This Draft Statutory Instrument has been printed in substitution for the Draft Statutory Instrument of the same title, which was laid on 26th February 2009, and is being issued free of charge to all known recipients of that Draft Statutory Instrument.
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

2009 No. xxxx

LOCAL GOVERNMENT, ENGLAND

The Local Government (Structural Changes) (Miscellaneous Amendments and Other Provision) Order 2009

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes this Order in exercise of the powers conferred by sections 7, 11, 13 and 240(10) of the Local Government and Public Involvement in Health Act 2007(**1**).

The incidental, consequential, transitional and supplementary provision made by this Order relates to the following orders made under section 7 of the Local Government and Public Involvement in Health Act 2007(**2**):

the Bedfordshire (Structural Changes) Order 2008(**3**);

the Cheshire (Structural Changes) Order 2008(**4**);

the Cornwall (Structural Change) Order 2008(**5**);

the County Durham (Structural Change) Order 2008(**6**);

the Northumberland (Structural Change) Order 2008(**7**);

the Shropshire (Structural Change) Order 2008(**8**);

the Wiltshire (Structural Change) Order 2008(**9**).

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

(**1**) 2007 c.28. Section 13(2) provides for section 13(1) to be read with section 15.
(**2**) Section 13(3) provides that any incidental, consequential, transitional or supplementary provision included in an order under section 7 may relate either to other provisions of the order or to a previous order under section 7.
(**3**) S.I. 2008/907.
(**4**) S.I. 2008/634.
(**5**) S.I. 2008/491.
(**6**) S.I. 2008/493.
(**7**) S.I. 2008/494.
(**8**) S.I. 2008/492.
(**9**) S.I. 2008/490.

PART 1

GENERAL

Citation and commencement

1. This Order may be cited as the Local Government (Structural Changes) (Miscellaneous Amendments and Other Provision) Order 2009 and shall come into force for the purposes of this article and articles 3 to 7 on the day after that on which it is made, and for all other purposes on 1st April 2009.

PART 2

AMENDMENT OF ORDERS UNDER PART 1 OF THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Amendment of the Bedfordshire (Structural Changes) Order 2008

2.—(1) The Bedfordshire (Structural Changes) Order 2008 is amended as follows.

(2) In article 16 (duties of shadow authority: executive arrangements, code of conduct and members' allowances), after paragraph (5) insert—

"(5A) The persons who, on the coming into force of the Local Government (Structural Changes) (Miscellaneous Amendments and Other Provision) Order 2009, are the members of the shadow executive shall—

(a) continue as members of that executive, and

(b) on and after 1st April 2009, shall be the members of the Central Bedfordshire Council's executive for the purposes of Part 2 of the Local Government Act 2000,

until the end of the shadow period, notwithstanding the dissolution on that date of the County Council and district councils by which they were nominated.

(5B) If a member of the executive constituted as mentioned in paragraph (5A)(b) ceases to be a member of that executive before the end of the shadow period, the Central Bedfordshire Council may in accordance with the terms of the constitution of the Council nominate another member of the Council to be a member of its executive.";

(3) In article 26(1) (cancellation of parish council elections in Bedfordshire in 2008, etc)—

(a) after sub-paragraph (a) insert—

"(aa) the term of office of those councillors elected in 2004 or at any subsequent election before the 2009 election day for the council of those parishes referred to in sub-paragraph (a) shall end on the fourth day thereafter;";

(b) for sub-paragraph (b) substitute—

"(b) elections for the return of councillors to the council of the parishes referred to in sub paragraph (a) shall be held on the 2009 election day;";

(c) after sub-paragraph (b) insert—

"(ba) elections shall not be held in 2010 for the return of councillors to the council of the parishes of Bolnhurst and Keysoe, Caddington, Dean and Shelton,

Eaton Bray, Elstow, Harrold, Hyde, Oakley, Odell, Pertenhall and Swineshead, Podington, Riseley, Slip End, Wilshamstead and Wymington;

(bb) the term of office of those councillors elected in 2006 or at any subsequent election before the 2011 election day for the council of those parishes referred to in sub-paragraph (ba) shall end on the fourth day thereafter;".

Amendment of the Cornwall (Structural Change) Order 2008

3. In the Cornwall (Structural Change) Order 2008 in article 3 (single tier local government in Cornwall) after paragraph (2) insert the following—

"(3) If the council for the county of Cornwall passes a resolution that the word "County" should be omitted from its name, its name shall be "The Cornwall Council" and subsection (3) of section 2 of the 1972 Act (constitution of principal counties in England) shall cease to apply so far as it prescribes the name of that council.".

Amendment of the Northumberland (Structural Change) Order 2008

4. In the Northumberland (Structural Change) Order 2008 in article 3 (single tier local government in Northumberland) after paragraph (2) insert the following—

"(3) If the council for the county of Northumberland passes a resolution that the word "County" should be omitted from its name, its name shall be "The Northumberland Council" and subsection (3) of section 2 of the 1972 Act (constitution of principal counties in England) shall cease to apply so far as it prescribes the name of that council. ".

Amendment of the Shropshire (Structural Change) Order 2008

5. In the Shropshire (Structural Change) Order in article 3 (single tier local government in Shropshire) after paragraph (2) insert the following—

"(3) If the council for the county of Shropshire passes a resolution that the word "County" should be omitted from its name, its name shall be "The Shropshire Council" and subsection (3) of section 2 of the 1972 Act (constitution of principal counties in England) shall cease to apply so far as it prescribes the name of that council. ".

