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STATUTORY INSTRUMENTS

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**1995 No. 1770**

**The East Sussex (Boroughs of Brighton  
and Hove) (Structural Change) Order 1995**

**PART IV**

**TRANSITIONAL PROVISION**

**Interpretation of Part**

**15.** In this Part—

“transferor authority” means the County Council, the Brighton Council or the Hove Council;  
and

“transferee authority” means the Brighton and Hove Council.

**Shadow authorities**

**16.** During the preliminary period—

(a) the transferee authority shall not be a local authority for the purposes of the 1972 Act and, in relation to that council, section 2(2) of that Act shall have effect as if the words from “and the council” to the end of that subsection were omitted; and

(b) the transferee authority shall be a shadow authority for the purposes of the Local Government Changes for England Regulations 1994(1).

**Co-operation**

**17.** The transferor authorities and their officers and, during the preliminary period, those authorities and officers and the transferee authority and its officers, shall co-operate with each other, and generally exercise their functions, so as to facilitate the implementation of this Order and any other relevant provision.

**Preparations for transfer of functions**

**18.—**(1) The transferor authorities and, during the preliminary period, the transferee authority, may take such steps as appear to them to be necessary for the purpose of preparing for the transfer and exercise of functions which will, on and after the reorganisation date, be exercisable by the transferee authority by virtue or in consequence of this Order or any other relevant provision.

(2) During the preliminary period—

(a) the transferor authorities shall furnish the transferee authority with all such information relating to the transferor authorities or their functions as the transferee authority may

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(1) *S.I. 1994/867*, as amended by the Local Government Changes for England Regulations 1995 (*S.I. 1995/590*) and the Local Government Changes for England (No. 2) Regulations 1995 (*S.I. 1995/1055*); see in particular Part 3 of the 1994 Regulations.

reasonably request for the purpose of implementing this Order or any other relevant provision; and

- (b) the transferee authority shall—
  - (i) in relation to the functions mentioned in paragraph (1) above, make such arrangements for organisation and management and such appointments of officers as are necessary to secure the proper performance of those functions on and after the reorganisation date;
  - (ii) at a meeting of the authority, consider a report by the head of its paid service as to whether any such functions could with advantage be discharged in pursuance of arrangements made under section 101 of the 1972 Act (arrangements for discharge of functions) or under any other enactment; and
  - (iii) if of that opinion, shall promote the making of such arrangements.

(3) In paragraph (2) above, the reference to the head of a council's paid service is a reference to the officer designated as such under section 4(1) of the Local Government and Housing Act 1989<sup>(2)</sup>; and nothing in section 101 of the 1972 Act shall apply to the duty imposed by virtue of sub-paragraph (b) of that paragraph.

#### **Activities preliminary to the exercise of functions**

**19.** Where, during the preliminary period, a transferor authority is required by virtue of any enactment to prepare any budgets or plans, or to consult any person, for purposes connected with the exercise, on and after the reorganisation date, of any functions in relation to any part of the area of the transferee authority, which, on and after that date, are exercisable by the transferee authority, the requirement in question shall, subject to any other relevant provision, cease to have effect during that period in relation to that authority; and any such requirement shall instead have effect, during that period and for those purposes, in relation to the transferee authority.

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(2) 1989 c. 42.