under section 13, are to be exercised in the manner which appears to the council concerned or the Commission (as the case may be) desirable having regard to the need—
 - (a) to reflect the identities and interests of local communities, and
 - (b) to secure effective and convenient local government.

^{F29}(3)

^{F29}(4)

Status: Point in time view as at 01/04/2002.

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Textual Amendments

- F27** Words in s. 22(1) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para.11(2)
F28 Words in s. 22(2) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para.11(3)
F29 S. 22(3)(4) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para.11(4)

23 Orders and regulations under Part II.

- (1) Any power of the Secretary of State under section 14, 15, 20 or 21 to make orders or regulations [^{F30}or power of the Electoral Commission to make an order under section 14(1A)] is exercisable by statutory instrument.
- (2) A statutory instrument containing any regulations under section 15 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any power to make orders or regulations under this Part may be exercised to make different provision for different cases, including different provision for different areas or localities and for different authorities.
- (4) Any power of any person to make orders under this Part includes power to make any incidental, supplemental, consequential or transitional provision which the person thinks necessary or expedient.
- (5) The provision which may be made by or in pursuance of an order under section 14, or by regulations under section 15 or an order under section 16, includes—
 - (a) the transfer of functions, property, rights or liabilities (which includes power to make provision mentioned in subsection (6)), and
 - (b) the management or custody of transferred property (whether real or personal).
- (6) The provision referred to in subsection (5)(a) is provision—
 - (a) for legal proceedings commenced by or against any body to be continued by or against a body to whom functions, property, rights or liabilities are transferred,
 - (b) for the transfer of staff, compensation for loss of office, pensions and other staffing matters, and
 - (c) for treating any body to whom a transfer is made for some or all purposes as the same person in law as the body from whom the transfer is made.
- (7) The provision which may be made by or in pursuance of an order under section 14, or by regulations under section 15 or an order under section 16, 17 or 20, includes the exclusion or modification of the application of—
 - (a) section 16(3) or 90 of the ^{M10}Local Government Act 1972 (elections of parish councillors), or
 - (b) rules under section 36 of the ^{M11}Representation of the People Act 1983 (local elections), whenever made.
- (8) Where a council make an order under section 16 or 17, they must send two copies of the order to the Secretary of State [^{F31}and to the Electoral Commission].
- (9) Section 20 of the ^{M12}Local Government Act 1992 applies to an order under section 14, 16 or 17 as it applies to an order under Part II of that Act.

Status: Point in time view as at 01/04/2002.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Rating Act 1997, Part II. (See end of Document for details)

Textual Amendments

F30 Words in s. 23(1) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para.12(2)

F31 Words in s. 23(8) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para.12(3)

Marginal Citations

M10 1972 c. 70.

M11 1983 c. 2.

M12 1992 c. 19.

24 Interpretation of Part II.

- (1) This section applies for the interpretation of this Part.
- (2) “Electoral arrangements”, in relation to an existing or proposed parish council, means—
 - (a) the number of councillors,
 - (b) the question whether or not the parish or (in the case of a common parish council) any of the parishes should be, or continue to be, divided into wards for the purposes of the election of councillors,
 - (c) the number and boundaries of any such wards,
 - (d) the number of councillors to be elected for any such ward or (in the case of a common parish council) for each parish, and
 - (e) the name of any such ward.
- (3) “Unitary county council” means the council of a county in which there are no district councils.
- (4) “Local government elector” has the same meaning as in the ^{M13}Local Government Act 1972 (see section 270).

Marginal Citations

M13 1972 c. 70.

25 Application of Part II to England only.

In this Part, any reference to a local authority is to a local authority in England; and “local authority” has the same meaning as in the Local Government Act 1972 (see section 270).

Status:

Point in time view as at 01/04/2002.

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Rating Act 1997, Part II.