



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 4

#### PARISHES

### CHAPTER 3

#### REORGANISATION

#### *Miscellaneous*

#### 97 Supplementary regulations

- (1) The Secretary of State may by regulations of general application make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, reorganisation orders.
- (2) Regulations under this section are to have effect subject to any provision made by a reorganisation order.

#### **Modifications etc. (not altering text)**

- C1** Ss. 96-100 modified (29.8.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) Regulations 2008 \(S.I. 2008/2113\)](#), regs. 1, **7(2)**
- C2** Ss. 96-100 modified by [S.I. 2008/2113](#), **reg. 7(5)(6)** (as inserted (E.) (5.9.2018) by [The Local Government \(Structural Changes\) \(General\) \(Amendment\) Regulations 2018 \(S.I. 2018/930\)](#), regs. 1, **3(2)**)
- C3** Ss. 96-100 modified (26.11.2018) by [The Local Government \(Boundary Changes\) Regulations 2018 \(S.I. 2018/1128\)](#), regs. 1(1), **14(2)** (with reg. 1(2)(3))

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*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Miscellaneous. (See end of Document for details)*

**C4** Ss. 96-100 modified (26.11.2018) by [The Local Government \(Boundary Changes\) Regulations 2018 \(S.I. 2018/1128\)](#), regs. 1(1), **14(5)(b)** (with reg. 1(2)(3))

#### Commencement Information

**I1** S. 97 in force at 13.2.2008 by [S.I. 2008/337](#), **art. 2(b)**

## 98 Orders and regulations under this Chapter

- (1) If a principal council makes a reorganisation order, the council must send—
  - (a) two copies of the order to the Secretary of State; and
  - (b) two copies of the order to the [<sup>F1</sup>Local Government Boundary Commission].
- (2) If the Secretary of State makes regulations under section 97, he must send two copies of the regulations to the [<sup>F2</sup>Local Government Boundary Commission].
- (3) A reorganisation order may include such incidental, consequential, transitional or supplementary provision as may appear to the principal council to be necessary or proper for the purposes of, or in consequence of, or for giving full effect to, the order.
- (4) A reorganisation order, or regulations under section 97, may include any of the following provision—
  - (a) provision with respect to the transfer and management or custody of property (whether real or personal);
  - (b) provision with respect to the transfer of functions, property, rights and liabilities.
- (5) Provision made under subsection (4)(b) may include any of the following—
  - (a) provision 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) provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters;
  - (c) provision 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.
- (6) A reorganisation order, or regulations under section 97, may include provision for the exclusion or modification of the application of any of the following—
  - (a) section 16(3) or 90 of the Local Government Act 1972 (c. 70), or
  - (b) rules under section 36 of the Representation of the People Act 1983 (c. 2), whenever made.
- (7) An order under section 92 may include such incidental, consequential, transitional or supplementary provision as may appear to the [<sup>F3</sup>Local Government Boundary Commission] to be necessary or proper for the purposes of, or in consequence of, or for giving full effect to, the order.

#### Textual Amendments

**F1** Words in s. 98(1)(b) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 32**; [S.I. 2009/3318](#), art. 4(ff)

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**F2** Words in s. 98(2) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 32**; S.I. 2009/3318, art. 4(ff)

**F3** Words in s. 98(7) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 32**; S.I. 2009/3318, art. 4(ff)

#### **Modifications etc. (not altering text)**

**C1** Ss. 96-100 modified (29.8.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) Regulations 2008 \(S.I. 2008/2113\)](#), regs. 1, **7(2)**

**C2** Ss. 96-100 modified by S.I. 2008/2113, **reg. 7(5)(6)** (as inserted (E.) (5.9.2018) by [The Local Government \(Structural Changes\) \(General\) \(Amendment\) Regulations 2018 \(S.I. 2018/930\)](#), regs. 1, **3(2)**)

**C3** Ss. 96-100 modified (26.11.2018) by [The Local Government \(Boundary Changes\) Regulations 2018 \(S.I. 2018/1128\)](#), regs. 1(1), **14(2)** (with reg. 1(2)(3))

**C4** Ss. 96-100 modified (26.11.2018) by [The Local Government \(Boundary Changes\) Regulations 2018 \(S.I. 2018/1128\)](#), regs. 1(1), **14(5)(b)** (with reg. 1(2)(3))

