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

2024 No.

LOCAL GOVERNMENT, ENGLAND

The Barnsley and Sheffield (Boundary Change) Order 2024

Made - - - - ***

Coming into force in accordance with article 1(2) and (3)

The Secretary of State for Ministry of Housing, 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(**a**).

This Order implements, without modification, a recommendation by the Local Government Boundary Commission for England, submitted to the Secretary of State for Ministry of Housing, Communities and Local Government under section 8(2) and (6A) of the Local Government and Public Involvement in Health Act 2007(**b**), that there should be a change to the boundary between the borough(**c**) of Barnsley and the city of Sheffield.

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.

Citation and commencement

1.—(1) This Order may be cited as the Barnsley and Sheffield (Boundary Change) Order 2024.

(2) This Order comes into force for the purposes of articles 8 and 9 on the day after the day on which it is made.

(3) For all other purposes, this Order comes into force on 1st April 2025.

Interpretation

2. In this Order—

(**a**) 2007 c. 28. Section 10(1), (2), (4) and (5) was amended by paragraph 18 of Schedule 4 to the Local Democracy, Economic Development and Construction Act 2009 ("the 2009 Act") (c. 20). Section 10(2A) to (2D) was inserted by section 65(4) of the 2009 Act. Section 11(3)(i) was inserted by section 65(5)(a) of the 2009 Act. Section 11(4)(d) was repealed by section 65(5) of, and by Part 3 of Schedule 7 to the 2009 Act. Section 12(1) was amended by section 65(6) of the 2009 Act. Section 12(5) was amended by paragraph 19 of Schedule 4 to the 2009 Act. Section 12(6) was repealed by Part 3 of Schedule 7 to the 2009 Act. There are amendments to section 15 but none are relevant to this instrument.

(**b**) Section 8(2) was amended by paragraph 16(3) of Schedule 4 to the 2009 Act. Section 6A was inserted by section 65(2) of the 2009 Act.

(**c**) The metropolitan district of Barnsley has the status of a borough.

"map" means the map prepared by the Ministry of Housing, Communities and Local Government, marked "Map of the Barnsley and Sheffield Boundary Change 2025" and deposited in the offices of the Secretary of State for Ministry of Housing, Communities and Local Government and the offices of the transferor authority and transferee authority;

"transfer date" means 1st April 2025;

"transferee authority" means Sheffield City Council;

"transferor authority" means Barnsley Metropolitan Borough Council;

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

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

Transfers between the borough of Barnsley and the city of Sheffield

3. The transferred area is transferred from—

(a) the borough of Barnsley to the city of Sheffield;

(b) the Penistone East ward to the Stocksbridge and Upper Don ward; and

(c) Wortley parish to the Wharncliffe Side ward of Bradfield parish.

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)(**a**).

(2) Any provision applying to the transferred area immediately before the transfer date continues to apply to that area, notwithstanding the transfer under article 3.

Continuity of matters

5.—(1) Anything which, immediately before 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, so far as is required for continuing its effect on and after the transfer date, shall have effect as if done by or in relation to the transferee authority.

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

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

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

(c) any licence, permission, permit, 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;

(**a**) 2004 c. 5. Section 38(3) was amended by section 82(1) of the Local Democracy, Economic Development and Construction Act 2009 (c. 20), by paragraph 13 of Schedule 8 to the Localism Act (c. 20) ("the 2011 Act") and by paragraph 9(b) of Schedule 9 to the 2011 Act. Sections 38(3A) and 38(3B) were inserted by section 3 of the Neighbourhood Planning Act 2017 (c. 20). Section 38(5) was amended by paragraph 6(c) of Schedule 9 to the 2011 Act. Section 38(9) was inserted by section 180(7) of the Planning Act 2008 (c. 29). Section 38(10) was inserted by paragraph 6(d) of Schedule 9 to the 2011 Act. There are other amendments which are not relevant to this instrument.

(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 paragraphs (1) to (3) 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 the transferor 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 Wortley Parish Council as if references in this article to "transferor authority" and "transferee authority" were references to Wortley Parish Council and Bradfield Parish Council respectively.

Transfer of property, rights and liabilities

6.—(1) Subject to paragraph (3), all property, rights and liabilities of the transferor authority in respect of the transferred area vest in, and transfer to, the transferee authority on the transfer date.

