
STATUTORY INSTRUMENTS

2008 No. 2176

The Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008

PART 1

GENERAL

Interpretation

2.—(1) In these Regulations—

“the Act” means the Local Government and Public Involvement in Health Act 2007;

“agreement”, except in regulations 14, 15 and 17(1)(b), means an agreement under section 16 of the Act;

“caretaker council” has the meaning given by regulation 13(1);

“default award”, means the arbitrator’s award in the arbitration of a disputed matter under section 16(3) of the Act (agreements about incidental matters)(1);

“nominated council” has the meaning given by regulation 10(1);

“preparing council” means a local authority which, in accordance with a section 7 order, becomes a single tier council on the reorganisation date;

“predecessor council”, in relation to a section 7 order, means a county or district council for whose winding up and dissolution the order provides;

“relevant instrument” means a statutory instrument made under the Act or, in connection with the Act or such an instrument, under any other Act, and includes these Regulations;

“the reorganisation date”, in relation to a predecessor council and a section 7 order, means the date specified in the order as that on which the council is to be wound up and dissolved;

“section 7 order” means an order under section 7 of the Act (implementation of proposals by order);

“single tier council” means the county or district council which, on the reorganisation date, becomes the principal authority for an area for which there is a single tier of local government(2); and

“successor council”—

(a) in relation to a predecessor council whose entire area becomes part of the area of a sole single tier council on the reorganisation date, means that council;

(b) in relation to a predecessor council whose area becomes the area of more than one single tier council on the reorganisation date, means those councils,

but this is subject to paragraph (2).

(1) As to “disputed matter”, see section 16(5) of the Local Government and Public Involvement in Health Act 2007.

(2) As to “a single tier of local government”, see section 1(2) of the Local Government and Public Involvement in Health Act 2007.

(2) Where, as regards any period—

- (a) which, for the purposes of the section 7 order relevant to a predecessor council, is a shadow period⁽³⁾ or part of a transitional period⁽⁴⁾ before the reorganisation date, and
- (b) during which a provision of these Regulations requires or authorises steps to be taken by a successor council,

the definition of “successor council” shall have effect as if, for “that council” and “those councils”, there were substituted—

- (i) as regards a shadow period, “the shadow authority”;
- (ii) as regards part of a transitional period before the reorganisation date, “the preparing council”.

(3) Any reference in these Regulations to rights or liabilities of a predecessor council includes a reference to rights or liabilities acquired or incurred by any predecessor in title of that council.

⁽³⁾ See, for example, the definition in article 2 of S.I. 2008/634 and article 14 of S.I. 2008/907.

⁽⁴⁾ See, for example, article 6(1) of S.I. 2008/490 and 2008/491.