**C5** S. 98 modified (29.8.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) Regulations 2008 \(S.I. 2008/2113\)](#), regs. 1, **8(3)**

**C6** S. 98 applied (18.3.2022) by [The Cumbria \(Structural Changes\) Order 2022 \(S.I. 2022/331\)](#), arts. 1(1), **17(n)**

#### **Commencement Information**

**I2** S. 98 in force at 13.2.2008 by S.I. 2008/337, **art. 2(b)**

## **99 Agreements about incidental matters**

- (1) Any public bodies affected by a reorganisation of community governance may from time to time make agreements with respect to—
  - (a) any property, income, rights, liabilities and expenses (so far as affected by the order) of the parties to the agreement;
  - (b) any financial relations between the parties to the agreement.
- (2) Such an agreement may in particular provide—
  - (a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for the joint use of any property;
  - (b) for the making of payments by any party to the agreement in respect of—
    - (i) property, rights and liabilities so transferred or retained;
    - (ii) such joint use; or
    - (iii) the remuneration or compensation payable to any person;
  - (c) for any such payment to be made by instalments or otherwise;
  - (d) for interest to be charged on any such instalments.
- (3) In default of agreement about any disputed matter, the matter is to be referred to the arbitration of a single arbitrator—
  - (a) agreed on by the parties; or
  - (b) in default of agreement, appointed by the Secretary of State.
- (4) The arbitrator's award may make any provision that could be contained in an agreement under this section.
- (5) In this section—
 

“disputed matter” means any matter that—

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- (a) could be the subject of provision contained in an agreement under this section; and
- (b) is the subject of a dispute between two or more public bodies that is not resolved by or under any order or regulations under this Chapter;
  - “public body” has the same meaning as in section 16;
  - “reorganisation of community governance” means any changes made by giving effect to a community governance review.

#### Modifications etc. (not altering text)

- C1** Ss. 96-100 modified (29.8.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) Regulations 2008 \(S.I. 2008/2113\)](#), regs. 1, **7(2)**
- C2** Ss. 96-100 modified by [S.I. 2008/2113, reg. 7\(5\)\(6\)](#) (as inserted (E.) (5.9.2018) by [The Local Government \(Structural Changes\) \(General\) \(Amendment\) Regulations 2018 \(S.I. 2018/930\)](#), regs. 1, **3(2)**)
- C3** Ss. 96-100 modified (26.11.2018) by [The Local Government \(Boundary Changes\) Regulations 2018 \(S.I. 2018/1128\)](#), regs. 1(1), **14(2)** (with reg. 1(2)(3))
- C4** Ss. 96-100 modified (26.11.2018) by [The Local Government \(Boundary Changes\) Regulations 2018 \(S.I. 2018/1128\)](#), regs. 1(1), **14(5)(b)** (with reg. 1(2)(3))

#### Commencement Information

- I3** S. 99 in force at 13.2.2008 by [S.I. 2008/337](#), **art. 2(b)**

## 100 Guidance

- (1) The Secretary of State may issue guidance about undertaking community governance reviews.
- (2) The [<sup>F4</sup>Local Government Boundary Commission] may issue guidance about the making of recommendations under sections 89(2) or 90(2) (electoral arrangements for parish councils) or 92 (consequential recommendations about county, district or London borough councils).
- (3) The Secretary of State may issue guidance about giving effect to recommendations made in community governance reviews.
- (4) A principal council must have regard to guidance issued under this section.

#### Textual Amendments

- F4** Words in s. 100(2) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 32**; [S.I. 2009/3318](#), art. 4(ff)

#### Modifications etc. (not altering text)

- C1** Ss. 96-100 modified (29.8.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) Regulations 2008 \(S.I. 2008/2113\)](#), regs. 1, **7(2)**
- C2** Ss. 96-100 modified by [S.I. 2008/2113, reg. 7\(5\)\(6\)](#) (as inserted (E.) (5.9.2018) by [The Local Government \(Structural Changes\) \(General\) \(Amendment\) Regulations 2018 \(S.I. 2018/930\)](#), regs. 1, **3(2)**)
- C3** Ss. 96-100 modified (26.11.2018) by [The Local Government \(Boundary Changes\) Regulations 2018 \(S.I. 2018/1128\)](#), regs. 1(1), **14(2)** (with reg. 1(2)(3))

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**C4** Ss. 96-100 modified (26.11.2018) by [The Local Government \(Boundary Changes\) Regulations 2018 \(S.I. 2018/1128\)](#), regs. 1(1), **14(5)(b)** (with reg. 1(2)(3))

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**Commencement Information**

**I4** S. 100 in force at 13.2.2008 by [S.I. 2008/337](#), **art. 2(b)**

## 101 Consequential amendments

Schedule 5 (consequential amendments) has effect.