(2) For the purposes of this article, 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 transferred area;

(b) in the case of rights or liabilities, they are rights or liabilities acquired, accrued or incurred exclusively in respect of the transferred area.

(3) Paragraphs (4) and (5) apply to—

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

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

(4) Where charitable property is held by the transferor authority for the benefit of—

(a) a specified area, the whole or greater part of which is situated within the transferred area;

(b) the inhabitants of that specified area; or

(c) any particular class or body of persons in that specified area,

that charitable property and any rights or liabilities of the transferor authority in respect of that charitable property vest (on the same trusts) in, and transfer to, the transferee authority on the transfer date.

(5) Charitable property which is not vested in the transferee authority in accordance with paragraph (4), and any rights or liabilities of the transferor authority in respect of that charitable property, shall continue to be held by or, as the case may be, continue to be rights or liabilities of the transferor authority.

(6) In this article, "trusts" has the same meaning as in the Charities Act 2011(**a**).

(7) This article also applies to all property, rights and liabilities of the Wortley Parish Council in respect of the transferred area as if references in this article to "transferor authority" and "transferee authority" were references to Wortley Parish Council and Bradfield Parish Council respectively.

Councillors

7.—(1) Any person in office immediately before the transfer date as a councillor for—

(a) the Penistone East ward; or

(b) the Wortley parish,

(**a**) 2011 c. 25. "Trusts" is defined in section 353(1).

continues to represent that ward or parish, but ceases to represent the transferred area.

(2) Any person in office immediately before the transfer date as a councillor for—

(a) the Stocksbridge and Upper Don ward; or

(b) the Wharncliffe Side ward of Bradfield parish,

continues to represent that ward or parish ward, including the transferred area.

Electoral registers

8.—(1) The registration officer for the transferor authority and the transferee authority must make such rearrangement or adaptation of the register of local government electors as may be necessary for the purposes of, or in consequence of, this Order.

(2) In this article "registration officer" means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983(**a**).

Preparatory functions

9.—(1) The transferor authority and the transferee authority must—

(a) take, whether alone or together, such steps as may be necessary to prepare for the transfer of property, rights and liabilities under article 6 and the continuation of matters under article 5;

(b) consult and co-operate with each other to secure the economic, effective, efficient and timely transfer of that property, transfer of those rights and liabilities, and continuation of those matters; and

(c) generally, exercise their functions so as to further the purposes of this Order.

(2) This article shall apply, in particular, in relation to any functions under Chapters 1 to 4ZA and 6 of Part 1 of the Local Government Finance Act 1992(**b**) in respect of the transferred area.

(**a**) 1983 c. 2. Section 8(2)(b) was substituted by section 11(4) of the Parliamentary Voting System and Constituencies Act 2011 (c. 1); there are other amendments which are not relevant to this instrument.

