This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament and published on 14th January 2013 (ISBN 978-0-11-153307-9). It 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.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2013 No. ****

LOCAL GOVERNMENT, ENGLAND

The Gateshead and Northumberland (Boundary Change) Order 2013

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) and (6A) of the Local Government and Public Involvement in Health Act 2007(**a**) that there should be a change to the boundary between the borough(**b**) of Gateshead and the county of Northumberland.

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(**c**):

Citation and commencement

1.—(1) This Order may be cited as the Gateshead and Northumberland (Boundary Change) Order 2013.

(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 2013.

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

Interpretation

2. In this Order—

"map" means the map prepared by the Department for Communities and Local Government, marked "Map of the Northumberland and Gateshead Boundary Change 2013" and deposited in the offices of the Secretary of State for Communities and Local Government and the offices of the transferor authority and transferee authority;

"Gateshead" means the borough of Gateshead;

"Northumberland" means the county and district(**a**) of Northumberland;

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

"transfer date" means 1st April 2013;

"transferee authority" means the authority to whom land is transferred in accordance with article 3(1) and (2);

"transferor authority" means the authority from whom land is transferred in accordance with article 3(1) and (2);

"transferred area A" means the areas hatched and marked "A" on the map;

"transferred area B" means the areas hatched and marked "B" on the map; and

"Tyne and Wear" means the metropolitan county of Tyne and Wear.

Transfers between Northumberland and Gateshead

3.—(1) Transferred area A shall be transferred from—

(a) Gateshead and Tyne and Wear to Northumberland and the parish of Hedley; and

(b) the Chopwell & Rowlands Gill ward to the South Tynedale electoral division.

(2) Transferred area B shall be transferred from—

(a) Northumberland and the parish of Hedley to Gateshead and Tyne and Wear; and

(b) the South Tynedale electoral division to the Chopwell & Rowlands Gill ward.

Town and country planning

4.—(1) In this article "provision" means a provision of a development plan (within the meaning of section 38 of the Planning and Compulsory Purchase Act 2004(**c**)).

(2) Any provision relating to transferred area A or transferred area B continues to apply to that area, notwithstanding the transfer.

Continuity of matters

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

(2) Anything done by or in relation to a transferor authority in the exercise of or in connection with any functions in or relating to the relevant 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.

(**a**) The district of Northumberland, with the same area as the county of Northumberland, was created by article 3(2) of the Northumberland (Structural Change) Order 2008 (S.I. 2008/494).

(**b**) 1983 c. 2.

(**c**) 2004 c. 5; section 38 was amended by the Planning Act 2008 (c. 29), section 108(1) and (7); the Local Democracy, Economic Development and Construction Act 2009 (c. 20), section 82(1); and the Localism Act 2011 (c. 20), sections 109, 116, 237 and Schedules 8, 9 and 25.

(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 initiated by or against the transferor authority.

(4) Any reference in this article to anything done by or in relation to a 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 a transferor authority is to be construed as a reference to the transferee authority.

Transfer of property, rights and liabilities

6.—(1) Subject to paragraph (3), all property vested in, and all rights and liabilities acquired, accrued or incurred by, a transferor authority in respect of the relevant 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.

(2) For the purposes of this Order, property, rights and liabilities of a transferor authority are to be treated as property, rights and liabilities in respect of the relevant 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 liabilities, they are liabilities incurred exclusively in respect of the transferred area.

(3) Paragraphs (4) and (5) apply to—

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

(b) any rights or liabilities of a transferor authority in respect of charitable property,

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

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

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

(b) the inhabitants of that specified area, or

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

that property shall, on the transfer date, vest (on the same trusts) in the transferee authority.

(5) Charitable property which is not vested in accordance with paragraph (4) shall continue to be held by the transferor authority.

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

Councillors

7.—(1) Any person in office immediately before the transfer date as a councillor for the Chopwell & Rowlands Gill ward continues to represent that ward, including the area transferred to it by this Order, but ceases to represent transferred area A.

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

(a) the South Tynedale electoral division; or

(b) the parish of Hedley,

continues to represent that division or parish, including the area transferred to it by this Order, but ceases to represent transferred area B.

Electoral Registers

8. 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 this Order.

