

SCHEDULE

TRANSITIONAL AND SAVING PROVISIONS

PART 4

Reviews

Councils conducting reviews

4.—(1) This paragraph applies in relation to a council which, immediately before the relevant date, is in the process of conducting, but has not completed a review under section 9 of the 1997 Act.

(2) Sections 9, 10(1) and (2) (procedure on a review), 18, 22 and 24 of the 1997 Act shall continue to have effect, as regards that review, until the council makes, or decides not to make, recommendations under section 9 of that Act; and for this purpose “recommendations”, in relation to a council that has made draft recommendations, means final recommendations.

(3) Section 9 of the 1997 Act, as continued in force by sub-paragraph (2), shall have effect with the following modifications—

(a) in subsection (1) omit “to the Secretary of State”;

(b) for subsection (3), substitute—

“(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; and

(b) the electoral arrangements for the council.”

(c) omit subsection (3A);

(d) in subsection (4) omit “, or make the proposals mentioned in subsection (3A),”;

(e) for subsection (5) substitute—

“(5) If the council make a recommendation for the alteration of the area of a parish which has a parish council, they must include recommendations as to what changes (if any) should be made to the electoral arrangements for the council.”; and

(f) for subsection (6) substitute—

“(6) If the council make any recommendations within subsection (2), they may make recommendations for the related alteration of the boundaries of any electoral division of a county, or ward of a district, within their area.”

(4) After completing the review, the council must decide whether or not to make any recommendations under section 9 of the 1997 Act.

(5) Unless the council decide not to make any recommendations, it must—

(a) prepare draft recommendations and take the steps it considers 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;

(b) deposit copies of the draft recommendations at its 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 the council within that period.

(6) If the council then decides to make any final recommendations it must—

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- (a) deposit copies of the final recommendations at its principal office;
- (b) send any final recommendations under section 9(6) of the 1997 Act to the Electoral Commission; and
- (c) take the steps it considers sufficient to secure that persons who may be interested in the final recommendations are informed of them and of the period within which the copies may be inspected.

(7) The final recommendations shall then be treated as recommendations made in a community governance review under Part 4 of the Act; and sections 86 (reorganisation of community governance) and 96 to 100 (publicising outcome, supplementary regulations, orders and regulations, agreements about incidental matters and guidance) of that Act shall apply accordingly.

(8) If the council sends recommendations to the Electoral Commission in accordance with sub-paragraph (6)(b)—

- (a) those recommendations shall be treated as recommendations made to the Commission under section 92 of the Act in a community governance review; and
- (b) section 92 of that Act shall apply in relation to the recommendations.

Councils still to comply with section 10(3) of the 1997 Act

5.—(1) This paragraph applies in relation to a council which, before the relevant date, has decided to make recommendations under section 9 of the 1997 Act and has yet to comply with section 10(3) of that Act.

(2) Sections 9, 18, 22 and 24 of the 1997 Act shall continue to have effect until the council makes, or decides not to make, recommendations under section 9 of that Act; and for this purpose “recommendations”, in relation to a council that has made draft recommendations, means final recommendations.

(3) Sub-paragraphs (3) and (5) to (8) of paragraph 4 shall have effect for the purposes of this paragraph as they have effect for the purposes of that paragraph.

Councils still to comply with section 10(4) and (5) of the 1997 Act

6.—(1) This paragraph applies in relation to a council which, before the relevant date, has complied with section 10(3) of the 1997 Act and has yet to comply with section 10(4) and (5) of that Act.

(2) Sections 9, 18, 22 and 24 of the 1997 Act shall continue to have effect until the council, having made draft recommendations, makes or decides not to make, final recommendations under section 9 of that Act.

(3) Sub-paragraphs (3) and (6) to (8) of paragraph 4 shall have effect for the purposes of this paragraph as they have effect for the purposes of that paragraph.

Councils whose recommendations are not received before the relevant date

7.—(1) This paragraph applies in relation to a council which, before the relevant date, has complied with section 10(4) and (5) of the 1997 Act but whose recommendations under section 9(2) and (3) of that Act have not been received by the Secretary of State before that date.

(2) The recommendations shall be treated as recommendations made in a community governance review undertaken by the council under Part 4 of the Act; and sections 86 and 96 to 100 of the Act shall apply accordingly.

(3) If the council has made related proposals under section 9(3A) or 9(5) of the 1997 Act which have not been received by the Electoral Commission before the relevant date, those proposals shall

be treated as recommendations made under section 89 or 90 of the Act in a community governance review undertaken by the council under Part 4 of the Act; and sections 86, 96 to 100 of the Act shall apply accordingly.

(4) If the council has made related proposals under section 9(6) of the 1997 Act for the alteration of the boundaries of any electoral division of a county, or ward of a district, within its area which have not been received by the Electoral Commission before the relevant date—

- (a) those proposals shall be treated as recommendations made to the Commission under section 92 of the Act in a community governance review undertaken by the council under Part 4 of the Act; and
- (b) section 92 of the Act shall apply accordingly.

Councils whose recommendations have been received before the relevant date

8.—(1) This paragraph applies where a council's recommendations under section 9(2) of the 1997 Act have been received by the Secretary of State before the relevant date.

(2) The Secretary of State may agree with the council that—

- (a) the recommendations are not to be dealt with by her but are instead to be treated as if they were recommendations made in a community governance review undertaken by the council under Part 4 of the Act; and
- (b) sections 86 and 96 to 100 of the Act shall apply accordingly.

(3) For the purposes of sub-paragraph (2), a recommendation is “dealt with” when the Secretary of State—

- (a) notifies the council which sent the recommendations that she has decided not to make an order under section 14 of the 1997 Act giving effect to the recommendation; or
- (b) makes an order under section 14 of that Act giving effect to the recommendation (with or without modifications).

(4) If related proposals were received by the Electoral Commission before the relevant date under section 9(3A) or (5) of the 1997 Act, the Commission may agree with the council that—

- (a) those proposals shall be treated as if they were recommendations made in a community governance review under Part 4 of the Act; and
- (b) sections 86 and 96 to 100 of the Act shall apply accordingly.

(5) If the Electoral Commission has not dealt with the proposals before 3rd March 2008—

- (a) the proposals shall be treated as if they were recommendations made in a community governance review under Part 4 of the Act; and
- (b) sections 86 and 96 to 100 of the Act shall apply accordingly.

(6) For the purposes of sub-paragraph (5), a proposal is “dealt with” if the Electoral Commission—

- (a) notifies the council which sent the proposal that it has decided not to make an order under section 14 of the 1997 Act giving effect to the proposal;
- (b) makes an order under section 14 of that Act giving effect to the proposal.