(**b**) 1992 c. 14. Section 3(4A) was inserted by S.I. 2013/468. Section 5(4A) was inserted by section 78 of the Local Government Act 2003 (c. 26) ("the 2003 Act"). Section 6(2)(c) was amended by S.I. 1997/74. Section 6(4) was substituted in part by section 74(1) of the 2003 Act and section 6(6) was added to by S.I. 1997/74. Section 9(1) was added to by paragraph 140(1) of Schedule 27 to the Civil Partnership Act 2004 (c. 33). Section 9(2) was substituted in part by section 74(2) of the 2003 Act and section 9(3) was substituted by S.I. 2019/1458. Section 10 was amended by paragraph 4 of Schedule 4 to the Local Government Finance Act 2012 (c. 17) ("the 2012 Act"). Section 11(2) was amended by paragraph 41 of Schedule 7 to the 2003 Act, by section 12(3) of the 2012 Act, and by section 80(3)(a) of the Levelling-up and Regeneration Act 2023 (c.55) ("the 2023 Act"). Section 11(3) was repealed in part by Schedule 8 to the 2003 Act. Section 11A was inserted by section 75(1) of the 2003 Act. Section 11A(1) was amended by section 11(2) of the 2012 Act. Section 11A(4A) and (4B) was inserted by section 11(1) of the 2012 Act. Section 11A(4C) was inserted by section 12(4) of the 2012 Act and amended by section 80(3)(b) of the 2023 Act. Section 11A(5) was amended by section 11(2) of the 2012 Act. Section 11B was inserted by section 12(2) of the 2012 Act. Section 11B(1) was amended and section 11B(1A) to (1C) was inserted by section 2(2) and (3) of the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 (c. 25). Section 11B(1D) was inserted by section 79(1)(a) of the 2023 Act. Section 11B(8) was amended by section 79(1)(b) of the 2023 Act. Section 11C was inserted by section 80(2) of the 2023 Act. Section 11D was inserted by section 80(2) of the 2023 Act. Section 13A was substituted by section 10(1) of the 2012 Act. Section 13B was inserted by section 79 of the 2003 Act. Section 14(4) was added by paragraph 106 of Schedule 13 to the Tribunals, Courts and Enforcement Act 2007 (c. 15). Section 30(2) and (4) was amended by paragraph 8 of Schedule 7 to the Localism Act 2011 (c. 20) ("the 2011 Act"). Section 31(1) was amended by paragraph 2(2) of Schedule 6, by paragraph 9 of Schedule 7 to the 2011 Act and by paragraph 3 of Schedule 1 to the Local Government Act 1999 (c. 27) ("the 1999 Act"). Section 31(4A) was inserted by paragraph 2(3) of Schedule 6 to the 2011 Act. Section 31(5) was amended by paragraph 2(4) of Schedule 6 to the 2011 Act. Section 31(6) was inserted by paragraph 2(5) of Schedule 6 to the 2011 Act. Sections 31A and 31B were inserted by section 74 of the 2011 Act. Section 31A was amended by S.I. 2013/733 and by S.I. 2014/389. Section 34(2) was amended by paragraph 12 of Schedule 7 to the 2011 Act and section 34(5) was inserted by section 15(1) of the 2012 Act. Sections 35 and 36 were amended by paragraphs 13 and 14 respectively of Schedule 7 to the 2011 Act. Section 36A was inserted by paragraph 15 of Schedule 7 to the 2011 Act. Sections 41 and 42 were amended by paragraphs 18 and 19 respectively of Schedule 7 to the 2011 Act. Section 42(1) was also amended by paragraph 4 of Schedule 1 to the 1999 Act and by paragraph 3 of Schedule 6 to the 2011 Act. Sections 49A and 49B were inserted by section 78 of the 2011 Act. Sections 52ZA to 52ZY were inserted by Schedule 5 to the 2011 Act. Section 52ZF(3) was amended by section 3(6)(a) of the 2012 Act and by S.I. 2013/733. Section 52ZF(3A) was inserted by S.I. 2013/733. Section 52ZF(4) was omitted by section 3(6)(b) of the 2012 Act. Sections 52ZG, 52ZH and 52ZO were amended by section 41 of the Local Audit and Accountability Act 2014 (c. 2). Section 65(4) was amended by paragraph 28 of Schedule 7 to the 2011 Act. Section 67(1) was substituted in part by section 84 of the 2003 Act. Section 67(2) was added to by paragraph 50 of Schedule 7 to the 2003 Act, by paragraph

(3) This article also applies to Wortley Parish Council and Bradfield Parish Council as if references in this article to "transferor authority" and "transferee authority" were references to Wortley Parish Council and Bradfield Parish Council respectively.

Signed by authority of the Secretary of State for Ministry of Housing, Communities and Local Government.

Name
Minister of State
Date Ministry of Housing, Communities and Local Government

30 of Schedule 6 to, and paragraph 30 of Schedule 7 to the 2011 Act, by section 12(7) of, and paragraph 6 of Schedule 4 to the 2012 Act, by paragraph 7 of Schedule 1 to the 1999 Act and by section 80(3)(e) of the 2023 Act. Section 67(2A) was inserted by section 84 of the 2003 Act and amended by paragraph 30 of of Schedule 7 to the 2011 Act. Section 67(3) was added to by paragraph 30 of Schedule7 to the 2011 Act. There are other amendments which are not relevant to this instrument.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to a recommendation by the Local Government Boundary Commission for England for the making of a change to the boundary between the borough of Barnsley and the city of Sheffield in the county of South Yorkshire.

