This draft Statutory Instrument supersedes the draft Local Better Regulation Office (Dissolution and Transfer of Functions Etc) Order 2011 which was laid before Parliament on 29th November 2011. Draft Order laid before Parliament under section 20(3) of the Regulatory Enforcement and Sanctions Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. 0000

REGULATORY REFORM

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

Made - - - - 2012

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by section 18 of the Regulatory Enforcement and Sanctions Act 2008(**1**).

In accordance with section 20(3) of that Act a draft of this Order was laid before and approved by a resolution of each House of Parliament.

The Secretary of State has, in accordance with section 18(6) of that Act, consulted the Welsh Ministers and such persons as appear to the Secretary of State to be substantially affected by the dissolution of the Local Better Regulation Office.

Citation, commencement and extent

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.

(**1**) 2008 c.13.

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(**2**) 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.

(**2**) S.I. 2006/246.

(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.

Name
Minister of State for Business and Enterprise
Date Department for Business, Innovation and Skills

SCHEDULE 1 Article 4(2)

Transfer of Functions

PART 1

Regulatory Enforcement and Sanctions Act 2008

Repeals

1. The following provisions of the Regulatory Enforcement and Sanctions Act 2008 are repealed —

(a) section 1(1) and (2);
(b) section 2;
(c) section 6(2)(a);
(d) in section 6(6), the words "by it";
(e) section 7;
(f) section 8;
(g) section 9;
(h) section 10(2);
(i) in section 11(4), the words "to it";
(j) section 11(6);
(k) section 13;
(l) section 14;
(m) section 15;
(n) in section 16(1), paragraph (b) and the word ", or" preceding it;
(o) in section 16(2), in both places, and in subsection (3)(a) and (b), the words "or directions";
(p) in section 16(4), the words ", and comply with any directions,";
(q) in section 16(5), in both places, the words "or directions";
(r) section 16(6) and (7);
(s) section 17;
(t) in section 20(2), the words ", 7(4) or 15(7)";
(u) section 20(4);
(v) in section 21, the definition of "LBRO" and that of "the LBRO company";
(w) section 32;
(x) section 33(5)(a);
(y) in section 33(6), the words "by it";
(z) in section 35, the definition of "LBRO";
(aa) Schedule 1, except paragraphs 11(3) and (4) and 16; and
(bb) Schedule 2.