



Local Government and Rating Act 1997

1997 CHAPTER 29

PART II

PARISHES AND PARISH COUNCILS

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 [^{F1}or by the Electoral Commission].
- (2) The functions of district councils and unitary county councils under sections 9, 11 and 12, and of the [^{F2}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.

^{F3}(3)

^{F3}(4)

Textual Amendments

- F1** Words in s. 22(1) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para.11(2)
F2 Words in s. 22(2) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para.11(3)
F3 S. 22(3)(4) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para.11(4)

Status: Point in time view as at 01/04/2002.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, Cross Heading: Supplemental. (See end of Document for details)

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 [^{F4}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 ^{M1}Local Government Act 1972 (elections of parish councillors), or
 - (b) rules under section 36 of the ^{M2}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 [^{F5}and to the Electoral Commission].
- (9) Section 20 of the ^{M3}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.

Textual Amendments

F4 Words in s. 23(1) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para.12(2)

F5 Words in s. 23(8) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para.12(3)

Marginal Citations

M1 1972 c. 70.

M2 1983 c. 2.

M3 1992 c. 19.

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, Cross Heading: Supplemental. (See end of Document for details)

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 ^{M4}Local Government Act 1972 (see section 270).

Marginal Citations

M4 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, Cross Heading: Supplemental.