
STATUTORY INSTRUMENTS

2008 No. 2867

**The Local Government (Structural Changes)
(Transitional Arrangements) (No.2) Regulations 2008**

PART 1

PRELIMINARY

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 and shall come into force on 28th November 2008.

(2) These Regulations, which are of general application, do not affect—

(a) any provision included in—

- (i)** other regulations under Chapter 1 of Part 1 of the Local Government and Public Involvement in Health Act 2007 **(1)** (structural and boundary change),
- (ii)** an order under section 20 of that Act (correction of orders),
- (iii)** an order under section 86 of that Act (reorganisation of community governance)**(2)**,
- (iv)** regulations under section 97 of that Act (supplementary regulations),
- (v)** an order under Part 2 of the Local Government and Rating Act 1997**(3)** (parishes and parish councils), or
- (vi)** regulations under section 7 of the Superannuation Act 1972**(4)** (superannuation of persons employed in local government service, etc.); or

(b) any matter for which provision is made in an agreement under section 16 of the Local Government and Public Involvement in Health Act 2007 (agreements about incidental matters).

Interpretation

2.—(1) In these Regulations—

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

“the 1972 Act” means the Local Government Act 1972**(5)**;

“the 2000 Regulations” means the Local Authorities (Functions and Responsibilities) (England) Regulations 2000**(6)**;

(1) See also section 14(3), which provides that regulations under section 14 have effect subject to any provision included in an order under section 7 or 10.

(2) See also section 98(3) and (4) and the definition of “reorganisation order” in section 102(2).

(3) 1997 c.29. Part 2 is repealed, with savings; see S.I. 2008/337.

(4) 1972 c.11. There are amendments of which none is relevant to these Regulations.

(5) 1972 c.70, to which there are amendments not relevant to these Regulations.

(6) S.I. 2000/2853; amended by S.I.s 2008/516 and 2008/744; there are other amending instruments but none is relevant.

“Implementation Executive” means a committee of a preparing council’s executive established in pursuance of a section 7 order;

“predecessor council” means a local authority which, by or in consequence of a section 7 order, will cease to exist on the reorganisation date;

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

“reorganisation date”, in relation to a section 7 order, means the date specified in the order as that on which a structural change comes into effect;

“section 7 order” means an order under section 7 of the 2007 Act;

“shadow council” means an authority (not being a local authority) which, in accordance with a section 7 order, becomes a single tier council on the reorganisation date;

“shadow executive”, in relation to a shadow council, means the executive created by the council in accordance with a section 7 order;

“single tier council” means a local authority which on and after the reorganisation date is the sole principal authority for an area;

“successor council”—

- (a) in relation to a predecessor council whose area is to become part of the area of a sole single tier council on the reorganisation date, means the preparing or shadow council which will become that single tier council;
- (b) in relation to a predecessor council whose area is to become the area of more than one single tier council on the reorganisation date, means the preparing or shadow councils which will become those single tier councils; and

“transitional period” means the period beginning—

- (a) on the date on which these Regulations come into force; or
 - (b) in relation to a section 7 order made after that date, the first date on which any action is required to be taken in accordance with that order,
- and ending immediately before the reorganisation date.

(2) For the purposes of these Regulations—

- (a) a single tier council is related to a predecessor council if on the reorganisation date the area of the single tier council includes that of the predecessor council; and
- (b) where on the reorganisation date the area of a predecessor council comprises the areas of two or more single tier councils taken together, both or all of those single tier councils are related to the predecessor council.