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STATUTORY INSTRUMENTS

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**1995 No. 493**

**The Avon (Structural Change) Order 1995**

**PART VI**

**TRANSITIONAL AND CONSEQUENTIAL PROVISION**

**Shadow authorities**

**18.** During the preliminary period—

- (a) The Bath and North East Somerset District Council and the South Gloucestershire District Council shall not be local authorities for the purposes of the 1972 Act, and section 2(2) of that Act shall have effect as if the words from “and the council” to the end of that subsection were omitted; and
- (b) those councils shall be shadow authorities for the purposes of the 1994 Regulations<sup>(1)</sup>.

**Co-operation and information**

**19.**—(1) The relevant authorities and their officers shall co-operate with each other, and generally exercise their functions, so as to facilitate the implementation of this Order and any other relevant provision.

(2) The transferor authorities shall furnish any other relevant authority with all such information relating to the transferor authorities or their functions as that authority may reasonably request for the purpose of implementing this Order or any other relevant provision.

(3) In this article, “relevant authority” means a transferor authority, a transferee authority and any other body to which functions of a transferor authority will be transferred by virtue of any relevant provision.

**Preparations for transfer of functions**

**20.**—(1) Subject to paragraph (2) below, the transferor and transferee authorities may take such steps as appear to them to be necessary for the purpose of preparing for the transfer and exercise of functions which will, on and after the reorganisation date, be exercisable by the transferee authorities by virtue of this Order or any other relevant provision.

(2) During the preliminary period, each transferee authority—

- (a) shall, in relation to the functions referred to in paragraph (1) above, make such arrangements for organisation and management and such appointments of officers as are necessary to secure the proper performance of those functions on and after the reorganisation date;
- (b) shall, at a meeting of the council, consider a report by the head of their paid service as to whether any such functions could with advantage be discharged by one of the transferee authorities, or jointly by two or more of those authorities, in pursuance of arrangements

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<sup>(1)</sup> See in particular Part 3 of the Regulations.

made under section 101 of the 1972 Act (arrangements for discharge of functions) or under any other enactment; and

(c) if of that opinion, shall promote the making of such arrangements.

(3) In paragraph (2) above, the reference to the head of a council's paid service is a reference to the officer designated as such under section 4(1) of the Local Government and Housing Act 1989<sup>(2)</sup>; and nothing in section 101 of the 1972 Act shall apply to the duty imposed by virtue of sub-paragraph (b) of that paragraph.

### **Activities preliminary to the exercise of functions**

**21.** Where, during the preliminary period, a relevant authority (other than a transferee authority) is required by virtue of any enactment to prepare any budgets or plans, or to consult any person, for purposes connected with the exercise, on and after the reorganisation date, of any functions in relation to any part of the areas of the transferee authorities which, on and after that date, are exercisable by the transferee authorities, the requirement in question shall, subject to any other relevant provision, cease to have effect during that period in relation to that authority; and any such requirement shall instead have effect, during that period and for those purposes, in relation to the transferee authorities.

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(2) 1989 c. 42.