



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 1

STRUCTURAL AND BOUNDARY CHANGE IN ENGLAND

CHAPTER 1

STRUCTURAL AND BOUNDARY CHANGE

Change from two tiers to single tier of local government

1 “Principal authority” and “single tier of local government”

- (1) For the purposes of this Chapter, each of the following is a “principal authority”—
 - (a) a county council in England;
 - (b) a district council in England.
- (2) For the purposes of this Chapter there is “a single tier of local government” for an area if—
 - (a) there is a county council and no district councils for that area; or
 - (b) there is a district council and no county council for that area.
- (3) For the purposes of subsection (2)(b) there is a county council “for” an area which is a district if there is a county council which has in relation to that area the functions of a county council.

Commencement Information

11 S. 1 in force at 1.11.2007 for E. by [S.I. 2007/3136](#), [art. 2\(a\)](#)

Status: Point in time view as at 30/12/2007.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007. Cross Heading: Change from two tiers to single tier of local government. (See end of Document for details)

2 Invitations and directions for proposals for single tier of local government

- (1) The Secretary of State may invite or direct any principal authority to make one of the following proposals—
 - (a) a Type A proposal;
 - (b) a Type B proposal;
 - (c) a Type C proposal;
 - (d) a combined proposal.
- (2) A Type A proposal is a proposal that there should be a single tier of local government for the area which is the county concerned.
- (3) A Type B proposal is a proposal that there should be a single tier of local government for an area which—
 - (a) is currently a district, or two or more districts, in the county concerned; and
 - (b) is specified in the proposal.
- (4) A Type C proposal is a proposal that there should be a single tier of local government for an area specified in the proposal which currently consists of—
 - (a) the county concerned or one or more districts in the county concerned; and
 - (b) one or more relevant adjoining areas.
- (5) A combined proposal is a proposal that consists of—
 - (a) two or more Type B proposals,
 - (b) two or more Type C proposals, or
 - (c) one or more Type B proposals and one or more Type C proposals,
 but a proposal is not a combined proposal if it includes any Type B or C proposals that are alternatives.
- (6) In this section “the county concerned” means—
 - (a) in relation to a principal authority which is the council for a county, that county;
 - (b) in relation to a principal authority which is the council for a district, the county in which the district is.
- (7) In this section a “relevant adjoining area” means an area which adjoins the county concerned and is currently a county in England, a district in England, or two or more such counties or districts.
- (8) An invitation or direction may either—
 - (a) be such that the authority may choose whether to make a Type A, Type B, Type C or combined proposal; or
 - (b) specify which one of those kinds of proposal is invited (or, in the case of a direction, required).
- (9) Subsection (1) is subject to section 3(1).

Commencement Information

I2 S. 2 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(a)

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3 Invitations, directions and proposals: supplementary

- (1) A direction under section 2—
 - (a) may not be given after 25 January 2008; and
 - (b) may be given on or before that date only where the Secretary of State believes that giving the direction would be in the interests of effective and convenient local government.
- (2) A direction under section 2 may specify a date by which a proposal must be made.
- (3) An invitation under section 2 may specify a date by which a proposal may be made.
- (4) A proposal made by virtue of section 2 may not specify an area as one for which there should be a single tier of local government unless the whole or any part of that area is currently a two-tier area (as defined by section 23(2)).
- (5) In responding to an invitation under section 2, or complying with a direction under that section, an authority must have regard to any guidance from the Secretary of State as to—
 - (a) what a proposal should seek to achieve;
 - (b) matters that should be taken into account in formulating a proposal.
- (6) Where invitations or directions under section 2 are given to more than one authority, any authority that has received an invitation or direction may respond to the invitation, or comply with the direction, either by—
 - (a) making its own proposal in accordance with the invitation or direction; or
 - (b) making a proposal, in accordance with the invitation or direction, jointly with any of the other authorities.
- (7) An invitation or direction under section 2 may be varied or revoked.
- (8) But a direction under section 2 may not be varied after 25 January 2008 if—
 - (a) the direction as originally given required the making of a Type A or Type B proposal; and
 - (b) the direction as varied would require or permit the making of a Type C or combined proposal.

Commencement Information

I3 S. 3 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(a)

4 Request for Boundary Committee for England's advice

- (1) This section applies where the Secretary of State receives a proposal in response to an invitation or direction under section 2.
- (2) The Secretary of State may request the Boundary Committee to advise, no later than a date specified in the request, on any matter that—
 - (a) relates to the proposal; and
 - (b) is specified in the request.

