

Draft Order laid before Parliament under section 14(1) of the Legislative and Regulatory Reform Act 2006; draft to lie for forty days, pursuant to section 16(3) of that Act, during which period either House of Parliament may resolve that the Order not be made; or, during the first thirty days a committee of either House may recommend that the Order not be made, which recommendation may be rejected by resolution of that House in the same Session.

DRAFT STATUTORY INSTRUMENTS

2009 No.

REGULATORY REFORM

ANIMAL HEALTH, ENGLAND AND WALES

The Legislative Reform (Local Government)
(Animal Health Functions) Order 2009

Made - - - - *****

Coming into force in accordance with article 1

The Secretary of State, in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006(1), makes the following Order.

For the purposes of section 3(1) of the Legislative and Regulatory Reform Act 2006, the Secretary of State considers that the conditions in section 3(2), where relevant, are satisfied.

The Secretary of State has consulted in accordance with section 13(1) of that Act.

The Secretary of State has laid a draft Order and explanatory document before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15 of that Act, the negative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

Neither House of Parliament resolved, within the 40-day period referred to in section 16(3) of that Act, that the Secretary of State should not make the Order.

Citation, commencement and extent

1.—(1) This Order may be cited as the Legislative Reform (Local Government) (Animal Health Functions) Order 2009 and comes into force on the day after the day on which it is made.

(2) This Order extends to England and Wales.

(1) [2006 c. 51](#); see section 32 for the definition of “Minister of the Crown”. Modifications to [2006 c. 51](#) (which relate to the National Assembly for Wales) were made by [S.I. 2007/1388](#).

Arrangements for discharge of functions by local authorities

2.—(1) In section 101 of the Local Government Act 1972⁽²⁾ the following subsections are repealed—

- (a) subsection (7) (which prevents a local authority from arranging under that section for another local authority to discharge their animal health functions); and
- (b) subsection (7A) (which exempts Welsh principal councils from the prohibition in subsection (7)).

(2) Paragraph 26(2) of Schedule 15 to the Local Government (Wales) Act 1994⁽³⁾ (which inserted section 101(7A) of the Local Government Act 1972) is repealed.

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| Address | <i>Name</i> |
| Date | Parliamentary Under Secretary of State Department for Environment, Food and Rural Affairs |

⁽²⁾ 1972 c. 70.
⁽³⁾ 1994 c. 19.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Legislative and Regulatory Reform Act 2006 (c. 51). It repeals section 101(7) of the Local Government Act 1972 (c. 70) which imposes a prohibition on local authorities from delegating any of their functions under the Diseases of Animals Act 1950 (c. 36) to each other.

The Diseases of Animals Act 1950 was repealed and replaced by the Animal Health Act 1981 (c. 22), which consolidated historic animal health and welfare legislation. The animal health functions to which this Order refers at article 2(1)(a) are, therefore, the functions which local authorities must discharge under the Animal Health Act 1981.

This Order also repeals section 101(7A) of the Local Government Act 1972 (which provides a derogation from the prohibition in section 101(7) with respect to principal councils in Wales) and paragraph 26(2) of Schedule 15 to the Local Government (Wales) Act 1994 (c. 19) (which inserted section 101(7A)).

A full impact assessment has been produced for this instrument and placed in the library of each House of Parliament. Copies can be obtained from Defra (Agency Relationship Team), 17 Smith Square, London SW1P 3JR.