
STATUTORY INSTRUMENTS

2012 No. 246

The Local Better Regulation Office (Dissolution and Transfer of Functions, Etc.) Order 2012

Citation and commencement

1.—(1) This Order may be cited as the Local Better Regulation Office (Dissolution and Transfer of Functions, Etc.) Order 2012.

(2) This Order comes into force on the day following the day on which it is made.

Interpretation

2. In this Order—

“the Act” means the Regulatory Enforcement and Sanctions Act 2008;

“the dissolution date” means 1st April 2012; and

“LBRO” means the Local Better Regulation Office.

Dissolution of the Local Better Regulation Office

3. On the dissolution date LBRO is dissolved.

Transfer of functions

4.—(1) On the dissolution date—

(a) the functions of LBRO under Part 1 of the Act are transferred, in accordance with Schedule 1, to the Secretary of State and the Welsh Ministers; and

(b) the functions of LBRO under Part 2 of the Act are transferred, in accordance with Schedule 1, to the Secretary of State.

(2) Schedule 1 (which gives effect to the transfers made by paragraph (1) and makes consequential, supplemental and incidental provision in relation to those transfers) has effect.

(3) The Secretary of State and the Welsh Ministers must enter into a memorandum of understanding with each other as to how they will work together in the exercise of their respective functions as a result of this Order.

Transfer of property

5.—(1) All the property, rights and liabilities to which LBRO is entitled or subject immediately before the dissolution date become on that date property, rights and liabilities of the Secretary of State.

(2) Paragraph (1) operates in relation to property, rights and liabilities—

(a) whether or not they would otherwise be capable of being transferred;

(b) without any instrument or other formality being required; and

- (c) despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict their transfer.

Transfer of employees

6. The Transfer of Undertakings (Protection of Employment) Regulations 2006⁽¹⁾ have effect as if the transfer of functions to the Secretary of State under article 4(1) is a relevant transfer for the purposes of those Regulations.

Final accounts

7.—(1) The Secretary of State must prepare a statement of accounts of LBRO for the period beginning with 1st April 2011 and ending immediately before the dissolution date (“the final accounts”).

(2) The final accounts must be prepared in accordance with any directions given by the Secretary of State to LBRO under paragraph 13(3) of Schedule 1 to the Act which had effect immediately before the dissolution date.

(3) The Secretary of State must send a copy of the final accounts to the Comptroller and Auditor General as soon as reasonably practicable after the end of the period covered by the final accounts.

(4) The Comptroller and Auditor General must—

- (a) examine, certify and report on the statement of accounts received under paragraph (3), and
- (b) send a copy of the certified statement and report to the Secretary of State.

(5) The Secretary of State must lay before Parliament a copy of the certified statement and the report received under paragraph (4)(b).

Transitional provisions

8. Schedule 2 (which makes transitional provisions) has effect.

1st February 2012

Mark Prisk
Minister of State for Business and Enterprise
Department for Business, Innovation and Skills

(1) [S.I. 2006/246](#).