
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under section 18 of the Regulatory Enforcement and Sanctions Act 2008 (c.13) (“RESA”), provides for the dissolution of the Local Better Regulation Office (“LBRO”) and the transfer of its functions to the Secretary of State and the Welsh Ministers.

The LBRO was established under Part 1 of RESA, and came into being on 1st October 2008. Section 18 of RESA empowers the Secretary of State to dissolve LBRO and transfer its functions etc. by Order, subject to consultation and to approval in each House of Parliament.

Article 3 dissolves LBRO on 1st April 2012.

Article 4(1) transfers LBRO’s functions to the Secretary of State and the Welsh Ministers, as provided for by Schedule 1.

Article 4(2) brings Schedule 1 (Transfer of Functions) into effect.

Article 4(3) provides that the Secretary of State and the Welsh Ministers shall enter into a memorandum of understanding, which will set out in more detail how the two administrations will operate the transferred functions.

Article 5 provides for the transfer of all LBRO’s property, rights and liabilities to the Secretary of State.

Article 6 provides, in accordance with the requirement of RESA section 18(4), for the application of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I.2006/246) to the transfer of LBRO’s rights and liabilities relating to employees.

Article 8 brings Schedule 2 (Transitional Provisions) into effect.

Schedule 1 Part 1 provides the repeals and amendments to RESA which are consequent upon the LBRO’s dissolution and transfer of its functions, property, rights and liabilities to the Secretary of State or to the Welsh Ministers.

Schedule 1 Part 2 provides the repeals to other legislation consequent upon the dissolution of LBRO.

Schedule 2 provides transitional provisions.