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**Commencement Information**

**I5** S. 101 in force at 13.2.2008 by [S.I. 2008/337](#), **art. 2(b)**

## 102 Interpretation

(1) This section applies for the purposes of this Chapter.

(2) The following expressions have the meanings given—

“alternative style” has the same meaning as in sections 9 to 16A of the Local Government Act 1972 (c. 70) (see section 17A of that Act);

[<sup>F5</sup>“application area” means the area to which a community governance application relates;]

“area under review”, in relation to a community governance review, means however much of the area of a principal council is subject to the review;

[<sup>F5</sup>“community governance application” has the meaning given by section 80A]

“community governance petition” has the meaning given by section 80;

“community governance review” has the meaning given by section 79;

“electoral arrangements”, in relation to a parish council, means all of the following—

- (a) the year in which ordinary elections of councillors are to be held;
- (b) the number of councillors to be elected to the council, or (in the case of a common council) the number of councillors to be elected to the council by each parish;
- (c) the division (or not) of the parish, or (in the case of a common council) any of the parishes, into wards for the purpose of electing councillors;
- (d) the number and boundaries of any such wards;
- (e) the number of councillors to be elected for any such ward;
- (f) the name of any such ward;

“local government elector” has the same meaning as in the Local Government Act 1972 (see section 270);

[<sup>F6</sup>“Local Government Boundary Commission” means the Local Government Boundary Commission for England.]

“petition area” means the area to which a community governance petition relates;

“principal council” means—

- (a) a district council in England,

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- (b) a county council in England for an area in which there are no district councils, or
  - (c) a London borough council;
- “reorganisation order” means an order under section 86;
- [<sup>F7</sup>“relevant two-year period”, in relation to receipt of a community governance petition or community governance application, means the period of two years ending with the day on which the petition or application is received by the principal council;]
- [<sup>F8</sup>“specified recommendations”, in relation to a community governance petition or community governance application, means the recommendations—
- (a) specified in the petition or application, or
  - (b) treated by section 80 as included in the recommendations specified in the petition or treated by section 80A as included in the recommendations specified in the application;]
- “terms of reference” has the meaning given by section 81.
- (3) A principal council “begins” a community governance review when the council publishes the terms of reference of the review.
  - (4) A principal council “concludes” a community governance review when the council publishes the recommendations made in the review.
  - (5) A principal council is “in the course of undertaking” a community governance review in the period between—
    - (a) beginning the review, and
    - (b) concluding the review.
  - [<sup>F9</sup>(6) The terms of reference of a community governance review “allow for a community governance petition or community governance application to be considered” if the terms of reference of the review are such that—
    - (a) the area under review includes the whole of the petition area or application area; and
    - (b) the recommendations to be considered by the review include all of the petition’s or application’s specified recommendations.]

#### Textual Amendments

- F5** Words in s. 102(2) inserted (E.) (27.3.2015) by [The Legislative Reform \(Community Governance Reviews\) Order 2015 \(S.I. 2015/998\)](#), arts. 1(3), **9(2)(a)**
- F6** Words in s. 102(2) inserted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 33**; S.I. 2009/3318, art. 4(ff)
- F7** Words in s. 102(2) substituted (E.) (27.3.2015) by [The Legislative Reform \(Community Governance Reviews\) Order 2015 \(S.I. 2015/998\)](#), arts. 1(3), **9(2)(b)**
- F8** Words in s. 102(2) substituted (E.) (27.3.2015) by [The Legislative Reform \(Community Governance Reviews\) Order 2015 \(S.I. 2015/998\)](#), arts. 1(3), **9(2)(c)**
- F9** S. 102(6) substituted (E.) (27.3.2015) by [The Legislative Reform \(Community Governance Reviews\) Order 2015 \(S.I. 2015/998\)](#), arts. 1(3), **9(3)**

#### Commencement Information

- I6** S. 102 in force at 13.2.2008 by [S.I. 2008/337](#), **art. 2(b)**

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**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Miscellaneous.