
STATUTORY INSTRUMENTS

1996 No. 263

LOCAL GOVERNMENT, ENGLAND AND WALES

The Charter Trustees Regulations 1996

Made - - - - *10th February 1996*
Laid before Parliament *12th February 1996*
Coming into force - - *4th March 1996*

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 19 and 26 of the Local Government Act 1992(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Charter Trustees Regulations 1996 and shall come into force on 4th March 1996.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Local Government Act 1992;

“the 1972 Act” means the Local Government Act 1972;(2)

“the establishment date”, in relation to any charter trustees, means the date (being 1st April in any year) which is specified as such in a relevant instrument;

“existing”, in relation to an area, means that area as it exists immediately before the establishment date;

“the relevant council” means—

- (a) the council of the district in which is comprised the area for which charter trustees are established; or
- (b) where that area is comprised in a county in which there are no district councils, the council of the county; and

“relevant instrument” means these Regulations or any other statutory instrument made under the Act by which charter trustees are established.

(1) 1992 c. 19.
(2) 1972 c. 70.

(2) Where, pursuant to a provision in a relevant instrument, the charter trustees elect one of their number to be a city mayor or a deputy city mayor or, as the case may be, a town mayor or a deputy town mayor, references in these Regulations to the chairman or the vice-chairman of the charter trustees shall be construed, as the case may be, as references to the city or town mayor or the deputy city or deputy town mayor.

Establishment of charter trustees

3.—(1) In this regulation, “the establishment date” is 1st April 1996.

(2) On the establishment date, there shall be established—

- (a) for the area of the existing city of Bath a body corporate to be known as “the Charter Trustees of the City of Bath”;
- (b) for the area comprising so much of the Minister and St Mary’s wards of the new district of the East Riding of Yorkshire as is unparished a body corporate to be known as “the Charter Trustees of the Town of Beverley”;
- (c) for the area comprising so much of the existing borough of Cleethorpes as is unparished, a body corporate to be known as “the Charter Trustees of the Town of Cleethorpes”;
- (d) for the area comprising so much of the existing borough of Great Grimsby as is unparished, a body corporate to be known as “the Charter Trustees of the Town of Great Grimsby”; and
- (e) for the area comprising the existing borough of Scunthorpe a body corporate to be known as “the Charter Trustees of the Town of Scunthorpe”.

(3) The Charter Trustees of—

- (a) the City of Bath shall consist of the councillors for the wards of the new district of Bath and North East Somerset wholly or partly comprising the area of the existing city of Bath;
- (b) the Town of Beverley shall consist of the councillors for the Minister and St Mary’s wards of the new district of the East Riding of Yorkshire;
- (c) the Town of Cleethorpes and the Town of Great Grimsby shall consist of the councillors for the wards wholly or partly comprising so much of the existing borough of Cleethorpes or borough of Great Grimsby, as the case may be, as is unparished; and
- (d) the Town of Scunthorpe shall consist of the councillors for the wards of the new district of North Lincolnshire wholly or partly comprising the area of the existing borough of Scunthorpe.

Privileges and rights of charter trustees

4.—(1) The charter trustees established by regulation 3—

- (a) may in every year elect one of their number to be city or, as the case may be, town mayor and another to be deputy city or, as the case may be, deputy town mayor; and
- (b) may, subject to any provision made by a grant under Her Majesty’s prerogative or any provision of a charter granted by Her Majesty under section 245 of the 1972 Act, exercise any powers to appoint local officers of dignity exercisable immediately before the establishment date by the council of the existing city or, as the case may be, borough the whole or part of the area of which comprises the area for which the charter trustees are established.

Precepts

5. For the purposes of regulation 12(2), the amount shown in column (2) of the following Table is specified in relation to the charter trustees for the corresponding area named in column (1) —

TABLE

(1) Name of area	(2) Amount specified
City of Bath	£59,960
Town of Beverley	£1,000
Town of Cleethorpes	£15,000
Town of Great Grimsby	£25,000
Town of Scunthorpe	£30,000

General provisions applicable to charter trustees

6. The following provisions of these Regulations shall apply in relation to charter trustees established by these Regulations or any other statutory instrument made under Part II of the Act.

