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STATUTORY INSTRUMENTS

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**2022 No. 328**

**The North Yorkshire (Structural Changes) Order 2022**

**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 North Yorkshire Council.

(2) Section 9DA(1) of the 2000 Act (functions of an executive: further provision) has effect as if, at the end of subsection (3)(c), there were added “or as mentioned in article 8(6) of the North Yorkshire (Structural Changes) Order 2022”.

(3) Section 9E(5) of the 2000 Act (which enables a committee of a local authority executive to arrange for the discharge of its functions by an area committee or officer of the authority) has 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.

(4) Section 9E(7) of the 2000 Act (arrangements made for the discharge of functions do not prevent the exercise of those functions by those making the arrangements) has effect during the first transitional period in relation to arrangements made under subsection (2) 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.

(5) Section 9F of the 2000 Act (overview and scrutiny committees: functions) does 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 North Yorkshire Council under the 2000 Act.

(6) At any time during the first transitional period, the North Yorkshire Council and the district councils may discharge jointly under arrangements under section 101(5) of the 1972 Act the functions of—

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- (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
  - (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 must inform the North Yorkshire 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.