

---

STATUTORY INSTRUMENTS

---

**2018 No. 1128**

**The Local Government (Boundary Changes) Regulations 2018**

**PART 1**

**General**

**Citation, commencement, application and effect**

1.—(1) These Regulations may be cited as the Local Government (Boundary Changes) Regulations 2018 and come into force on 26th November 2018.

(2) These Regulations apply in a case where a section 10 order provides for—

- (a) the winding up and dissolution of two or more district councils; and
- (b) the establishment of a single district council for an area which consists of the entirety of the areas of both or all of those district councils.

(3) These Regulations, which are of general application—

- (a) have effect subject to any provision for the transfer of functions, property, rights or liabilities or any transitional provision included in—
  - (i) a section 10 order;
  - (ii) an order under section 20 of the 2007 Act (correction of orders);
  - (iii) an order under section 86 of the 2007 Act (reorganisation of community governance);
  - (iv) regulations under section 97 of the 2007 Act (supplementary regulations);
  - (v) regulations under section 7 of the Superannuation Act 1972(1) (superannuation of persons employed in local government service, etc.); or
  - (vi) regulations under section 3 of the Public Service Pensions Act 2013(2) (scheme regulations); and
- (b) do not affect any transfer of property, rights or liabilities for which provision is contained in an agreement under section 16 of the 2007 Act (agreements about incidental matters).

**Interpretation**

2.—(1) In these Regulations—

“the 1972 Act” means the Local Government Act 1972(3);

“the 1989 Act” means the Local Government and Housing Act 1989(4);

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

---

(1) 1972 c. 11.  
(2) 2013 c. 25.  
(3) 1972 c. 70.  
(4) 1989 c. 42.

“the 2000 Regulations” means the Local Authorities (Functions and Responsibilities) (England) Regulations 2000<sup>(5)</sup>;

“head of paid service” means an officer responsible for performing the duties imposed by section 4(2) and (4) (designation and reports of head of paid service) of the 1989 Act;

“predecessor council”, in relation to a section 10 order, means a district council for whose winding up and dissolution the order provides;

“the reorganisation date” means the date specified in a section 10 order as that on which the predecessor council is to be wound up and dissolved;

“section 10 order” means an order under section 10 of the 2007 Act (implementation of recommendations by order);

“shadow authority” means an authority (not being a local authority) which, in accordance with a section 10 order, becomes the council for an area on the reorganisation date;

“shadow executive”, in relation to a shadow authority, means the executive created by the authority in accordance with a section 10 order;

“shadow period”, in relation to a shadow authority, means the period defined as such in the section 10 order which confers functions on the authority;

“successor council” in relation to a predecessor council whose entire area becomes part of the area of a new council on the reorganisation date, means that new council;

“transitional period” means the period beginning with—

- (a) the date on which these Regulations come into force; or
- (b) in relation to a section 10 order made after that date, the date on which that order comes into force,

and ending immediately before the reorganisation date.

(2) 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.

### **Information for facilitating implementation of Regulations**

3.—(1) This regulation has effect for the purpose of facilitating the implementation of these Regulations.

(2) A predecessor council shall supply to the shadow authority—

- (a) details of every relevant contract;
- (b) details of every relevant action or proceeding; and
- (c) such other information relating to the predecessor council’s property, rights or liabilities as the shadow authority may reasonably request.

(3) Those details and that information shall be provided—

- (a) where paragraph (4) applies, not later than the day before the reorganisation date;
- (b) in any other case, as soon as practicable and not later than the end of the relevant period.

(4) This paragraph applies where the predecessor council and the shadow authority agree that the following do not need to be provided by the end of the relevant period—

- (a) details of—
  - (i) a relevant contract entered into before the beginning of the transitional period; or

---

(5) [S.I. 2000/2853](#); relevant amendments were made by [S.I. 2008/516](#) and [2008/2787](#).

- (ii) a relevant action or proceeding arising before the beginning of the transitional period;  
or
  - (b) such other information relating to the predecessor council's property, rights or liabilities as may be specified (whether generally or by reference to a particular class or description).
- (5) A person so authorised by the shadow authority shall be entitled, at any reasonable time before the reorganisation date, on producing, if so required, evidence of his or her authority—
- (a) to inspect any record belonging to or under the control of the predecessor council which relates to any relevant contract, action or proceeding or any property, rights or liabilities mentioned in paragraph (2); and
  - (b) to take, or be supplied with, a copy of any such record or part of it.
- (6) The rights conferred by paragraph (5) include the right to require any record which is not in legible form to be made available in legible form for the purposes of inspection or copying or being supplied with copies.
- (7) In this regulation—
- “record” includes material in whatever form or medium which conveys or is capable of conveying information;
- “relevant action or proceeding”, means an action or proceeding—
- (a) to which a predecessor council is a party; and
  - (b) which, in that council's opinion, is unlikely to have been determined or settled before the reorganisation date;
- “relevant contract” means a contract entered into by a predecessor council the period of which extends, or may, under the terms of the contract, be extended, beyond the reorganisation date; and
- “relevant period”—
- (a) as regards details referred to in paragraph (2)(a) and (b), means—
    - (i) where the relevant action or proceeding arises, or the relevant contract is entered into, before the date on which the transitional period begins, the period beginning on that date and ending three months before the reorganisation date;
    - (ii) where the relevant action or proceeding arises, or the relevant contract is entered into on or after the date on which the transitional period begins, the period—
      - (aa) beginning on the date on which the action or proceeding arises or the contract is entered into; and
      - (bb) ending on whichever is the earlier of the reorganisation date and the date that falls four months after that on which the action or proceeding arose or the contract was entered into;
  - (b) as regards information referred to in paragraph (2)(c), means—
    - (i) where the request is made at least six weeks before the reorganisation date, the period of six weeks beginning with the date of the making of the request; and
    - (ii) where the request is made within six weeks of the reorganisation date, the period beginning with the date of the making of the request and ending on the day before the reorganisation date.