Number of charter trustees and appointment of local government electors as trustees

7.—(1) If at the establishment date the number of councillors constituting the charter trustees for any city or town is less than three, the charter trustees shall consist of those councillors and such number of local government electors for the area for which the charter trustees act appointed by the relevant council as will make the number of charter trustees up to three.

(2) Where one local government elector, or two local government electors, as the case may be, fall to be appointed by the relevant council as charter trustees they shall be appointed —

- (a) as soon as practicable after the charter trustees are established; and
- (b) at the annual meeting of the relevant council in the next year in which the ordinary elections of councillors for—
 - (i) non-metropolitan district councils in relation to which there is no order in force providing for the election of district councillors by thirds are to take place, if the relevant council is a non-metropolitan district council, or
 - (ii) county council elections are to take place, if the relevant council is a county council; and
- (c) every fourth year thereafter.

(3) Any local government elector appointed as charter trustee shall (subject to the provisions of these Regulations), hold office until the time fixed for the meeting of the next annual meeting of the relevant council at which under paragraph (2) above appointments shall fall to be made.

(4) Where the number of councillors constituting the charter trustees is increased to two, such one of the local government electors appointed as aforesaid as may be determined by the relevant council shall forthwith cease to hold office as a charter trustee.

(5) Where the number of councillors constituting the charter trustees is increased to three or more, any local government elector appointed as aforesaid shall forthwith cease to hold office as a charter trustee.

(6) Sections 80(1)(b) and (d), 80(5), 81(1) and (2) and 92 of the 1972 Act⁽³⁾ shall apply to a local government elector being appointed, or holding office as, a charter trustee as they apply to a person being elected to, or being a member of, a local authority, subject to any necessary modifications.

(3) Section 80(5) was amended by Schedule 6 to the Local Government Finance Act 1982 (c. 32), with the savings described in section 38(5) of that Act; section 81(1) was substituted by paragraph 22 of Schedule 8 to the Insolvency Act 1985 (c. 65); section 92 was amended by sections 38 and 46 of the Criminal Justice Act 1982 (c. 48), Schedule 14 to the Local Government

(7) For section 80(1)(e) of the 1972 Act⁽⁴⁾ there shall be substituted—

“(e) is disqualified for being a member of the relevant council under Part III of the Representation of the People Act 1983 or for being a charter trustee under Part III of the Local Government Finance Act 1982, and in this paragraph “the relevant council” means the council of the county or district in which is comprised the area for which charter trustees are established by any statutory instrument made under Part II of the Local Government 1992”.

(8) A local government elector appointed as a charter trustee may at any time resign his office by written notice delivered to the proper officer of the relevant council and his resignation shall take effect upon receipt of the notice by the proper officer.

(9) The relevant council may remove from office a local government elector appointed as a charter trustee under this regulation if, in their opinion, he has, without sufficient cause, failed to attend two or more consecutive meetings of the charter trustees.

(10) A casual vacancy in the office of charter trustee shall arise at any time when—

- (a) a local government elector appointed as a charter trustee ceases to be a local government elector for the area for which the charter trustees act, becomes disqualified, resigns, is removed by the relevant council under paragraph (9) above or dies; or
- (b) under electoral arrangements for the time being in force the number of councillors constituting the charter trustees is reduced to two or one, as the case may be.

(11) When any such casual vacancy arises the relevant council shall, as soon as practicable, appoint a local government elector for the area for which the charter trustees act to fill the vacancy.

(12) A local government elector appointed under paragraph (11) above shall (subject to the provisions of these Regulations) hold office until the time fixed for the meeting of the next annual meeting of the relevant council at which under paragraph (2) above appointments fall to be made.

(13) Where there are so many vacancies in the office of councillor for the relevant area that the charter trustees are unable to act, the relevant council may appoint local government electors for the area for which the charter trustees act to fill up all or any of the vacancies until other councillors for the relevant area are elected and take up office.

(14) The acts and proceedings of any person appointed and acting as charter trustee shall, notwithstanding his qualification or want of qualification, be as valid and effectual as if he had been qualified.

(15) If the register of local government electors is not so framed as to show the local government electors for the area for which the charter trustees act, the registration officer shall make such alteration thereof as may be proper for that purpose.

