
STATUTORY INSTRUMENTS

1994 No. 867

The Local Government Changes for England Regulations 1994

PART 1

PRELIMINARY

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Government Changes for England Regulations 1994, and shall come into force on 12th April 1994.

(2) These Regulations make incidental, consequential, transitional and supplementary provision of general application for the purposes of, and in consequence of, orders made by the Secretary of State under section 17 of the Local Government Act 1992 with respect to local government changes in England, and they have effect subject to any provision in the order itself or in any other instrument made under Part II of that Act.

(3) The Local Government Area Changes Regulations 1976(1) shall not apply to any order made under section 17 of the Local Government Act 1992(2).

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires, any reference to “the order” is a reference to any order in relation to which these regulations are applicable.

(2) In these regulations, any reference to—

- (a) “the preliminary date” is a reference to the earliest date on which any action is required to be taken in pursuance of the order;
- (b) “the electoral date” is a reference to the date on which the first elections of councillors for a local government area are held pursuant to the order;
- (c) “the establishment date” is a reference to the date on which the councillors elected on the electoral date come into office;
- (d) “the reorganisation date” is the date on which a structural change or a boundary change comes into effect; and
- (e) “the shadow commencement date” is a reference to the date on which a shadow authority comes into existence.

(3) In these Regulations, unless the context otherwise requires:

“abolished authority” means a local authority which is wound up and dissolved on the reorganisation date;

“newly-established authority” means an authority (not being a shadow authority) established by the order;

(1) S.I. 1976/246, amended by S.I. 1978/247.

(2) See section 19(4) of that Act, which continues the effect of those Regulations in the absence of provision to the contrary.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“parish authority” means, in the case of a parish having a separate parish council, that council, in the case of a parish grouped under a joint parish council, the joint parish council, and in any other case, the parish meeting or the parish trustees of the parish, as may be appropriate;

“shadow authority” means an authority (not being a local authority) which will become a local authority on the reorganisation date;

“transferred area” means each area of land (being the whole or part of a local government area) in respect of which the order effects a boundary change or a structural change (or both such changes) transferring local government functions to an authority specified in the order;

“transferee authority” means that specified authority;

“transferor authority” means the local authority from which such functions are transferred; and

“unitary authority” means any authority which is the sole principal council for its local government area.

(4) In these Regulations—

“abolished area” means a local government area abolished by the order;

“the Act” means the Local Government Act 1992;

“the 1972 Act” means the Local Government Act 1972(3);

“altered area” means a local government area which is altered or to be altered (but not abolished or created) by the order and which is not the subject of a structural change;

“district” includes a borough and a metropolitan district;

“enactment” includes a local and personal Act and a private Act, any subordinate legislation as defined in section 21 of the Interpretation Act 1978(4), and any scheme made pursuant to any enactment;

“county functions” means the functions which, in a non-metropolitan county not having a unitary authority, are the functions of the county council, “district functions” means the functions which, in a non-metropolitan district not having a unitary authority, are the functions of the district council, and “parish functions” means the functions vested in and exercisable by a parish authority;

“shadow period” means, where a shadow authority is created, the period between the shadow commencement date and the reorganisation date, and in all other cases the period between the preliminary date and the reorganisation date; and

“unparished area” means an area of land not forming part of any parish.

Authorities of the same tier

3. Any reference in these Regulations to a local authority of the same tier is a reference, as respects each transferor authority mentioned in column 1 below, to the transferee authority mentioned in column 2—

1. Transferor authority	2. Transferee authority
A county council	(a) (a) The county council for a non-metropolitan county; or (b) the unitary authority.
A unitary authority	(a) (a) The county council for a non-metropolitan county as respects

(3) 1972 c. 70, as amended.

(4) 1978 c. 30.

1. Transferor authority	2. Transferee authority
	county functions, and the district council as respects district functions; or (b) the unitary authority.
A district council	Where the transferred area is transferred from an unparished area into a parish, the parish authority as respects parish functions. (a) (a) The district council; or (b) the unitary authority.
A parish authority	Where the transferred area is transferred from an unparished area into a parish, the parish authority as respects parish functions. Where the transferred area is transferred into a parish, the parish authority for that parish. Where the transferred area becomes unparished, the district council, or the unitary authority.
