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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part 1 of the Local Government and Public Involvement in Health Act 2007 (c. 28) (“the 2007 Act”) enables the Secretary of State, by order under section 10, to make boundary changes in relation to local authorities including changes which result in the abolition of existing local government areas and their councils and their replacement with new local government areas and councils.

Section 14 of the 2007 Act provides for regulations to make incidental, consequential, transitional and supplementary provision of general application for the purposes or in consequence of any orders under section 10 or for giving full effect to such orders. These Regulations make such provision in relation to a section 10 order which provides for the winding up and dissolution of two or more district councils (“the predecessor councils”) and the establishment of a single council (“the successor council”) for an area which consists of the entirety of the areas of both, or all, of the predecessor council. Orders under section 10 provide for the establishment of a shadow authority and shadow executive which become the successor council on the reorganisation date.

Part 1 covers general provisions including interpretation. Regulation 3 imposes a duty on the predecessor councils to provide information to the successor council for the purposes of facilitating the transfer to the new council.

Part 2 provides for the transfer of all the functions of the predecessor councils to the successor council (regulation 4) and ensures continuity as a result of the transfer (regulations 5 to 7). Regulation 8 provides that any function conferred on the shadow authority by virtue of the Regulations will be exercisable by the shadow authority’s executive. Part 3 provides for the transfer of all property, rights and liabilities of the predecessor councils to the successor council. Part 4 covers staffing. Regulation 10 ensures that the transfer of functions to the successor council is treated as a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006. Regulation 11 modifies, for transitional purposes, existing rules that apply to the appointment of the head of paid service and disciplinary rules for chief officers. Regulation 12 provides for redundancy payments for heads of paid service of the predecessor councils who are not appointed head of paid service of the successor council. Regulation 13 ensures that a shadow authority is treated as an employer for the purposes of the Local Government Pension Scheme.

Part 5 provides for transitional arrangements for parish council reorganisation and disapplies section 9MC of the 2000 Act in relation to predecessor councils so that they may not hold a referendum about the council’s executive arrangements.

Part 6 concerns electoral arrangements. Regulation 16 provides transitional arrangements for the appointment of returning officers and proper officers for any parish council election that takes place after the reorganisation date but for which steps must be taken before that date. Regulation 17 provides for the appointment of interim acting returning officers and electoral registration officers in relation to any parliamentary election for which a writ is issued less than six months before the reorganisation date.

Part 7 provides for the successor council to make certain plans, reviews, schemes, statements and strategies for their area within a specified period (regulation 18) and provides for continuity in relation to plans, schemes, statements and strategies generally (regulation 19).

Part 8 imposes a duty on the successor council to prepare and publish the final accounts of the predecessor councils and modifies the Accounts and Audit Regulations 2015 (S.I. 2015/234) in consequence.

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

Part 9 contains transitional arrangements relevant to certain planning functions under the Planning and Compulsory Purchase Act 2004.

Part 10 includes miscellaneous transitional provisions including modification of the application of Part 6 of the Local Government and Housing Act 1989 (housing finance) and sections 171 to 173 and 175 of the Localism Act 2011 (c. 20) (limitations on indebtedness), modification of the community right to challenge provisions in Chapter 2 of Part 5 of the Localism Act 2011 and modification of provisions on honorary titles in the Local Government Act 1972.

A full impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.