(16) In this regulation—

“local government elector” means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Act 1983;⁽⁵⁾

“proper officer” has the same meaning as in the 1972 Act.⁽⁶⁾

Meetings of charter trustees

8.—(1) Charter trustees shall in every year hold an annual meeting which—

Act 1985 (c. 51), Schedule 6 to the Norfolk and Suffolk Broads Act 1988 (c. 4) and Schedule 13 to the Education Reform Act 1988 (c. 40).

(4) Amended by Schedule 8 to the Representation of the People Act 1983 (c. 2) and paragraph 5(1) of Schedule 5 to the Local Government Finance Act 1982.

(5) See, in particular, section 9.

(6) See section 270(3).

- (a) in the case of the first annual meeting, shall be held within one month following the establishment date; and
 - (b) in any other case, shall be held within 21 days following the annual meeting of the relevant council.
- (2) The election of a chairman and vice-chairman of charter trustees shall be the first business transacted at their annual meeting.
- (a) (3) (a) The first annual meeting shall be convened by an officer of the relevant council appointed for that purpose by that council.
 - (b) Until the completion of the election mentioned in paragraph (2) above, the chairman or, if the chairman is not present, the vice-chairman of the relevant council shall preside over the first annual meeting but if he is not one of the charter trustees he shall not vote in the first instance at the election.
- (4) Other meetings of charter trustees shall be held as they determine.
- (5) Paragraph 10 of Schedule 12 to the 1972 Act shall apply in relation to meetings of charter trustees as it applies in relation to meetings of parish councils.
- (6) No business shall be transacted at a meeting of charter trustees unless at least one-third of the whole number of the charter trustees are present at the meeting; but in no case shall the quorum be less than two.
- (7) At a meeting of the charter trustees the chairman, if present, shall preside and, if he is absent from such a meeting, the vice-chairman, if present, shall preside.
- (8) If both the chairman and vice-chairman are absent from a meeting of charter trustees, such one of their number as the charter trustees present shall choose shall preside.
- (9) Paragraphs 39 to 44 of Schedule 12 to the 1972 Act shall apply to charter trustees as they apply to parish councils.
- (10) Charter trustees shall be a body to which the Public Bodies (Admission to Meetings) Act 1960(7) applies.

Chairman and vice-chairman

- 9.—**(1) The chairman or vice-chairman of charter trustees shall, unless he ceases to be one of their number, hold office until immediately after the relevant election at the next annual meeting; and in this paragraph “the relevant election” means the election mentioned in regulation 8(2) above.
- (2) On a casual vacancy occurring in the office of chairman or vice-chairman of charter trustees, the charter trustees shall, as soon as practicable, meet for the election of one of their number to such office and any person so elected shall (unless he ceases to be one of their number) hold office until the time specified in paragraph (1) above and shall then retire.
- (3) Charter trustees may pay their chairman for the purpose of enabling him to meet the expenses of his office such allowance as they think reasonable.

Discharge of functions by charter trustees

- 10.—**(1) Charter trustees may appoint such officers as they think necessary for the proper discharge of their functions and sections 112(2) and (5) and 114 to 119 of the 1972 Act shall apply, subject to any necessary modifications, in relation to such officers as they apply in relation to officers appointed by parish councils.
- (2) Charter trustees may arrange for the discharge of any of their functions other than—

- (a) the election of the chairman or vice-chairman;
- (b) the appointment of local offices of dignity;
- (c) functions relating to the issuing of a precept or the borrowing of money;

by a committee or officer of theirs or of the relevant council.

(3) Where, by virtue of paragraph (2) above, any functions of charter trustees may be discharged by a committee of theirs, then, unless they otherwise direct, the committee may arrange for the discharge of any of those functions by an officer of the charter trustees or of the relevant council.

(4) Any arrangements made by charter trustees or a committee of theirs under paragraph (2) or (3) above shall not prevent them or the committee from exercising those functions.

(5) Section 106 of the 1972 Act (standing orders of committees) shall apply as respects any committee of charter trustees as it applies as respects a committee of a parish council.

Accommodation of Charter Trustees

11. The relevant council shall provide accommodation for the proper discharge of the functions of any charter trustees; and the accommodation to be provided and the terms on which it is provided shall be determined by agreement between that council and the charter trustees or, in default of such agreement, by the decision of a person agreed on by them or, in default of their agreement, appointed by the Secretary of State.

