STATUTORY INSTRUMENTS

2022 No. 331

The Cumbria (Structural Changes) Order 2022

PART 2

ESTABLISHMENT OF SINGLE TIER OF LOCAL GOVERNMENT IN CUMBRIA

Single tier of local government in Cumberland

3.—(1) A new non-metropolitan county and a new non-metropolitan district, each to be known as Cumberland, are constituted comprising (in each case) the area of the Cumberland districts.

(2) A new district council, to be known as Cumberland Council, is established as the sole principal authority for the non-metropolitan district of Cumberland.

(3) Except for the purposes of Part 4 of this Order (electoral matters), until 1st April 2023—

    (a) Cumberland Council, is not a local authority for the purposes of the 1972 Act or for any other enactment relating to local government; and

    (b) subsection (2) of section 2 of the 1972 Act (constitution of principal councils in England) has effect in relation to that council, as if the words from "and the council" to the end of that subsection were omitted.

(4) In relation to the county of Cumberland, section 2(1) of the 1972 Act (which provides that every county shall have a council) does not apply.

(5) On 1st April 2023—

    (a) the Cumberland districts are abolished as local government areas; and

    (b) the Cumberland councils are wound up and dissolved.

Single tier of local government in Westmorland and Furness

4.—(1) A new non-metropolitan county and a new non-metropolitan district, each to be known as Westmorland and Furness, are constituted comprising (in each case) the area of the Westmorland and Furness districts.

(2) A new district council, to be known as Westmorland and Furness Council, is established as the sole principal authority for the non-metropolitan district of Westmorland and Furness.

(3) Except for the purposes of Part 4 of this Order (electoral matters), until 1st April 2023—

    (a) Westmorland and Furness Council is not a local authority for the purposes of the 1972 Act or for any other enactment relating to local government; and

    (b) subsection (2) of section 2 of the 1972 Act (constitution of principal councils in England) has effect in relation to that council, as if the words from "and the council" to the end of that subsection were omitted.

(4) In relation to the county of Westmorland and Furness, section 2(1) of the 1972 Act (which provides that every county shall have a council) does not apply.

(5) On 1st April 2023—

(a) the Westmorland and Furness districts are abolished as local government areas; and

(b) the Westmorland and Furness councils are wound up and dissolved.

Cumbria County Council and councillors of that Council

5.—(1) On 1st April 2023—

(a) the County of Cumbria is abolished as a local government area;

(b) the county council is wound up and dissolved.

(2) The term of office of persons serving as councillors of the county council immediately before 1st April 2023 ends on that date.

(3) Subject to paragraph (4), nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) authorises the holding of an election to fill a casual vacancy in the office of councillor of the county council where that vacancy arises after 30th September 2022 and before 1st April 2023.

(4) Where, on the occurrence of a vacancy mentioned in paragraph (3) or in the case of a number of simultaneous vacancies, the total number of unfilled vacancies in the membership of the county council exceeds one third of the whole number of members of that council an election to fill the vacancy shall be held in accordance with section 89 of the 1972 Act.

(5) Where, in the circumstances mentioned in paragraph (4), the declaration mentioned in section 89(1)(a) of the 1972 Act has been made or the notice in writing mentioned in section 89(1)(b) of the 1972 Act has been given within thirty-five days of 1st April 2023 (computed in accordance with section 243(4) of the 1972 Act) an election shall not be held and any proceedings required by the Local Elections (Principal Areas) (England and Wales) Rules 2006(**1**) shall not be commenced.

(**1**)   S.I. 2006/3304.