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STATUTORY INSTRUMENTS

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**2008 No. 493**

**The County Durham (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, throughout the first transitional period, of the Implementation Executive, and shall not, during that period, be a responsibility of the executive of the County Durham 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 during the first transitional period 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 during the first transitional period 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 during the first transitional period in relation to any matter that is—

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

(5) 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 County Durham (Structural Change) Order 2008”.

(6) At any time during the first transitional period, the County Durham 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 County Durham council and the district councils before the end of the first transitional period—
  - (a) of the matters that it has considered, and
  - (b) of the conclusions (if any) that it has reached concerning those matters.