Acquisition of property

12. Charter trustees may acquire, or accept gifts of, and hold historic or ceremonial property (other than land and buildings) and, in particular, charters, insignia and plate, of the area for which they act and may execute any work (including works of maintenance or improvement) incidental to or consequential on the acquisition, acceptance or holding.

Precepts

13.—(1) Subject to the following paragraphs of this regulation charter trustees shall be a local precepting authority for the purposes of Chapter IV of Part I of the Local Government Finance Act 1992 (“the 1992 Act”).⁽⁸⁾

(2) Section 41 of the 1992 Act (issue of precepts by local precepting authorities) shall have effect—

- (a) in relation to any charter trustees (“the charter trustees”), the billing authority within whose area is situated the area for which the charter trustees act (“the prospective billing authority”) and the financial year beginning with the establishment date (“the initial year”), and
- (b) as respects the period beginning with the date on which the relevant instrument is made and ending immediately before the date on which there is issued by the charter trustees a precept for the initial year,

with the substitution for subsection (3) of the following subsection—

“(3) In making calculations in accordance with section 32 above (originally or by way of substitute) the billing authority shall take into account for the purposes of its estimate under section 32(2)(a) above an amount equal to that specified in relation to charter trustees for the purposes of regulation 12(2) of the Charter Trustees Regulations 1996, in the statutory instrument made under Part II of the Local Government Act 1992 which establishes those charter trustees.”

⁽⁸⁾ 1992 c. 14.

- (3) In relation to the charter trustees, the prospective billing authority and the initial year—
- (a) section 32 of the 1992 Act (calculation of budget requirement by billing authorities) shall have effect with the omission of subsection (6);
 - (b) section 41(4) of that Act shall have effect with the substitution for the words “March in the financial year preceding that for which it is issued” of the words “October in the financial year for which it is issued”; and
 - (c) the reference in section 54(4) of that Act (power to designate authorities) to a precept anticipated by a billing authority in pursuance of regulations under section 41 of the Act shall be construed as a reference to the amount specified in relation to the charter trustees for the purposes of paragraph (2) above in the relevant instrument.
- (4) In relation to an amount taken into account for the purposes of section 32(2)(a) of the 1992 Act by virtue of paragraph (2) above, Chapter III of Part I of that Act shall have effect as if —
- (a) the amount were an item mentioned in section 35(1) of that Act which related to the area for which the charter trustees are to act; and
 - (b) the area of the prospective billing authority included the area for which the charter trustees are to act.
- (5) The charter trustees shall make the calculations required by section 50 of the 1992 Act (calculation of budget requirement by local precepting authorities) for the initial year so as to secure that the amount calculated as its budget requirement for that year does not exceed the amount specified in relation to the charter trustees for the purposes of paragraph (2) above in the relevant instrument.
- (6) In paragraph 1 of Part I (information to be supplied with council tax demand notices) of Schedule 3 to the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 1993⁽⁹⁾ the expression “relevant precepting authority” shall not include charter trustees.

Borrowing

14. Part I of Schedule 13 to the 1972 Act (borrowing, lending and funds) shall apply to charter trustees as it applies to parish councils subject to any necessary modifications.⁽¹⁰⁾

Accounts, audit etc.

- 15.**—(1) Charter trustees shall keep accounts of their receipts and repayments.
- (2) Every cheque or other order for the payment of money by charter trustees shall be signed by two of them.
- (3) Section 12 of the Local Government Finance Act 1982 (accounts subject to audit)⁽¹¹⁾ shall apply to all accounts of charter trustees.
- (4) Charter trustees shall not be a relevant body for the purposes of sections 1 to 3 of the Act (performance standards of local authorities etc.) and section 5 of that Act shall not apply to charter trustees.

⁽⁹⁾ [S.I. 1993/191](#).

⁽¹⁰⁾ Part I of Schedule 13 was repealed on 1st April 1990 by Schedule 12 to the Local Government and Housing Act 1989 (c. 42) but the repeal had no effect in relation to parish councils and certain other bodies by virtue of the saving in paragraph 1 of Schedule 1 to [S.I. 1990/431](#).

⁽¹¹⁾ [1982 c. 32](#).

Application of other statutory provisions

16.—(1) Subject to paragraph (2) below, sections 94 to 98 of the 1972 Act (disability for voting on account of interest in contracts etc.) shall apply to charter trustees as they apply to parish councillors, subject to any necessary modifications.

