Draft Order laid before Parliament under section 14 of the Legislative and Regulatory Reform Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

REGULATORY REFORM, ENGLAND AND WALES
LOCAL GOVERNMENT, ENGLAND AND WALES

The Legislative Reform (Community Governance Reviews) Order 2014

Made - - - - 2014

Coming into force in accordance with article 1

The Secretary of State for Communities and Local Government makes the following Order in exercise of the power conferred by section 1 of the Legislative and Regulatory Reform Act 2006(**1**).

For the purposes of section 3(1) of that Act, the Secretary of State considers that the conditions in section 3(2), where relevant, are satisfied.

The Secretary of State has consulted in accordance with section 13(1) of that Act.

The Secretary of State laid a draft Order and explanatory statement before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15(1) of that Act, the affirmative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

In accordance with section 17(2) of that Act, the draft has been approved by resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.(**2**).

Citation, application and commencement

1.—(1) This Order may be cited as the Legislative Reform (Community Governance Reviews) Order 2014.

(2) This Order applies to England only.

(3) This Order comes into force on the day after the day on which it is made.

(**1**) 2006 c. 51.
(**2**) The expression "40-day period" is defined in section 16(7)(b) of the Legislative and Regulatory Reform Act 2006.

Amendments to the Local Government and Public Involvement in Health Act 2007

2. The Local Government and Public Involvement in Health Act 2007(**3**) is amended as follows.

Requirements for a community governance petition

3. In section 80(3) (community governance petitions)—

(a) in paragraph (a) for "50%" substitute "37.5%";

(b) in paragraph (b) for "250" substitute "187"; and

(c) in paragraph (c) for "10%" substitute "7.5%".

Community governance applications

4. After section 80 insert—

"**Community governance applications**

80A.—(1) A community governance application is an application for a community governance review to be undertaken.

(2) An application is not a valid community governance application unless the conditions in subsections (3) to (7) are met (so far as they are applicable).

(3) The application may be made only by an organisation or body designated as a neighbourhood forum under section 61F of the Town and Country Planning Act 1990(**4**).

(4) The application must relate to the whole or any part of an area specified in a neighbourhood development plan made under section 38A of the Planning and Compulsory Purchase Act 2004.

(5) The application must—

(a) define the area to which the review is to relate (whether on a map or otherwise), and

(b) specify one or more recommendations which the applicant wishes a community governance review to consider making.

(6) If the specified recommendations include the constitution of a new parish, the application must define the area of the new parish (whether on a map or otherwise).

(7) If the specified recommendations include the alteration of the area of an existing parish, the application must define the area of the parish as it would be after alteration (whether on a map or otherwise).

(8) If the specified recommendations include the constitution of a new parish, the application is to be treated for the purposes of this Chapter as if the specified recommendations also include the recommendations in section 87(5) to (7).

(9) If the specified recommendations include the establishment of a parish council or parish meeting for an area which does not exist as a parish, the application is to be treated for the purposes of this Chapter as if the specified recommendations also include recommendations for such a parish to come into being (either by constitution of a new parish or alteration of the area of an existing parish)."

5.—(1) Section 83 (no review being undertaken: duty to respond) is amended as follows.

(**3**) 2007 c. 28

(**4**) 1990 c. 8. Section 61F added by the Localism Act 2011 c. 20 (Sch 9(1) para 2). The requirements on an application for designation as a neighbourhood forum are prescribed in article 8 of S.I. 2012/637