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

2021 No.

LOCAL GOVERNMENT, ENGLAND

The Northamptonshire (Structural Changes) (Supplementary Provision and Amendment) Order 2021

Made - - - -	***
Coming into force - -	*1st April 2021*

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

The incidental, consequential and supplementary provision made by this Order relates to the Northamptonshire (Structural Changes) Order 2020(**b**) made under section 7 of the 2007 Act(**c**).

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

Citation and commencement

1. This Order may be cited as the Northamptonshire (Structural Changes) (Supplementary Provision and Amendment) Order 2021 and comes into force on 1st April 2021.

Lords-Lieutenant

2. In the Lieutenancies Act 1997(**d**), in paragraph 3 of Schedule 1 (counties in England for the purposes of the Act), the following entry shall be inserted in the Table after Lincolnshire—

"Northamptonshire	North Northamptonshire and West Northamptonshire"

(**a**) 2007 c. 28.
(**b**) S.I. 2020/156. This Order was amended by the Local Government (Coronavirus) (Structural Changes) (Consequential Amendments) (England) Regulations 2020 S.I. 2020/426.
(**c**) 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.
(**d**) 1997 c.23.

Sheriffs

3. In the Sheriffs Act 1887(**a**), in Schedule 2A (counties in England for the purposes of the Act), the following entry shall be inserted in the Table after Lincolnshire—

"Northamptonshire	North Northamptonshire and West Northamptonshire"

Local Government pension fund

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

5.—(1) The Local Government Pension Scheme Regulations 2013(**c**) are amended in accordance with paragraphs (2), (3) and (4).

(2) In regulation 64 (special circumstances where revised actuarial valuations and certificates must be obtained) after paragraph (12) insert—

"(13) Where the exiting employers are Northamptonshire County Council, Corby Borough Council, Daventry District Council, East Northamptonshire District Council, Kettering Borough Council, Northampton Borough Council, South Northamptonshire District Council and Wellingborough Borough Council—

(a) the assets and liabilities of the fund in respect of benefits due to or in respect of current or former employees (or those of any predecessor authority) of the exiting employers shall be allocated between North Northamptonshire Council and West Northamptonshire Council in proportions to be determined by West Northamptonshire Council, and

(b) paragraph (14) applies.

(14) No exit payment or exit credit is due under paragraph (1) and paragraph (2) does not apply.

(15) In determining the proportions for the purposes of paragraph (13)(a) West Northamptonshire Council must seek advice from an actuary and consult with North Northamptonshire Council."

(3) In Part 1 of Schedule 3 (pension funds) in paragraph 1 at the end add—

"(zc) West Northamptonshire Council.".

(4) In the table after paragraph 4 in Part 2 of Schedule 3 at the end add—

"An employee of North Northamptonshire Council	West Northamptonshire Council"

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

Name
Parliamentary Under Secretary of State
Date Ministry of Housing, Communities and Local Government

(**a**) 1887 c.55; Schedule 2A was inserted by regulation 8 of S.I. 1995/1748.
(**b**) 1972 c.11. The relevant operative regulations are S.I. 2013/2356.
(**c**) S.I. 2013/2356 as amended by S.I. 2014/1012, S.I. 2014/1146, S.I. 2015/755, S.I. 2016/449, S.I. 2016/653, S.I. 2017/126, S.I. 2017/251, S.I. 2017/612, S.I. 2018/103, S.I. 2018/269, S.I. 2018/493, S.I. 2018/1133, S.I. 2019/615, S.I. 2020/123 and S.I. 2020/179.

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Local Government and Public Involvement in Health Act 2007 (c. 28) ("the 2007 Act") provides for structural and boundary changes in relation to local government areas in England. Structural change is a change from two-tier local government (a county council and district councils) in an area to a single tier of local government. There is a single tier of local government for an area if there is either a county council and no district councils for that area, or a district council and no county council for that area (section 1(2) of the 2007 Act).

The Secretary of State may by order implement (with or without modification) a proposal received for a single tier of local government (section 7 of the 2007 Act). This Order makes provision which is incidental, consequential and supplementary to the implementation by order of structural change in Northamptonshire (the Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156)).

Articles 2 and 3 make consequential amendments to the Lieutenancies Act 1997 (c.23) and the Sheriffs Act 1887 (c.55) to outline in the relevant schedules that reference to Northamptonshire includes the local government areas of North Northamptonshire and West Northamptonshire.

Articles 4 and 5 make provision about vesting the local government pension fund that is maintained by Northamptonshire County Council in the new West Northamptonshire Council and make consequential amendments to the Local Government Pension Scheme Regulations 2013 (S.I. 2013/2356).

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector. The impact on the public sector is a simplification to the system of local government in Northamptonshire.

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