(2) The receipt by the chairman or vice-chairman of charter trustees of such an allowance as is mentioned in regulation 9(3) or his right to receive, or the possibility of his receiving such an allowance, shall not be treated as a pecuniary interest for the purposes of section 95 of the 1972 Act.

(3) Sections 111 (subsidiary powers of local authorities), 134 (use of schoolroom etc.) and 140 (insurance by local authorities against accidents by members) of the 1972 Act shall apply in relation to charter trustees as they apply to parish councils.

(4) Sections 173 to 178 (allowances) of the 1972 Act shall apply in relation to charter trustees as if they were the members of the council of a parish for the area for which they act.

(5) Section 47 (discretionary relief) of the Local Government Finance Act 1988⁽¹²⁾ shall apply in relation to charter trustees as it applies in relation to charter trustees constituted under section 246(4) of the 1972 Act.

(6) Charter trustees shall be treated as if they were a body mentioned in Part II of the Schedule to the Local Authorities (Capital Finance) (Approved Investments) Regulations 1990 (bodies advances to whom are approved investments).⁽¹³⁾

Subscriptions

17. Charter trustees may pay reasonable subscriptions, whether annually or otherwise, to the funds of the Association of Charter Trustees and Charter Town Councils.

Dissolution of charter trustees

18.—(1) This regulation applies where an area, or part of an area, for which charter trustees have been established becomes, or becomes comprised in, a parish (not being an existing parish) for which a parish council is established.

(2) From the date on which the first councillors for the parish come into office these Regulations, or the statutory instrument made under Part II of the Act establishing the charter trustees, shall cease to apply to the area or part and accordingly—

- (a) the charter trustees shall cease to act therefor and shall be dissolved;
- (b) the mayor or deputy mayor shall cease to hold office as such;
- (c) any local officer of dignity appointed pursuant to regulation 4(1)(b) above shall hold office as if appointed by the parish council;
- (d) the following matters owned, vested in, or exercisable by the charter trustees shall be transferred to the parish council —
 - (i) all property of whatever description;
 - (ii) all rights, liabilities, contracts or other written instruments of whatever description;
 - (iii) any legal actions or proceedings;
- (e) regulation 4 of the Local Government Changes for England Regulations 1994⁽¹⁴⁾ shall apply as if the charter trustees were a transferor authority, and the parish council were a transferee authority of the same tier;

⁽¹²⁾ 1988 c. 41; section 47 was amended by paragraph 65(2) of the Local Government Finance Act 1992, subject to savings in section 118(1) of that Act.

⁽¹³⁾ S.I. 1990/426.

⁽¹⁴⁾ S.I. 1994/867; regulation 4 is substituted by S.I. 1995/1748.

- (f) the accounts of the charter trustees and of its committees and officers shall be made up to the dissolution of the charter trustees, and shall be audited in the same way, and subject to the same procedures and penalties as if the charter trustees had not been dissolved.

Signed by authority of the Secretary of State

Department of the Environment
10th February 1996

David Curry
Minister of State,

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision establishing charter trustees in consequence of orders made under section 17 of the Local Government Act 1992 (“the Act”) which give effect to structural changes recommended by the Local Government Commission for England in respect of local authorities.

Regulation 3 establishes on 1st April 1996 charter trustees for the city of Bath and the towns of Beverley, Cleethorpes, Great Grimsby and Scunthorpe, and provides for who are to be the charter trustees.

Regulation 4 is concerned with the privileges and rights of charter trustees. Regulation 5 is concerned with precepts.

Regulations 6 onwards make general provision about charter trustees established by these Regulations or by any other statutory instrument made under Part II of the Act. Provision is made in relation to the number of charter trustees and the appointment of local government electors as trustees (regulation 7); meetings of charter trustees (regulation 8); the chairman and vice-chairman of trustees (regulation 9); the discharge of functions by charter trustees (regulation 10); the accommodation and property of charter trustees (regulations 11 and 12); precepts, borrowing and accounts and audit etc (regulations 13 to 15); the application of other statutory provisions (regulation 16); payment of subscriptions (regulation 17) and the circumstances in which, and point at which, charter trustees cease to act (regulation 18).