
STATUTORY INSTRUMENTS

1996 No. 3118

The Local Government (Changes for the Registration Service in Bedfordshire, Buckinghamshire, Derbyshire, Dorset, Durham, East Sussex, Hampshire, Leicestershire, Staffordshire and Wiltshire) Order 1996

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government (Changes for the Registration Service in Bedfordshire, Buckinghamshire, Derbyshire, Dorset, Durham, East Sussex, Hampshire, Leicestershire, Staffordshire and Wiltshire) Order 1996 and shall come into force on 8th January 1997.

(2) In this Order,

“the 1949 Act” means the Marriage Act 1949(1);

“the 1953 Act” means the Registration Service Act 1953(2);

“the 1992 Act” means the Local Government Act 1992;

“approved registration scheme” means a scheme submitted to the Chancellor of the Exchequer in accordance with article 2 of this Order and approved by the Chancellor of the Exchequer(3) under section 14 of the 1953 Act(4);

“district” means a registration district for the purposes of section 5 of the 1953 Act(5);

“new authority” means the authorities to which the functions of an old authority are transferred by an order made under section 17 of the 1992 Act, being: Luton Borough Council(6); Milton Keynes Borough Council(7); Derby City Council(8); Bournemouth Borough Council and Poole Borough Council(9); Darlington Borough Council(10); Brighton and Hove District Council(11); Portsmouth City Council and Southampton City Council(12); Leicester City

(1) 1949 c. 76.

(2) 1953 c. 37.

(3) Section 14 requires the approval of “the Minister” which, by virtue of section 21(1) of the 1953 Act, as amended by article 5(1) of and paragraph 13 of Schedule 2 to the Transfer of Functions (Registration and Statistics) Order 1996 (S.I. 1996/273), means the Chancellor of the Exchequer.

(4) Section 14 was amended by section 251 of and paragraph 41(2) of Schedule 29 to the Local Government Act 1972 (1972 c. 70).

(5) Section 5 was amended by section 251 of and paragraph 41(1) of Schedule 29 to the Local Government Act 1972.

(6) The functions of Bedfordshire County Council in relation to the borough of Luton are transferred to this authority by article 3 of The Bedfordshire (Borough of Luton) (Structural Change) Order 1995 (S.I. 1995/1776).

(7) The functions of Buckinghamshire County Council in relation to the borough of Milton Keynes are transferred to this authority by article 3 of The Buckinghamshire (Borough of Milton Keynes) (Structural Change) Order 1995 (S.I. 1995/1769).

(8) The functions of Derbyshire County Council in relation to the city of Derby are transferred to this authority by article 3 of The Derbyshire (City of Derby) (Structural Change) Order 1995 (S.I. 1995/1773).

(9) The functions of Dorset County Council in relation to the boroughs of Bournemouth and Poole are transferred to these authorities respectively, by article 3 of The Dorset (Boroughs of Poole and Bournemouth) (Structural Change) Order 1995 (S.I. 1995/1771).

(10) The functions of Durham County Council in relation to the borough of Darlington are transferred to this authority by article 3 of the Durham (Borough of Darlington) (Structural Change) Order 1995 (S.I. 1995/1772).

(11) The functions of East Sussex County Council in relation to the boroughs of Brighton and Hove are transferred to this authority by article 4 of the East Sussex (Boroughs of Brighton and Hove) (Structural Change) Order 1995 (S.I. 1995/1770).

Council and Rutland District Council(13); Stoke-on-Trent City Council(14) and Thamesdown Borough Council(15);

“old authority” means Bedfordshire County Council, Buckinghamshire County Council, Derbyshire County Council, Dorset County Council, Durham County Council, East Sussex County Council, Hampshire County Council, Leicestershire County Council, Staffordshire County Council and Wiltshire County Council, being local authorities from which functions are transferred to a new authority by an Order made under section 17 of the 1992 Act(16);

“registration officer” means any superintendent registrar or registrar of births and deaths appointed under section 6(1) of the 1953 Act and any deputy superintendent registrar or deputy registrar of births and deaths appointed under section 8(1) of that Act and “office” shall be construed accordingly; and

“sub-district” means a registration sub-district for the purposes of section 5 of the 1953 Act.

Local Registration Service

2.—(1) Each new authority shall not later than 15th January 1997 submit to the Chancellor of the Exchequer a scheme for the purposes of section 13 of the 1953 Act, and section 13(2) and (3) (provision to be made by local scheme) and section 14(4) (approval of schemes by the Chancellor of the Exchequer) of the 1953 Act shall apply to any scheme so submitted.

(2) If a new authority fails to submit a scheme in accordance with paragraph (1) of this article, the Registrar General may, after consultation with that authority, submit to the Chancellor of the Exchequer a scheme for the purposes of section 13 of the 1953 Act and any scheme so prepared by him, if approved by the Chancellor of the Exchequer, shall have effect as if it were a scheme submitted by the new authority and approved by the Chancellor of the Exchequer.

