

SCHEDULE

TRANSITIONAL AND SAVING PROVISIONS

PART 5

Petitions

Petitions not received by the Secretary of State before the relevant date

9.—(1) This paragraph applies in relation to any petition under section 11 of the 1997 Act as regards which the condition set out in sub-paragraph (2) is met; and which was not received by the Secretary of State before the relevant date.

(2) The condition mentioned in sub-paragraph (1) is that before the relevant date—

- (a) the council which received the petition was under a duty by virtue of section 11(1) of the 1997 Act to send the petition to the Secretary of State; or
- (b) the council had decided to send the petition to the Secretary of State in accordance with section 11(3) of that Act.

(3) With the exception of section 80(3) to (8), Part 4 of the Act shall apply in relation to the petition as if it were a valid community governance petition under section 80 of the Act.

Petitions received by the Secretary of State before the relevant date

10.—(1) This paragraph applies in relation to a petition under section 11 of the 1997 Act received by the Secretary of State before the relevant date.

(2) The Secretary of State may agree with the council which sent the petition that—

- (a) the petition shall not to be dealt with by her but shall instead be treated as if it constituted recommendations made in a community governance review for the constitution of a new parish under section 87 of the Act; and
- (b) sections 86 and 96 to 100 of that Act shall apply accordingly.

(3) For the purposes of sub-paragraph (2), a petition is “dealt with” when the Secretary of State—

- (a) notifies the council which sent the petition that she has decided not to make an order under section 14 giving effect to the petition; or
- (b) makes an order under section 14 giving effect to the petition (with or without modifications).

(4) If related proposals for the electoral arrangements for a proposed parish council were received by the Electoral Commission before the relevant date under section 12(4) of the 1997 Act, the Electoral Commission may agree with the council that—

- (a) the proposals shall be treated as if they were recommendations made in a community governance review under Part 4 of the Act; and
- (b) sections 86 and 96 to 100 of the Act shall apply accordingly.

(5) If the Electoral Commission has not dealt with the proposals before 3rd March 2008—

- (a) the proposals shall be treated as if they were recommendations made in a community governance review under Part 4 of the Act; and
- (b) sections 86 and 96 to 100 shall apply accordingly.

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

(6) For the purposes of sub-paragraph (5), a proposal is “dealt with” when the Electoral Commission—

- (a) notifies the council that it has decided not to make an order under section 14 of the 1997 Act giving effect to the proposal; or
- (b) makes an order under section 14 of that Act giving effect to the proposal.