

LOCAL GOVERNMENT ACT 1972
SOUTH LAKELAND DISTRICT (PARISHES OF EGTON-WITH-NEWLAND,
MANSRIGGS AND OSMOTHERLEY) GROUPING ORDER 2003

We propose to add in the date of variation below:

VARIED ON [INSERT VARIATION DATE]

Grouping the Parishes of Egton-with-Newland, Mansriggs and Osmotherley under a Common Parish Council.

We propose to add the following three paragraphs:

The District Council of South Lakeland, together with the other districts and the County Council within the County of Cumbria, were abolished as of 1 April 2023, and replaced with two unitary authorities, being the Westmorland and Furness Council and the Cumberland Council.

Pursuant to the Cumbria (Structural Changes) Order 2022, the Local Government and Public Involvement in Health Act 2007, and the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008, the functions of the District of South Lakeland are now functions of Westmorland and Furness Council.

The original Order of 2003 is hereby amended pursuant to section 266 of the Local Government Act 1972 and as indicated by way of underlined text (which denotes additions to the Order) and text which is struck through (which denotes repeals to the Order).

WHEREAS-

- (1) The Parishes of Egton-with-Newland, Mansriggs and Osmotherley are neighbouring parishes and the Parish Meetings of all the parishes have applied to the District Council of South Lakeland (hereinafter referred to as "the District Council") for an order grouping the parishes under a common Parish Council.
- (2) The parish of Egton-with-Newland has a separate parish council and Mansriggs and Osmotherley currently has a common parish council.

NOW THEREFORE the District Council, in exercise of their powers under section 11 of the Local Government Act 1972 and of all other powers enabling them in that behalf, hereby make the following order: -

1. The Parishes of Egton-with-Newland, Mansriggs and Osmotherley shall be grouped under a Common Parish Council. The group shall be named "The Egton-with-Newland, Mansriggs and Osmotherley Group" and the Common Parish Council shall be named "The Parish Council of Egton-with-Newland, Mansriggs and Osmotherley".

2. The Common Parish Council shall consist of nine members of whom six shall be elected to represent the parish of Egton-with-Newland, one shall be elected to represent the parish of Mansriggs and two shall be elected to represent the parish of Osmotherley.
3. The first parish councillors shall be elected on the ordinary day of election of parish councillors in 2003. The persons elected shall come into office on the fourth day after such ordinary day of election, and shall retire on the fourth day after the ordinary day of election of councillors in 2007.
4. The annual meeting of the Common Parish Council in 2003 shall be convened by the Clerk of the existing parish Council of Egton-with-Newland.
5. There shall be a separate parish meeting for each parish.
6. Where under the provisions of any enactment or instrument the consent of the parish meeting for a parish is required in respect of any act done, or proposed to be done, by a parish council, the consent of the parish meeting of each parish affected by the act shall be necessary in respect of such act done or proposed to be done, by the common parish council, necessary in respect of such act done, or proposed to be done, by the Common Parish Council.
7. For the purposes of the application to the parishes of all or any of the provision of section 79 of the Charities Act 1993 and of any provision of the Local Government Act 1972 with respect to the custody of parish documents, so as to preserve the separate rights of each parish, the Common Parish Council shall be deemed to be separate parish council for each parish.

Provided that the consent of the Parish Meeting for any parish shall be required to any act of the Common Parish Council under the said provision which relates only to the affairs of that parish.

8. The annual assemblies of the Parish Meetings of Egton-with-Newland, Mansriggs and Osmotherley shall be held before the fourth day after the ordinary day of election of councillors in 2003.
9. The Parish Council of Egton-with-Newland and the Common Parish Council of Mansriggs and Osmotherley shall cease to exist on such fourth day.

We propose to strikethrough and remove the existing paragraph 10 below:

- ~~10. All property and liabilities vested in or attaching to the Parish Council of Egton-with-Newland and the Common Parish Council of Mansriggs and Osmotherley shall by virtue of this Order on such fourth day be transferred to and vest in or attach to the Parish Meeting or the Trustees of the said parishes.~~

~~All contracts, deeds, bonds agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the Parish Council of Egton-with-Newland and the Common Parish Council of Mansriggs and Osmotherley shall as from~~

~~such fourth day be of full force and effect in favour of, or against, the respective Parish Meetings or the Trustees of the said parishes.~~

~~Any action or proceeding or any cause of action or proceeding, pending or existing at such fourth day by, or against, the Parish Council of Egton-with-Newland or the Common Parish Council of Mansriggs and Osmotherley shall not be prejudicially affected by this Order and may be continued, prosecuted and enforced by or against the respective Parish Meetings or the Parish Trustees of the said Parishes~~

We propose to insert a new paragraph 10 as below:

10. All property and liabilities vested in or attaching to the Parish Meeting or the Trustees of the said parishes, including that vested in or attaching to the Parish Council of Egton-with-Newland and the Common Parish Council of Mansriggs and Osmotherley at the time of their ceasing to exist, shall from the date of the variation of this Order be transferred to and vest in or attach to the Common Parish Council.

All contracts, deeds, bonds agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the respective Parish Meetings or the Trustees of the said parishes, or the Parish Council of Egton-with-Newland and the Common Parish Council of Mansriggs and Osmotherley prior to their ceasing to exist, shall from the date of the variation of this Order be of full force and effect in favour of, or against the Common Parish Council.

Any action or proceeding or any cause of action or proceeding, pending or existing on the date of the variation of this Order by, or against, the respective Parish Meetings or the Trustees of the said parishes, including any such action or proceeding pending or existing by or against the Parish Council of Egton-with-Newland or the Common Parish Council of Mansriggs and Osmotherley at the time of their ceasing to exist, shall not be prejudicially affected by this Order and may be continued, prosecuted and enforced by or against the Common Parish Council.

Provided that the consent of the Parish Meeting for the relevant parish shall be required for any sale by the Common Parish Council of any property within the area of such parish.

11. The accounts of the Parish Council of Egton-with-Newland and the Common Parish Council of Mansriggs and Osmotherley and of the committees and officers thereof shall be made up to the said fourth day and shall be audited in like manner and subject to the same incidents and consequences as if this Order had not been made :

Provided that any sum certified by a district auditor as due from any person shall be paid to the Common Parish Council.

12. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
13. This order may be cited as the South Lakeland District (Parishes of Egton-with-Newland, Mansriggs and Osmotherley) Grouping Order 2003 and shall come into operation on the making hereof.

In pursuance of a resolution passed at the meeting of the Council duly convened and held on the Nineteenth day of February Two Thousand and Three the COMMON SEAL of SOUTH LAKE LAND DISTRICT COUNCIL was hereunto affixed this Twenty-Fourth day of February Two Thousand and Three

In the presence of:-

Director of Finance

We propose to insert a new attestation clause as below to confirm the variation:

Varied pursuant to section 266(2) of the Local Government Act 1972 and in pursuance of a resolution passed at the meeting of the Council duly convened and held on

 day of Two Thousand and Twenty

The COMMON SEAL of WESTMORLAND AND FURNESS COUNCIL was hereunto affixed this

 day of Two Thousand and Twenty

In the presence of: