This Draft Statutory Instrument has been printed in substitution for the Draft Statutory Instrument of the same title, which was laid on 6th March 2008, and is being issued free of charge to all known recipients of that Draft Statutory Instrument.
Draft Order laid before Parliament under section 240(6) of the Local Government and Public Involvement in Health Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. XXXX

LOCAL GOVERNMENT, ENGLAND

The Bedfordshire (Structural Changes) Order 2008

*Made - - - - *** March 2008*

Coming into force in accordance with article 1

This Order implements, without modification, proposals, submitted to the Secretary of State for Communities and Local Government under section 2 of the Local Government and Public Involvement in Health Act 2007(**1**), that there should be a single tier of local government for the county of Bedfordshire.

The proposals were made—

(a) by Bedford Borough Council, as to the borough of Bedford, and

(b) by Mid Bedfordshire District Council and South Bedfordshire District Council, as to the rest of Bedfordshire.

The Secretary of State did not make a request under section 4 of the Local Government and Public Involvement in Health Act 2007 (request for Boundary Committee for England's advice).

Before making the Order the Secretary of State consulted the following about the proposals—

(c) every authority affected by the proposal (except the authorities which made them); and

(d) other persons the Secretary of State considered appropriate.

A draft of this Order was laid before and approved by a resolution of each House of Parliament in accordance with section 240(6) of the Local Government and Public Involvement in Health Act 2007.

The Secretary of State for Communities and Local Government makes this Order in the exercise of the powers conferred by sections 7, 11, 12, and 13 of the Local Government and Public Involvement in Health Act 2007:

(**1**) 2007 c.28. *See* section 21(3) as to proposals made in response to pre-commencement invitations, and section 23(3).

PART 1

GENERAL

Citation and commencement

1. This Order may be cited as the Bedfordshire (Structural Changes) Order 2008 and shall come into force on the day after that on which it is made.

Interpretation

2. In this Order—

"the 2007 Act" means the Local Government and Public Involvement in Health Act 2007;

"the 2000 Act" means the Local Government Act 2000 as it has effect in relation to Bedford Borough Council(**2**);

"the 1972 Act" means the Local Government Act 1972(**3**);

"the 2004 Order" means the County of Bedfordshire (Electoral Changes) Order 2004(**4**);

"the 2009 election" means—

(a) in the case of Bedford, the election required by article 13(1) to be held in 2009;

(b) in the case of Central Bedfordshire, the election required by article 25(1) to be held in 2009;

"the 2009 election day" means the ordinary day of election of councillors(**5**) in 2009;

"Bedford", except in the expressions "the Bedford electoral divisions" and "the non-metropolitan county of Bedford", means the borough of Bedford;

"the Bedford electoral divisions" means the county electoral divisions of Brickhill, Bromham, Cauldwell, Clapham and Oakley, De Parys, Eastcotts, Goldington, Harpur, Harrold, Kempston, Kempston Rural, Kingsbrook, Newnham, North East Bedfordshire, Putnoe, Queens Park, Wilshamstead and Wootton(**6**);

"the Bedford Implementation Team" means the team formed in accordance with article 11(1);

"Bedfordshire", except in the expression "Central Bedfordshire", means the county of Bedfordshire as it exists on the date on which this Order is made;

"Central Bedfordshire" means the district established by article 4(1);

"Central Bedfordshire Council" means the district council established by article 4(3);

"the Central Implementation Team" means the team formed in accordance with article 22(1);

"the County Council" means Bedfordshire County Council;

"the district councils" means the councils of the districts of Mid Bedfordshire and South Bedfordshire; and

"the proper officer", in relation to any purpose and Bedford Borough Council, the County Council or either of the district councils, means the officer appointed for that purpose by that Council.

(**2**) 2000 c.22. Relevant amendments are made by Part 3 of the Local Government and Public Involvement in Health Act 2007, but see paragraph 2 of Schedule 4 to that Act for transitional provisions relevant to Bedford Borough Council.
(**3**) 1972 c.70.
(**4**) S.I. 2004/3245.
(**5**) *See* section 37 of the Representation of the People Act 1983 (c.2).
(**6**) *See* article 3 of, and the Schedule to, S.I. 2004/3245.

PART 2

ESTABLISHMENT OF SINGLE TIER LOCAL GOVERNMENT IN BEDFORD AND CENTRAL BEDFORDSHIRE

Single tier local government in Bedford

3.—(1) A new non-metropolitan county, to be known as Bedford, shall be constituted comprising the area of the borough of Bedford.

