STATUTORY INSTRUMENTS

2010 No. 998

The Exeter and Devon (Structural Changes) Order 2010

PART 3

TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE

Main transitional function and Implementation Executive

4.—(1) On the coming into force of this Order until the end of the transitional period there shall be added to the functions of Exeter City Council and Devon County Council the function of preparing for and facilitating the economic, effective, efficient and timely transfer to Exeter City Council of Devon County Council's functions, property, rights and liabilities, in so far as they relate to Exeter ("the main transitional function").

(2) Throughout the transitional period, section 14 of the 2000 Act (discharge of functions: general)(**1**) shall have effect in relation to Exeter City Council and—

(a) the main transitional function, and

(b) the article 5 functions,

as if, in subsection (1), after the words "19 or 20," there were inserted "or under the Exeter and Devon (Structural Changes) Order 2010".

(3) Exeter City Council's executive arrangements shall provide for the discharge of the main transitional function and the article 5 functions to be the responsibility, throughout the transitional period, of a committee of the City Council's executive(**2**), to be known as the Implementation Executive.

(4) Such statutory provisions as apply to, or in relation to, committees of a local authority's executive shall apply throughout the transitional period to, or in relation to, the Implementation Executive subject to paragraphs (5), (6) and (8) to (11) of this article and article 6(2) and (3); and for this purpose "statutory provisions" includes—

(a) any enactment contained in an Act passed after the making of this Order; and

(b) any instrument made at any time under an enactment (including an enactment contained in an Act passed after the 2007 Act).

(5) The Implementation Executive shall consist of—

(a) the person who, for the time being, is the leader of Exeter City Council's executive;

(b) ten other persons nominated by that Council who, for the time being, are members of that Council; and

(c) four persons nominated by Devon County Council who are for the time being members of that Council elected for any of the Exeter county electoral divisions.

(**1**) Section 14 was amended by section 63 of the Local Government and Public Involvement in Health Act 2007 (c.28).
(**2**) As to the permitted forms of executive, *see* section 11 of the Local Government Act 2000 (c.22). Exeter City Council operates a leader and cabinet executive (England).

(6) In making the nominations referred to in paragraph (5)(b) and (c), Exeter City Council and Devon County Council shall, to the extent that it is practicable to do so, secure that at all times the Conservative Party, the Labour Party, the Liberal Democrat Party and the Liberal Party are each represented on the Implementation Executive by at least one member.

(7) It shall be the duty of Exeter City Council and Devon County Council to co-operate in the establishment of the Implementation Executive.

(8) The leader of the Implementation Executive shall be the person who is for the time being the leader of Exeter City Council's executive.

(9) The persons who, immediately before 1st April 2011, are members of the Implementation Executive by virtue of paragraph (5)(c) shall continue as members of the Implementation Executive notwithstanding that they cease on that date to be members of Devon County Council.

(10) The Implementation Executive shall regulate its own proceedings, but a question to be decided by that Executive shall, in the first instance, be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the leader of the Implementation Executive) having one vote.

(11) In the case of an equality of votes, the person presiding at the meeting (whether or not the leader of the Implementation Executive) shall have a casting vote, in addition to any other vote the person may have.