(3) Subject to any further scheme made by a new authority and approved by the Chancellor of the Exchequer under section 14 of the 1953 Act, the approved registration scheme shall have effect for the organisation of the registration service in the area of the authority to which it relates from 1st April 1997.

Transfer of Registration Officers

3.—(1) This article applies to any registration officer —

- (a) who immediately before 1st April 1997 holds office in or for a district or sub-district in the area of an old authority under an appointment made by that authority;
- (b) who would have continued to hold that office after 1st April 1997 but for the transfer of local government functions from that authority to a new authority; and
- (c) whose name is mentioned in column (1) of the Schedule to this Order.

(2) Every registration officer to whom this article applies shall, on 1st April 1997 —

-
- (12) The functions of Hampshire County Council in relation to the cities of Portsmouth and Southampton are transferred to these authorities respectively, by article 3 of the Hampshire (Cities of Portsmouth and Southampton) (Structural Change) Order 1995 (S.I. 1995/1775).
 - (13) The functions of Leicestershire County Council in relation to the city of Leicester and the district of Rutland are transferred to these authorities respectively, by article 3 of the Leicestershire (City of Leicester and District of Rutland) (Structural Change) Order 1996 (S.I. 1996/507).
 - (14) The functions of Staffordshire County Council in relation to the city of Stoke-on-Trent are transferred to this authority by article 5 of the Staffordshire (City of Stoke-on-Trent) (Structural and Boundary Changes) Order 1995 (S.I. 1995/1779). The non-metropolitan district of Stoke-on-Trent has been granted the status of a city.
 - (15) The functions of Wiltshire County Council in relation to the borough of Thamesdown are transferred to this authority by article 3 of the Wiltshire (Borough of Thamesdown) (Structural Change) Order 1995 (S.I. 1995/1774). The non-metropolitan district of Thamesdown has been granted the status of a borough.
 - (16) See S.I. 1995/1776, S.I. 1995/1769, S.I. 1995/1773, S.I. 1995/1771, S.I. 1995/1772, S.I. 1995/1770, S.I. 1995/1775, S.I. 1996/507, S.I. 1995/1779 and S.I. 1995/1774.

- (a) be transferred from the old authority mentioned in column (2) of the Schedule to this Order opposite his name to the new authority mentioned in column (3) of that Schedule opposite his name; and
 - (b) if an office is allocated to him in accordance with article 4 of this Order, become the holder of that office as if he had been appointed to it by the new authority.
- (3) Any provision in this Order for the transfer of a person not engaged whole-time as a registration officer shall apply only to his office as a registration officer.

Allocation of Staff

4.—(1) Each new authority shall not later than 15th February 1997 submit to the Registrar General proposals for allocating to the posts described in the approved registration scheme for the area of the authority the registration officers who may, pursuant to paragraph (2) of article 3 of this Order, be transferred to the new authority on 1st April 1997.

(2) Not later than the day on which proposals under paragraph (1) of this article are submitted to the Registrar General, the new authority shall send a copy of the proposals to every registration officer affected by them and the Registrar General, after considering any representations with respect to the proposals made by any such officer within a period of fourteen days after the submission of the proposals, may approve the proposals with or without modifications.

(3) The new authority shall allocate the officers who are transferred to the new authority pursuant to paragraph (2) of article 3 of this Order to the posts described in the approved registration scheme for the area of the authority in accordance with the proposals approved by the Registrar General under paragraph (2) of this article.

(4) If any new authority fails to submit proposals in accordance with paragraph (1) of this article, the Registrar General may, after consultation with that authority, and with the registration officers affected, determine the allocation of officers to the posts described in the approved registration scheme for the area of the authority and any allocation so determined shall have effect as if it had been proposed by the new authority and approved by the Registrar General.

Registration Officers to be Treated as Employees for Certain Purposes

5. For the purposes of any Order made under section 23 of the 1992 Act (staff commissions)(**17**) and regulations 3 (continuity of employment), 4 (transfers of staff) and 5 (redundancy payments) of the Local Government Changes for England (Staff) Regulations 1995(**18**) any registration officer shall, as respects his office, be treated as employed by the old authority by which he was appointed and, on and after 1st April 1997, as an officer in the employment of the new authority to which he is transferred in accordance with article 3(2) of this Order, and any reference in such Order or in those Regulations —

- (a) to “employed”, “employment”, “employee”(**19**) or “employer” shall be construed accordingly; and
- (b) to a “contract of employment” shall be construed as a reference to the terms and conditions of the registration officer’s appointment.

(17) See S.I. 1993/1098.

(18) S.I. 1995/520, as amended by S.I. 1996/455.

(19) “Staff” in section 23 includes “employee” by virtue of section 28(1).

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

Signed by authority of the Secretary of State

5th December 1996

David Curry
Minister of State
Department of the Environment