
STATUTORY INSTRUMENTS

1996 No. 1867

**The Hereford and Worcester (Structural,
Boundary and Electoral Changes) Order 1996**

PART V

TRANSITIONAL PROVISION

Interpretation of Part

19. In this Part—

“transferor authority” means the council of the existing county of Hereford and Worcester, of the existing city of Hereford or of the existing districts of Leominster, Malvern Hills or South Herefordshire; and

“transferee authority” means the council of the new county of Worcestershire or of the new district of Herefordshire or Malvern Hills.

Shadow authorities

20. During the preliminary period, the transferee authorities—

- (a) shall not be local authorities for the purposes of the 1972 Act; and
- (b) shall be shadow authorities for the purposes of the Local Government Changes for England Regulations 1994(1);

and, in relation to those authorities, section 2(1) or, as the case may be, 2(2) of that Act shall have effect as if the words from “and the council” to the end of the subsection were omitted.

Co-operation and information

21. The transferor authorities and their officers and, during the preliminary period, those authorities and officers and the transferee authorities and their 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

22.—(1) The transferor authorities and, during the preliminary period, the transferee authorities 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 authorities by virtue or in consequence of this Order or any other relevant provision.

(2) During the preliminary period—

- (a) a transferor authority shall furnish a transferee authority with all such information relating to the transferor authority or its functions as the transferee authority may reasonably request for the purpose of implementing this Order or any other relevant provision; and
- (b) each 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⁽²⁾ 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

23. 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 a transferee authority which, on and after that date, are exercisable by that transferee authority, the requirement in question shall, subject to any other relevant provision, cease to have effect during that period in relation to the transferor authority; and any such requirement shall instead have effect, during that period and for those purposes, in relation to the transferee authority.

(2) 1989, c. 42.