
STATUTORY INSTRUMENTS

1994 No. 867

The Local Government Changes for England Regulations 1994

PART 2

GENERAL MATTERS

Continuity of matters

4.—(1) Anything which, before the reorganisation date, is in the process of being done by, to or in relation to a transferor authority—

- (a) with respect to the transferred area; and
- (b) in the exercise of, or in connection with its functions and powers as a local authority for that area—

may be continued by or in relation to the transferee authority of the same tier.

(2) For the purposes of paragraph (1) (but without prejudice to its generality)—

- (i) the things which may be continued shall include any legal actions or proceedings, any written application, note, direction, objection or representation of any kind, the enforcement of any byelaws (including any regulation, scale of charges, lists of tolls and any table of fees and payments) and any licence or registration effected pursuant to any enactment; and
- (ii) anything being done by, to or in relation to a transferor authority shall include anything which is deemed to be being done by that authority, or is treated as being so done.

(3) Where a matter is continued pursuant to paragraph (1)—

- (a) any act or omission by or in relation to the transferor authority before the reorganisation date shall be treated as an act or omission of the transferee authority; and
- (b) any reference to the transferor authority in any document relating to such a matter shall be construed as a reference to the transferee authority.

References in enactments

5.—(1) In this regulation, “provision” means any provision in any enactment other than the order, and includes a provision made in any direction or scheme made under any enactment, whenever enacted.

(2) This regulation shall apply on and after the reorganisation date.

(3) Any reference in a provision to a named area which is altered by the order shall, so far as is required for continuing the effect of the provision, be construed as a reference to the area as so altered.

(4) Any reference in a provision to a named abolished area shall, so far as is required for continuing the effect of the provision, be construed as a reference to the transferred area.

(5) Any reference in a provision to a named abolished authority shall, so far as is required for continuing the effect of the provision, be construed as a reference to the transferee authority.

(6) Any reference in a provision to a county council shall, so far as is required for continuing the effect of the provision, be construed as including a district council to which county functions have been transferred pursuant to a structural change.

(7) Any reference in a provision to a district council shall, so far as is required for continuing the effect of the provision, be construed as including a county council to which district functions have been transferred pursuant to a structural change.

(8) Nothing in this regulation or these regulations shall require a reference to a named area or an abolished area to be construed as a reference to that area as altered or transferred by the order for the purposes of any enactment which specifies the locality of any family health service authority, the region of any regional health authority, or the district of any district health authority⁽¹⁾.

(9) Nothing in this regulation or these regulations shall, unless specific provision is made in the order, affect:

- (i) the boundaries of any police area⁽²⁾ or of any area specified in regulations made under section 22(3) of the Gaming Act 1968⁽³⁾; or
- (ii) any scheme made pursuant to sections 62 to 64B of the Rent Act 1977⁽⁴⁾; or
- (iii) the trusts of any charity.

(10) Nothing in this regulation shall apply:

- (a) where a structural change is effected, to any provision requiring consultation, collaboration or joint action of any kind between a council of a county and a council of a district within that county; or
- (b) so as to affect the application of any provision to an event or state of affairs which occurred or appertaining before the reorganisation date.

Councillors

6.—(1) Any persons in office immediately before the reorganisation date as councillors for an altered area shall continue as councillors for the altered area until the date on which they would ordinarily have retired had the order not been made.

(2) Where any casual vacancy for the office of councillor arises in an altered area on or before the reorganisation date, that vacancy shall be treated as a vacancy for a councillor of the altered area.

(3) Notwithstanding section 7 of the 1972 Act, any persons in office as councillors of an abolished authority immediately before the reorganisation date shall retire on that date.

Matters not affected

7. The following matters which have been acquired or have accrued before the reorganisation date shall continue unaffected by the order and by these regulations—

- (a) the status of any London borough, royal borough or city;
- (b) the status of any person as a freeman or as an honorary alderman⁽⁵⁾;
- (c) the power of any person or court to alter the trusts of a charity; and
- (d) any right—

(1) The areas of such authorities are established by order made under the National Health Service Act 1977 (c. 49), as amended by the National Health Service and Community Care Act 1990 (c. 19). Section 8 of the 1977 Act is the relevant provision with regard to regional and district health authorities, and section 10 the relevant provision with regard to family health service authorities.

(2) As defined in Schedule 1 to the Interpretation Act 1978 (c. 30).

(3) 1968 c. 65.

(4) 1977 c. 42.

(5) See sections 248 and 249 of the Local Government Act 1972.

- (i) of burial; or
- (ii) to construct a grave or vault; or
- (iii) to place, maintain or inscribe a tombstone or memorial.

Validity of certain matters

8. Nothing in the order or in these regulations shall affect the validity of:
- (a) any certificate or licence issued, or notice given under the Marriage Act 1949(6), or any marriage solemnised after the reorganisation date in any registration district altered or established in consequence of the order on the authority of such a certificate or licence; or
 - (b) the registration of any building for the solemnisation of marriages under section 41 of that Act or the appointment of any person as an authorised person under section 43 of that Act.