Preparatory functions

9.—(1) Gateshead Borough Council and Northumberland County Council must—

(a) take, whether alone or together, such steps as may be necessary to prepare for the transfer of functions, property, rights and liabilities in relation to the relevant transferred area;

(b) consult and co-operate with each other to secure the economic, effective, efficient and timely transfer of those functions, property, rights and liabilities; 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 Part 1 (Council Tax: England and Wales) of the Local Government Finance Act 1992(**a**) in respect of the relevant transferred area.

Signed by authority of the Secretary of State for Communities and Local Government

Name
Parliamentary Under Secretary of State
Date Department for Communities and Local Government

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 Gateshead and the county of Northumberland.

Consequential changes are made by the Order to the corresponding district and parish boundaries, ward boundaries and electoral division boundaries, and the boundary between the counties of Northumberland and Tyne and Wear, to make them coterminous with the revised district and county boundary. The map at the end of this note sets out the areas affected and the changes made by the Order.

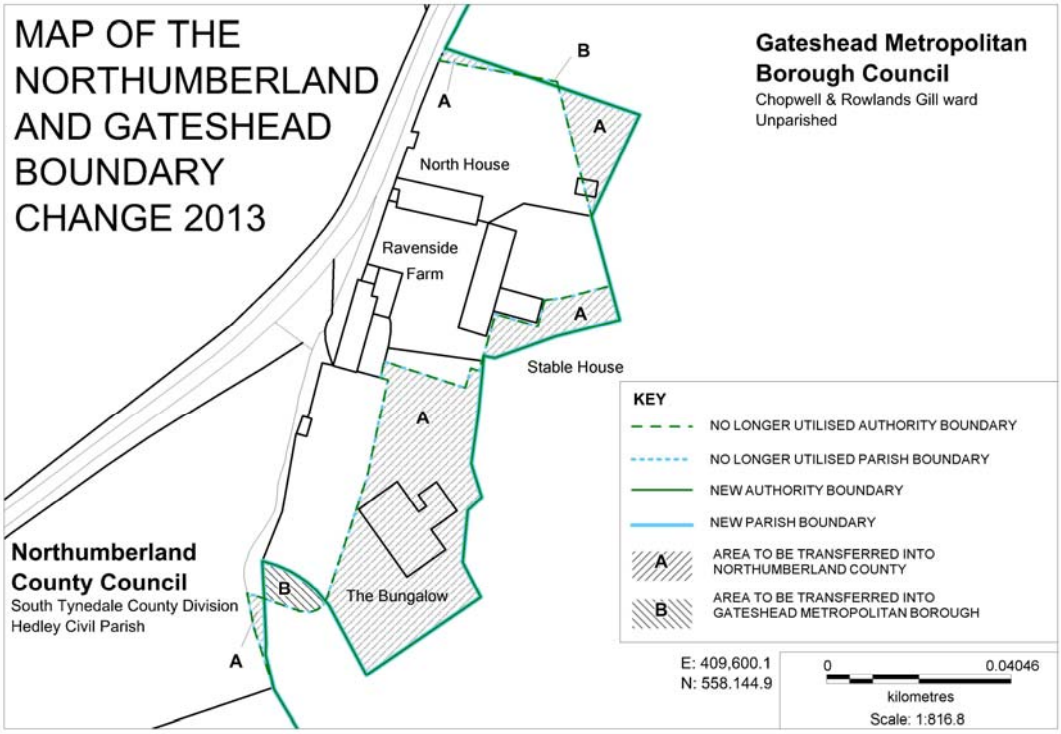
Prints of the map described in article 2 may be inspected at all reasonable times at the offices of either Gateshead Borough Council or Northumberland County Council, and also at the offices of

(**a**) 1992 c.14. Amendments were made by sections 74, 75, 78 and 79 of, and Schedules 5 to 7 to, the Localism Act 2011 (c. 20). Amendments were also made by sections 3 and 10 to 15 of, and Schedule 4 to, the Local Government Finance Act 2012 (c. 17).

the Secretary of State for Communities and Local Government located at Eland House, Bressenden Place, London, SW1E 5DU.

Specific provisions in the Order deal with town and country 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 private or voluntary sectors is foreseen. The impact on the public sector is minimal.



© Crown copyright 2013

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament and published on 14th January 2013 (ISBN 978-0-11-153307-9). It 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.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2013 No. ****

LOCAL GOVERNMENT, ENGLAND

The Gateshead and Northumberland (Boundary Change) Order 2013

ISBN 978-0-11-153333-8

£4.00

E5534 01/2013 135534T 19585

9 780111 533338