Draft Order laid before Parliament under section 240(6) of the Local Government and Public Involvement in Health Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. XXXX

LOCAL GOVERNMENT, ENGLAND

The St Albans and Welwyn Hatfield (Boundary Change) Order 2012

Made - - - - ***

Coming into force in accordance with article 1

This Order implements, without modification, a recommendation by the Local Government Boundary Commission for England, submitted to the Secretary of State for Communities and Local Government under section 8(2) of the Local Government and Public Involvement in Health Act 2007(**1**), that there should be a change to the boundary between the borough of Welwyn Hatfield and the city of St Albans(**2**).

A draft of this Order was laid before and approved by a resolution of each House of Parliament in accordance with section 240(6) of the Local Government and Public Involvement in Health Act 2007.

The Secretary of State for Communities and Local Government makes this Order, in the exercise of the powers conferred by sections 10, 11, 12, 13 and 15 of the Local Government and Public Involvement in Health Act 2007(**3**):

Citation and commencement

1.—(1) This Order may be cited as the St Albans and Welwyn Hatfield (Boundary Change) Order 2012.

(2) This Order comes into force for the purpose of article 8 on the day after the day on which it is made.

(3) For all other purposes, this Order comes into force on 1st April 2012.

(**1**) 2007 c. 28; section 8(2) was amended by the Local Democracy, Economic Development and Construction Act 2009 (c. 20), section 67(1), Schedule 4, paragraphs 11, 16(1) and 16(3).
(**2**) The non-metropolitan district of St Albans has been granted the status of a city.
(**3**) Section 10 was amended by the Local Democracy, Economic Development and Construction Act 2009 (c. 20), section 67(1), Schedule 4, paragraphs 11 and 18; and section 12 was amended by the Local Democracy, Economic Development and Construction Act 2009 (c. 20), section 67(1), Schedule 4, paragraphs 11 and 19.

Interpretation

2. In this Order—

"electoral division" means an electoral division of the county of Hertfordshire;

"map" means the map prepared by the Department for Communities and Local Government, marked "Map of the St Albans and Welwyn Hatfield Boundary Change 2012" and deposited in the offices of the Secretary of State for Communities and Local Government and the offices of the transferor and transferee authority;

"registration officer" means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983(**4**);

"St Albans" means the city of St Albans;

"transfer date" means 1st April 2012;

"transferee authority" means St Albans City Council;

"transferor authority" means Welwyn Hatfield Borough Council;

"transferred area" means the area hatched red on the map;

"ward" means a ward of the borough, or city, or parish from or to which the transferred area is transferred by this Order; and

"Welwyn Hatfield" means the borough of Welwyn Hatfield.

Transfer from Welwyn Hatfield to St Albans

3. The transferred area is to be transferred from—

(a) Welwyn Hatfield to St Albans;

(b) the Welham Green ward to the Colney Heath ward;

(c) the Hatfield South electoral division to The Colneys electoral division;

(d) North Mymms parish to Colney Heath parish; and

(e) the Welham Green ward of the parish of North Mymms to the Colney Heath ward of the parish of Colney Heath.

Town and county planning

4.—(1) In this article "provision" means a provision of a development plan (as defined in section 38 of the Planning and Compulsory Purchase Act 2004(**5**)).

(2) Any provision applying to the transferred area continues to apply to that area, notwithstanding the transfer, until replaced by a provision which so applies, and which is expressed to supersede the preserved provision.

Continuity of matters

5.—(1) Anything which, at the transfer date, is in the process of being done by or in relation to the transferor authority in the exercise of or in connection with any of its functions in relation to the transferred area may be continued by or in relation to the transferee authority.

(2) Anything done by or in relation to the transferor authority in the exercise of or in connection with any functions in relation to the transferred area must, so far as is required for continuing its effect on and after the transfer date, have effect as if done by or in relation to the transferee authority.

(**4**) 1983 c. 2.
(**5**) 2004 c. 5; section 38 was amended by the Planning Act 2008 (c. 29), section 108(1) and (7), and the Local Democracy, Economic Development and Construction Act 2009 (c. 20), section 82(1).

(3) Paragraph (2) applies in particular to—

(a) any decision, determination, declaration, designation, agreement or instrument made by the transferor authority;

(b) any regulations or byelaws made by the transferor authority;

(c) any licence, permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by or to the transferor authority;

(d) any notice, direction or certificate given by or to the transferor authority;

(e) any application, request, proposal or objection made by or to the transferor authority;

(f) any condition or requirement imposed by or on the transferor authority;

(g) any fee paid by or to the transferor authority;

(h) any appeal allowed by or in favour of or against the transferor authority; or

(i) any proceedings instituted by or against the transferor authority.

(4) Any reference in this article to anything done by or in relation to the transferor authority includes a reference to anything which by virtue of any enactment is treated as having been done by or in relation to that authority.

(5) So far as is required for giving effect to the provisions of this article, any reference in any document to the transferor authority is to be construed as a reference to the transferee authority.

(6) This article also applies to anything done or in the process of being done by or in relation to North Mymms parish as if references in this article to "transferor authority" and "transferee authority" were references to North Mymms Parish Council and Colney Heath Parish Council respectively.

Transfer of property, rights and liabilities

6.—(1) Nothing in this Order applies to–

(a) any property held by the transferor authority, as sole trustee, exclusively for charitable purposes;

(b) any rights or liabilities of the transferor authority in respect of such property.

(2) All property vested in, and all rights and liabilities acquired, accrued or incurred by, the transferor authority in respect of the transferred area transfer to and vest in or, as the case may be, become rights and liabilities of, the transferee authority on the transfer date.

(3) For the purposes of this Order, property, rights and liabilities of the transferor authority are to be treated as property, rights and liabilities in respect of the transferred area if—

(a) in the case of land, it is situated in, or held exclusively for the purposes of, or in connection with, the exercise of functions in, or in relation to, the area;

(b) in the case of liabilities, they are liabilities incurred exclusively in respect of the area.

(4) This article also applies to all property vested in, and all rights and liabilities acquired, accrued or incurred by, North Mymms Parish Council in respect of the transferred area as if references in this article to "transferor authority" and "transferee authority" were references to North Mymms Parish Council and Colney Heath Parish Council respectively.

Councillors

7.—(1) Any person in office immediately before the transfer date as a councillor for the Hatfield South electoral division, the Welham Green ward, or the Welham Green ward of the parish of North Mymms ceases to represent the transferred area.