
STATUTORY INSTRUMENTS

2018 No. 930

**The Local Government (Structural Changes)
(General) (Amendment) Regulations 2018**

Amendment of the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008

3.—(1) The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008⁽¹⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 7 (establishment of parishes and parish councils under the 2007 Act) after paragraph (4) insert—

“(5) Where a predecessor council receives a community governance petition under section 80 or a community governance application under section 80A⁽²⁾ of the 2007 Act during the transitional period, the predecessor council may resolve that the review be undertaken by the single tier council after the reorganisation date.

(6) Where a resolution is made by a predecessor council under paragraph (5)—

(a) section 93(8) of the 2007 Act has effect as if the reference to the period of 12 months were a reference to the period of 12 months starting with the reorganisation date; and

(b) sections 86 and 96 to 100 of the 2007 Act have effect as if the single tier council were the principal council for the purposes of the review mentioned in paragraph (5).”.

(3) For regulation 10 (petitions on executive arrangements) substitute—

“Petitions on executive arrangements

10. Part 1A of the Local Government Act 2000 (arrangements with respect to local authority governance in England) shall have effect in relation to a predecessor council as if any regulations made under section 9MC (referendum following petition) did not apply to that council.”.

(4) After regulation 10 insert—

(1) [S.I. 2008/2113](#).

(2) Section 80 was amended and section 80A inserted by [S.I. 2015/998](#), articles 3 and 4.

“PART 3A

COMMUNITY EMPOWERMENT

Community right to challenge

10A.—(1) This regulation applies in relation to an expression of interest received by a predecessor council under Chapter 2 of Part 5 of the Localism Act 2011⁽³⁾ (“the 2011 Act”) (community right to challenge) where the predecessor council has not considered the expression of interest in accordance with that chapter before the beginning of the transitional period.

(2) The predecessor council may resolve that consideration of the expression of interest be undertaken by the single tier council after the reorganisation date.

(3) Where a resolution is made under paragraph (2)—

- (a) except for the references in section 81(1)(a), section 82(1), (2) and (3) and section 84(6), Chapter 2 of Part 5 of the 2011 Act has effect as if reference to an authority were reference to the single tier council;
- (b) section 82(4) of the 2011 Act has effect as if the reference to the relevant authority—
 - (i) before the reorganisation date were reference to the predecessor council; and
 - (ii) after the reorganisation date were reference to the single tier council; and
- (c) section 84 of the 2011 Act has effect as if—
 - (i) in subsection (3)(a) the reference to the date on which the relevant authority receives an expression of interest were reference to the reorganisation date;
 - (ii) in subsection (6)—
 - (aa) reference to a relevant authority receiving an expression of interest were reference to the predecessor council receiving such an expression of interest; and
 - (bb) reference to a relevant authority notifying the relevant body in writing were reference to the single tier council so notifying the relevant body; and
 - (iii) in subsection (7) each time it occurs reference to the period of 30 days were reference to the period of 30 days beginning with the reorganisation date.”.