Amendment of the Wiltshire (Structural Change) Order 2008

6. In the Wiltshire (Structural Change) Order 2008 in article 3 (single tier local government in Wiltshire) after paragraph (2) insert the following—

"(3) If the council for the county of Wiltshire passes a resolution that the word "County" should be omitted from its name, its name shall be "The Wiltshire Council" and subsection (3) of section 2 of the 1972 Act (constitution of principal counties in England) shall cease to apply so far as it prescribes the name of that council. ".

Amendment of the County Durham (Structural Change) Order 2008

7. In the County Durham (Structural Change) Order 2008 in article 3 (single tier local government in Durham) after paragraph (2) insert the following—

"(3) If the council for the county of Durham passes a resolution that the word "County" should be omitted from its name, its name shall be "The Durham Council" and subsection (3) of section 2 of the 1972 Act (constitution of principal counties in England) shall cease to apply so far as it prescribes the name of that council. ".

PART 3

PROVISIONS RELATING TO CEREMONIAL MATTERS

Charter Trustees

8.—(1) There shall be established for each area listed in the second column of the table in the Schedule to this Order a body corporate to be known by the name specified in relation to that area in the first column of that table.

(2) The charter trustees for a body listed in the first column of the table in the Schedule are the councillors for the time being for the electoral areas specified in the entry for that body in the second column of the Schedule as being comprised in that body's area.

Market Rights in Chester

9. The rights to hold markets in the City of Chester arising from the various Charters granted by the Earldom of Chester and by the Crown (**10**), shall vest in Cheshire West and Chester Council.

Lord-Lieutenants

10. In the Lieutenancies Act 1997 (**11**), in Schedule 1 (counties and areas for the purposes of lieutenancies in Great Britain), in the second column of the table in paragraph 3 —

(a) for "Bedfordshire" (against the entry "Bedfordshire" in the first column), substitute "Bedford, Central Bedfordshire";

(b) for "Cheshire" (against the entry "Cheshire" in the first column) (**12**) substitute "Cheshire East, Cheshire West and Chester, and".

Sheriffs

11. In the Sheriffs Act 1887(**13**), in Schedule 2A (counties in England for the purposes of the Act), in the second column of the table—

(a) for "Bedfordshire" (against the entry "Bedfordshire" in the first column), substitute "Bedford, Central Bedfordshire"; and

(b) for "Cheshire" (against the entry "Cheshire" in the first column) (**14**) substitute "Cheshire East, Cheshire West and Chester, and".

(**10**) In particular rights are granted in the Charter of Earl Ranulph III of Chester between 1208 and 1218 which was confirmed by King Henry III on 22 October 1239; and in the Charter of King Edward I dated 12 June 1300, the Great Charter of King Henry VII dated 6 April 1506, and in the Letters patent granted by King Charles II dated 4 February 1685.
(**11**) 1997 c. 23.
(**12**) The entry for Cheshire was inserted by S.I. 1997/1992.
(**13**) 1887 c. 55; Schedule 2A was added by regulation 8 of S.I. 1995/1748.
(**14**) The entry for Cheshire was inserted by S.I. 1997/1992.

PART 4

PROVISIONS RELATING TO PENSION FUNDS IN BEDFORDSHIRE AND CHESHIRE

Local Government pension funds: Bedfordshire

12. The local government pension fund maintained by Bedfordshire County Council by virtue of regulations under section 7 of the Superannuation Act 1972 (superannuation of persons employed in local government service, etc)(**15**), together with all other property, rights and liabilities in respect of the fund, shall vest in Bedford Borough Council.

Local Government pension funds: Cheshire

13. The local government pension fund maintained by Cheshire County Council by virtue of regulations under section 7 of the Superannuation Act 1972, together with all other property, rights and liabilities in respect of the fund, shall vest in Cheshire West and Chester Council.

PART 5

AMENDMENT OF PORT HEALTH AUTHORITY ORDERS

Amendment of the Manchester Port Health Authority Order 1977

14.—(1) The Manchester Port Health Authority Order 1977(**16**) is amended as follows.

(2) In article 1 (citation, commencement and interpretation), in paragraph (3), for "Ellesmere Port and Neston Borough Council, Vale Royal District Council" substitute "Cheshire West and Chester Council".

(3) In article 2 (port health authority), in paragraph (3)—

(a) for "Ellesmere Port and Neston Borough Council" substitute "Cheshire West and Chester Council";

(b) for the number shown against the substituted "Cheshire West and Chester Council for "1" substitute "2"; and

(c) omit "Vale Royal District Council" and the number shown against the name of that Council.

(4) For article 8 (expenses), substitute—

"**Expenses**

8. The riparian authorities shall contribute towards any expenses incurred or to be incurred by the joint board by virtue of the authority conferred upon them by this order in the following proportions—

Local authority	*Contribution*
Manchester City Council	Four- fourteenths

(**15**) 1972 c. 11 The relevant operative regulations are S.I. 1997/1612, S.I. 1998/1831, S.I. 1999/3259, S.I. 2000/2552, SI. 2007/1166, S.I. 2008/238, S.I. 2008/239, S.I. 2008/1083, S.I. 2008/2425, S.I. 2008/2989, S.I. 2008/3245.
(**16**) S.I. 1977/1460.