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- (3) The Secretary of State may at any time substitute a later date for the date specified in a request under subsection (2) (or for any date previously substituted under this subsection).

Commencement Information

I4 S. 4 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(a)

5 Boundary Committee's powers

- (1) This section applies where the Boundary Committee receive a request for advice under section 4.
- (2) The Boundary Committee may provide the advice requested.
- (3) Where they provide that advice, the Boundary Committee may also do any of the following that they think appropriate—
- (a) recommend that the Secretary of State implements the proposal without modification;
 - (b) recommend that he does not implement it;
 - (c) make an alternative proposal to him.
- (4) In subsection (3)(a) “the proposal” means the Type A, Type B, Type C or combined proposal to which the request for advice related.
- (5) In subsection (3)(c) “an alternative proposal” means—
- (a) a proposal that there should be a single tier of local government for an area that—
 - (i) is, or includes, the whole or part of the county concerned; and
 - (ii) is specified in the alternative proposal; or
 - (b) a proposal consisting of two or more proposals that are within paragraph (a) (and are not alternatives to one another).
- (6) In this section “the county concerned” means—
- (a) the county that, under section 2(6), is the county concerned in relation to the authority which made the proposal referred to in subsection (4) above; or
 - (b) where that proposal was made by more than one authority, any county that (under section 2(6)) is the county concerned in relation to any of the authorities which made that proposal.
- (7) The area specified in an alternative proposal under this section may not extend into any area that is currently outside all local government areas.

Commencement Information

I5 S. 5 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(a)

6 Boundary Committee's procedure

- (1) A local authority must if requested by the Boundary Committee to do so provide the Boundary Committee, by such date as the Boundary Committee may specify, with any

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- information that the Boundary Committee may reasonably require in connection with any of their functions under section 5.
- (2) In making a recommendation or alternative proposal under section 5 the Boundary Committee must have regard to any guidance from the Secretary of State about the exercise of the Boundary Committee's functions under that section.
- (3) Any recommendation or alternative proposal under section 5 must be made no later than the relevant date.
- (4) Before making an alternative proposal under section 5(3)(c) the Boundary Committee must—
- (a) publish a draft of the proposal; and
 - (b) take such steps as they consider sufficient to secure that persons who may be interested are informed of—
 - (i) the draft proposal; and
 - (ii) the period within which representations about it may be made to the Boundary Committee.
- (5) The Boundary Committee—
- (a) must take into account any representations made to them within that period; and
 - (b) if they make any proposal to the Secretary of State, must inform any person who made such representations—
 - (i) of the proposal made; and
 - (ii) that representations about the proposal may be made to the Secretary of State until the end of the relevant period.
- (6) In subsection (5)(b) “the relevant period” means four weeks beginning with the relevant date.
- (7) In this section and section 7 “the relevant date” means the date specified in the request under section 4(2) (or, if a later date is substituted under section 4(3), the date substituted (or last substituted) under that provision).

Commencement Information

16 S. 6 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(a)

7 Implementation of proposals by order

- (1) Where the Secretary of State has received a proposal in response to an invitation or direction under section 2, he may—
- (a) by order implement the proposal, with or without modification;
 - (b) if he has received an alternative proposal from the Boundary Committee under section 5, by order implement that alternative proposal with or without modification; or
 - (c) decide to take no action.
- (2) But where the Secretary of State has made a request under section 4 in relation to the proposal received in response to the invitation or direction, he may not make an order

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or decision under this section before the end of six weeks beginning with the relevant date (as defined by section 6(7)).

- (3) The Secretary of State may not in any case make an order under subsection (1)(a) implementing a proposal unless he has consulted the following about the proposal—
 - (a) every authority affected by the proposal (except the authority or authorities which made it); and
 - (b) such other persons as he considers appropriate.
- (4) For the purposes of this section an authority is “affected by” a proposal if it is a principal authority for an area which is, or any part of which is, in an area that the proposal suggests should have a single tier of local government.
- (5) Subsection (3) does not apply if the proposal was made jointly by every authority affected by it, and in that case the Secretary of State may before making an order under subsection (1)(a) (or deciding not to) consult such other persons as he considers appropriate.
- (6) In any case where he has received an alternative proposal from the Boundary Committee under section 5, the Secretary of State may request the Boundary Committee to provide him with information or advice on any matter relating to the proposal.
- (7) Where they receive such a request the Boundary Committee may provide the information or advice requested.

Commencement Information

I7 S. 7 in force at 1.11.2007 for E. by [S.I. 2007/3136](#), art. 2(a)

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