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STATUTORY INSTRUMENTS

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**2001 No. 3962**

The Local Government Commission for  
England (Transfer of Functions) Order 2001

**Citation and commencement**

1. This Order may be cited as The Local Government Commission for England (Transfer of Functions) Order 2001 and shall come into force on 1st April 2002.

**Transfer of functions of Local Government Commission for England**

2. Subject to article 5, on 1st April 2002 all functions, property, rights and liabilities of the Local Government Commission for England (“the English Commission”)(1) shall transfer to the Electoral Commission(2).

**Transfer of functions of the Secretary of State**

3.—(1) On 1st April 2002 the functions of the Secretary of State specified in paragraph (2) shall transfer to the Electoral Commission.

(2) The functions referred to in paragraph (1) are—

- (a) the functions of the Secretary of State under sections 13 to 15 and 17 of the Local Government Act 1992(3), to the extent that they relate to electoral changes within the meaning of that Act;
- (b) the functions of the Secretary of State under sections 13, 14 and 17(4) of the Local Government and Rating Act 1997(4), to the extent that they relate to electoral arrangements within the meaning of that Act;
- (c) the function of the Secretary of State of specifying the London Assembly constituencies by order under section 2(4) of the Greater London Authority Act 1999(5);
- (d) the functions of the Secretary of State in relation to the London Assembly constituencies under Schedule 1 to the Greater London Authority Act 1999;
- (e) the functions of the Secretary of State in relation to the reports of the English Commission in respect of county areas dated August 2000; and
- (f) the functions of the Secretary of State in relation to any reports of the English Commission dated on or after 1st November 2001.

**Accounts**

4. Any functions under paragraph 10 of Schedule 2 to the Local Government Act 1992 in relation to the accounting year beginning on 1st April 2001 which would, but for this Order, have fallen

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(1) The Local Government Commission for England was established by section 12 of the Local Government Act 1992 (c. 19).  
(2) The Electoral Commission was established by section 1 of the Political Parties, Elections and Referendums Act 2000.  
(3) 1992 c. 19.  
(4) 1997 c. 29.  
(5) 1999 c. 29.

to be discharged on or after 1st April 2002 by the English Commission shall be discharged by the Electoral Commission.

### **Transfer of Staff**

**5.—**(1) This article applies to any person other than the Chief Executive who immediately before 1st April 2002 is an employee of the English Commission.

(2) Article 2 shall not operate so as to terminate the contract of employment of any such person but any such contract shall have effect from 1st April 2002 as if originally made between that person and the Electoral Commission.

(3) On 1st April 2002—

- (a) all the rights, powers, duties and liabilities of the English Commission under or in connection with any such contract shall transfer to the Electoral Commission; and
- (b) anything done before that date by or in relation to the English Commission in respect of that contract or an employee of the English Commission shall be deemed to have been done by or in relation to the Electoral Commission.

(4) Paragraphs (2) and (3) are without prejudice to any right of an employee arising apart from this Order to terminate his contract of employment without notice if a substantial change is made in his working conditions to his detriment; but no such right shall arise by reason only of the change of employer effected by paragraph (2).

(5) This article is without prejudice to any provision of the Transfer of Undertakings (Protection of Employment) Regulations 1981<sup>(6)</sup>.

(6) In this article “employee of the English Commission” means any individual who works whether under a contract of service or apprenticeship or otherwise but does not include anyone who provides services under a contract for services.

### **Continuity of the exercise of functions**

**6.** Anything done by or in relation to the English Commission or the Secretary of State in the exercise of or in connection with a function which by virtue of this Order becomes the function of the Electoral Commission shall so far as is required for continuing its effect on and after 1st April 2002 have effect as if done by or in relation to the Electoral Commission.

### **Complaints of maladministration by English Commission**

**7.—**(1) The Parliamentary Commissioner may investigate, or, as the case may be, continue to investigate a complaint of maladministration by the English Commission arising in relation to any functions, property, rights or liabilities transferred by this Order.

(2) In relation to any such investigation begun or continued on or after 1st April 2002, the Parliamentary Commissioner Act 1967<sup>(7)</sup> shall apply as if for any reference to the principal officer of the English Commission there were substituted a reference to the principal officer of the Electoral Commission.

### **Amendments to the Local Government Act 1992**

**8.** The amendments to the Local Government Act 1992 specified in Schedule 1 to this Order shall have effect.

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(6) S.I. 1981/1794.

(7) 1967 c. 13 applied to the English Commission by paragraph 11 of Schedule 2 to the Local Government Act 1992.

**Amendments to other Acts**

9. The amendments to other enactments specified in Schedule 2 to this Order shall have effect.

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

*Alan Whitehead*  
Parliamentary Under Secretary of State,  
Department for Transport, Local Government  
and the Regions

10th December 2001