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DRAFT STATUTORY INSTRUMENTS

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**2008 No.**

**The Bedfordshire (Structural Changes) Order 2008**

**PART 3**

**BEDFORD: TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE**

**Transitional functions of Bedford Borough Council and establishment of Implementation Executive**

7.—(1) On the coming into force of this Order there shall be added to the functions of Bedford Borough Council the function, which is to be exercisable only during the transitional period ending on 1st April 2009, of preparing for and facilitating the economic, effective, efficient and timely transfer of the county council's functions, property, rights and liabilities so far as they relate to Bedford or the inhabitants of Bedford ("the main transitional function").

(2) Section 14 of the 2000 Act (discharge of functions: mayor and cabinet executive) shall have effect in relation to Bedford Borough Council and—

- (a) the main transitional function, and
- (b) the other transitional functions referred to in article 8 ("the article 8 functions"),

with the modifications specified in paragraph (3).

(3) The modifications referred to in paragraph (2) are—

- (a) in subsection (1), after the words "19 or 20," insert "or under the Bedfordshire (Structural Changes) Order 2008,";
- (b) omit subsection (2); and
- (c) in subsections (3) to (5), omit " , unless the elected mayor otherwise directs,".

(4) Bedford Borough Council's executive arrangements shall provide for the discharge of—

- (a) the main transitional function, and
- (b) the article 8 functions,

to be the responsibility of a committee of the Council's executive, to be known as the Implementation Executive.

(5) Such statutory provisions as apply to, or in relation to, committees of a local authority's executive shall apply to, or in relation to, the Implementation Executive subject only to paragraphs (6), (7) and (10) to (12) of this article and article 9(2) to (4); and for this purpose "statutory provisions" includes —

- (a) any enactment contained in an Act passed after the making of this Order; and
- (b) any instrument made at any time under an enactment (including an enactment contained in an Act passed after the 2007 Act).

(6) The Implementation Executive shall consist of—

- (a) the Mayor;

- (b) ten persons nominated by Bedford Borough Council, being persons who are for the time being members of that council; and
- (c) three persons nominated by the County Council each of whom is for the time being a member of the County Council for one of the Bedford electoral divisions.

(7) In making the nominations referred to in paragraph (6)(b) and (c), Bedford Borough Council and the County Council shall, to the extent that it is practicable to do so, secure that at all times there is on the Implementation Executive —

- (a) one member of the Conservative Party,
- (b) one person who is not a member of any registered party within the meaning of that term in the Political Parties, Elections and Referendums Act 2000<sup>(1)</sup>,
- (c) one member of the Labour Party, and
- (d) one member of the Liberal Democrats.

(8) It shall be the duty of Bedford Borough Council and the County Council to co-operate in the establishment of the Implementation Executive.

(9) The leader of the Implementation Executive shall be the Mayor; and the Mayor shall preside at all meetings of the Implementation Executive at which he is present.

(10) The persons who, immediately before 1st April 2009, are members of the Implementation Executive by virtue of paragraph (6)(c) shall continue as members of the Implementation Executive notwithstanding that they cease on that date to be members of the County Council.

(11) The Implementation Executive shall regulate its own proceedings, but a question to be decided by the Executive shall, in the first instance, be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the leader of the Implementation Executive) having one vote.

(12) In the case of an equality of votes, the person presiding at the meeting (whether or not the leader of the Implementation Executive) shall have a casting vote, in addition to any other vote the person may have.

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<sup>(1)</sup> 2000 c.41. See the definition in section 160(1), and Part 2 of the Act.