
STATUTORY INSTRUMENTS

2008 No. 491

The Cornwall (Structural Change) Order 2008

PART 3

TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE

Discharge of functions by Implementation Executive

8.—(1) The discharge of the main transitional function and the article 7 functions shall be a responsibility of the Implementation Executive, and shall not be a responsibility of the executive of the Cornwall council.

(2) Section 15(7) of the 2000 Act (which enables a committee of a local authority executive to arrange for the discharge of its functions by an officer of the authority) shall have effect in relation to the Implementation Executive as if—

- (a) references to functions included references to responsibilities, and
- (b) the reference to an officer of the authority included a reference to—
 - (i) a sub-committee of the Implementation Executive, and
 - (ii) an officer of any of the district councils.

(3) Section 15(9) of the 2000 Act (which enables a person who has made arrangements for the discharge by another person of any function of his, to discharge that function himself) shall have effect in relation to arrangements made under subsection (7) of that section (as modified by paragraph (2) above) as if —

- (a) references to functions included references to responsibilities, and
- (b) the reference to an officer of the authority included a reference to—
 - (i) a sub-committee of the Implementation Executive, and
 - (ii) an officer of any of the district councils.

(4) Section 21 of the 2000 Act (overview and scrutiny committees) shall not apply on or before 31st March 2009 in relation to any matter—

- (a) that is a responsibility of the Implementation Executive by virtue of paragraph (1), or
- (b) that is the responsibility of that Executive under arrangements made by the Cornwall council under the 2000 Act.

(5) Until 1st April 2009, section 13 of the 2000 Act (functions which are the responsibility of an executive) shall have effect as if, at the end of subsection (10)(c), there were added “or as mentioned in article 8(6) of the Cornwall (Structural Change) Order 2008”.

(6) The Cornwall council and the district councils may discharge jointly under arrangements under section 101(5) of the 1972 Act the functions of—

- (a) reviewing or scrutinising decisions made, or other action taken, by the Implementation Executive in connection with any matter of a description mentioned in paragraph (4); or

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- (b) preparing reports for, or making recommendations to, the Implementation Executive in connection with any function or responsibility of that Executive.
- (7) Where such arrangements as are mentioned in paragraph (6) are made, the joint committee shall inform the Cornwall council and the district councils at least once in each period of three months beginning with the period ending on 31st March 2008 of—
 - (a) the matters that it has considered during the period in question, and
 - (b) the conclusions (if any) that it has reached concerning those matters.
- (8) The Implementation Executive and any sub-committee of that Executive shall be dissolved on the fourth day after the 2009 election day.
- (9) Any joint committee established as mentioned in paragraph (6) shall be dissolved on 1st April 2009.