
STATUTORY INSTRUMENTS

2008 No. 2867

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

PART 4

STATUTORY PLANS, REVIEWS, SCHEMES, STATEMENTS AND STRATEGIES

Plans required before reorganisation date

11.—(1) Subject to paragraphs (3) and (4), each preparing council which is a county council shall, not later than 31st March 2009, prepare for the whole of its area plans of the descriptions referred to in paragraph (2).

(2) The plans are—

- (a) plans of the descriptions mentioned in section 2(1)(c) and (d) of the Civil Contingencies Act 2004(1);
- (b) off-site emergency plans under regulation 10 of the Control of Major Accident Hazards Regulations 1999(2) (“the COMAH Regulations”); and
- (c) off-site emergency plans under regulation 9 of the Radiation (Emergency Preparedness and Public Information) Regulations 2001(3) (“the 2001 Regulations”).

(3) A preparing council need not prepare plans of the description referred to in paragraph (2)(b)—

- (a) if there are in its area no establishments within the meaning of the COMAH Regulations(4); or
- (b) in respect of such establishments in its area as are for the time being exempt by virtue of paragraph (7) of regulation 10 of the COMAH Regulations.

(4) A preparing council need not prepare plans of the description referred to in paragraph (2) (c) if—

- (a) there are in its area no premises at which there is carried out work with ionising radiation to which the 2001 Regulations apply(5); or
- (b) in respect of premises in its area at which such work is carried out, if an assessment made by the operator pursuant to regulation 4(1) or regulation 5 of those Regulations shows that it is not reasonably foreseeable that a radiation emergency might arise (having regard to the steps taken by the operator under regulation 4(2) of those Regulations).

(5) In paragraph (4), the expressions “premises”, “work with ionising radiation”, and “radiation emergency” have the same meanings as in the 2001 Regulations(6).

(1) 2004 c.36.

(2) S.I. 1999/743.

(3) S.I. 2001/2975.

(4) See the definition of “establishment” in regulation 2(1) of the COMAH Regulations.

(5) As to the application of the 2001 Regulations, see regulation 3 of those Regulations.

(6) Definitions of these expressions are to be found in regulation 2(1) of the 2001 Regulations.

(6) Paragraph (1) (and the exceptions in paragraphs (3) and (4)) shall apply to a shadow council as they apply to a preparing council which is a county council as if, for the purposes of the Acts and instruments mentioned in paragraph (2), the shadow council were a preparing council which is a county council.

(7) As soon as any plan of the description referred to in paragraph (2)(a) has been prepared, the preparing or shadow council which prepared it shall publish it or such part of it as the council considers necessary or desirable for the purpose of—

- (a) preventing an emergency,
- (b) reducing, controlling or mitigating the effects of an emergency, or
- (c) enabling other action to be taken in connection with an emergency.

(8) Subject to paragraph (9), a plan prepared in accordance with paragraph (1) by a preparing or shadow council shall be treated, on and after the reorganisation date, as if it had been prepared by that council's related single tier council.

(9) A single tier council may, but need not, prepare a plan of the same description as that prepared in accordance with paragraph (1) by its related preparing or shadow council but, where it does so, and the plan—

- (a) extends to the whole of its area; and
- (b) is a substitute for the plan prepared by its related preparing or shadow council (whether the substitution is made expressly or by necessary implication),

the preparing or shadow council's plan shall cease to have effect on the date on which the single tier council's plan is published.

(10) Nothing in paragraph (9) shall affect the continued validity of a plan after the date referred to in that paragraph for any transitional purpose specified in the single tier council's plan.

(11) Paragraph (7) shall apply in relation to any plan of the description referred to in paragraph (2) (a) prepared by a single tier council as it applies in relation to a plan of that description prepared by a preparing council which is a county council.