
STATUTORY INSTRUMENTS

2008 No. 3022

The Local Government (Structural
Changes) (Finance) Regulations 2008

PART 2

RESPONSIBILITY FOR FUNCTIONS

Responsibility for functions exercised by a shadow council

3.—(1) Any function under the 1988 Act which is exercised by a shadow council by virtue of these Regulations shall be the responsibility of the shadow executive.

(2) Subject to paragraph (3), any function exercised by a shadow council under Part 4 of these Regulations shall be the responsibility of the authority.

(3) In connection with the exercise of the function of making a calculation (whether originally or by way of substitute) in accordance with—

- (a) any of sections 32 to 37, 52I and 52T(1) of the 1992 Act,
- (b) any of those sections as modified by these Regulations, or
- (c) Part 4 of these Regulations,

the actions specified in paragraph (4) shall be the responsibility of the shadow executive.

(4) The actions are—

- (a) the preparation, for submission to the authority for their consideration, of—
 - (i) estimates of any amounts aggregated in making the calculation (whether originally or by way of substitution),
 - (ii) estimates of other amounts to be used for the purposes of the calculation, and
 - (iii) estimates of the calculation;
- (b) the reconsideration of those estimates in accordance with the authority's requirements; and
- (c) the submission for the authority's consideration of revised estimates.

Responsibility for functions exercised by a preparing council

4.—(1) Any function under the 1988 Act which is exercised by a preparing council by virtue of these Regulations shall be the responsibility of the relevant executive.

(2) Subject to paragraph (3), any function exercised by a preparing council under Part 4 of these Regulations shall be the responsibility of the authority.

(3) Notwithstanding any contrary provision in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000⁽²⁾, in connection with the exercise of the function of making a calculation (whether originally or by way of substitute) in accordance with—

- (a) any of sections 32 to 37, 52I and 52T of the 1992 Act,
- (b) any of those sections as modified by these Regulations, or
- (c) Part 4 these Regulations,

the actions specified in paragraph (4) shall be the responsibility of the relevant executive.

(4) The actions are—

- (a) the preparation, for submission to the authority for their consideration, of—
 - (i) estimates of any amounts aggregated in making the calculation (whether originally or by way of substitution),
 - (ii) estimates of other amounts to be used for the purposes of the calculation, and
 - (iii) estimates of the calculation;
- (b) the reconsideration of those estimates in accordance with the authority’s requirements; and
- (c) the submission for the authority’s consideration of revised estimates.

(5) In this regulation “relevant executive” means—

- (a) the Implementation Executive; or
- (b) where an order specifies a first and a second transitional period in relation to a preparing council—
 - (i) the Implementation Executive during the first transitional period, and
 - (ii) the executive of the preparing council during the second transitional period.

Procedure for exercise by preparing councils of certain functions relating to council tax

5. Schedule 1 (which specifies a procedure for the exercise of certain functions relating to council tax where regulation 4(3) applies) has effect.

(2) [S.I. 2000/2853](#), to which there are amendments not relevant to these Regulations.