Consequential changes are made by the Order to the corresponding parish boundary, parish ward boundary, and ward boundary to make them coterminous with the revised district boundary. The parish boundary and parish ward boundary have been altered using the Secretary of State for Ministry of Housing, Communities and Local Government's power to make such changes at the same time as the recommendation of the Local Government Boundary Commission for England to change the district boundary is implemented.

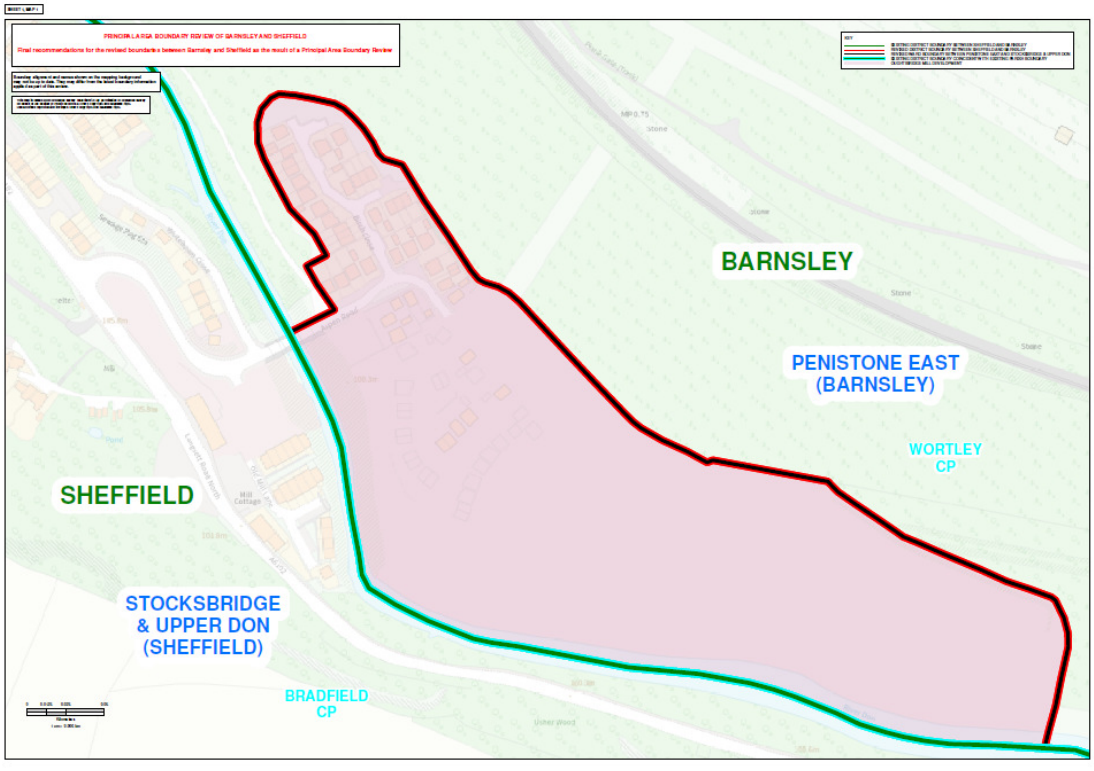
The Order, with the exception of articles 8 and 9, is to commence on 1st April 2025. Articles 8 and 9 commence on the day after the day on which the Order is made. This is to allow the Barnsley Metropolitan Borough Council and the Sheffield City Council to take the appropriate preparatory actions to prepare for the boundary change prior to the transfer date of 1st April 2025.

The map at the end of this note sets out the areas affected, and the changes made by this Order.

Prints of the colour map described in article 2 may be inspected at all reasonable times at the offices of either Barnsley Metropolitan Borough Council located at Town Hall, Church Street, Barnsley, S70 2TA or Sheffield City Council located at Town Hall, Pinstone Street, Sheffield, S1 2HH, and also at the offices of the Secretary of State for Ministry of Housing, Communities and Local Government located at Fry Building, 2 Marsham Street, London, SW1P 4DF.

Specific provisions in the Order deal with town and county planning matters; continuity of matters; transfer of property, rights and liabilities; arrangements with regard to councillors; adaptation of the electoral register; and preparatory functions.

An impact assessment has not been prepared for this Order as no impact on the private or voluntary sectors is foreseen. The impact on the public sector is minimal.



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