(2) In relation to the county of Bedford, section 2(1) of the 1972 Act (which provides that every county shall have a council) shall not apply.

(3) On and after 1st April 2009, Bedford Borough Council shall be the sole principal authority for Bedford.

Single tier local government in Central Bedfordshire

4.—(1) A new non-metropolitan county and a new non-metropolitan district, each to be known as Central Bedfordshire, shall be constituted comprising (in each case) the areas of the districts of Mid Bedfordshire and South Bedfordshire.

(2) In relation to the county of Central Bedfordshire, section 2(1) of the 1972 Act (which provides that every county shall have a council) shall not apply.

(3) A new district council, to be known as the Central Bedfordshire Council, shall be established as the sole principal authority for the non-metropolitan district of Central Bedfordshire.

(4) Except for the purposes of Part 6 of this Order (electoral matters: Mid and South Bedfordshire District Councils, the Central Bedfordshire Council and parishes in Bedford and Central Bedfordshire), until 1st April 2009—

(a) the Central Bedfordshire Council shall not be a local authority for the purposes of the 1972 Act or any other enactment relating to local government; and

(b) subsection (2) of section 2 of the 1972 Act (constitution of principal councils in England) shall have effect in relation to that Council as if the words from "and the council" to the end of that subsection were omitted.

(5) On 1st April 2009—

(a) the Mid Bedfordshire and South Bedfordshire districts shall be abolished as local government areas; and

(b) the Mid Bedfordshire and South Bedfordshire councils shall be wound up and dissolved.

County of Bedfordshire, Bedfordshire County Council and councillors of that Council

5.—(1) On 1st April 2009—

(a) the county of Bedfordshire shall be abolished as a local government area; and

(b) the County Council shall be wound up and dissolved.

(2) The term of office of persons serving as councillors of the County Council immediately before 1st April 2009 shall end on that date.

(3) Nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) shall authorise the holding of an election to fill a casual vacancy in the office of councillor of the County Council where that vacancy arises after 30th September 2008 and before 1st April 2009.

PART 3

BEDFORD: TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE

Interpretation of Part 3

6. In this Part—

"article 8 functions" has the meaning given by article 7(2)(b);

"the Implementation Executive" means the committee established (whether before or after the coming into force of this Order) for the purposes of article 7(4);

"the main transitional function" has the meaning given by article 7(1); and

"the Mayor" means the person who is for the time being the Mayor of Bedford.

Transitional functions of Bedford Borough Council and establishment of Implementation Executive

7.—(1) On the coming into force of this Order there shall be added to the functions of Bedford Borough Council the function, which is to be exercisable only during the transitional period ending on 1st April 2009, of preparing for and facilitating the economic, effective, efficient and timely transfer of the county council's functions, property, rights and liabilities so far as they relate to Bedford or the inhabitants of Bedford ("the main transitional function").

(2) Section 14 of the 2000 Act (discharge of functions: mayor and cabinet executive) shall have effect in relation to Bedford Borough Council and—

(a) the main transitional function, and

(b) the other transitional functions referred to in article 8 ("the article 8 functions"),

with the modifications specified in paragraph (3).

(3) The modifications referred to in paragraph (2) are—

(a) in subsection (1), after the words "19 or 20," insert "or under the Bedfordshire (Structural Changes) Order 2008,";

(b) omit subsection (2); and

(c) in subsections (3) to (5), omit ", unless the elected mayor otherwise directs,".

(4) Bedford Borough Council's executive arrangements shall provide for the discharge of—

(a) the main transitional function, and

(b) the article 8 functions,

to be the responsibility of a committee of the Council's executive, to be known as the Implementation Executive.

(5) Such statutory provisions as apply to, or in relation to, committees of a local authority's executive shall apply to, or in relation to, the Implementation Executive subject only to paragraphs (6), (7) and (10) to (12) of this article and article 9(2) to (4); 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).

(6) The Implementation Executive shall consist of—

(a) the Mayor;

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

(c) three persons nominated by the County Council each of whom is for the time being a member of the County Council for one of the Bedford electoral divisions.

(7) In making the nominations referred to in paragraph (6)(b) and (c), Bedford Borough Council and the County Council shall, to the extent that it is practicable to do so, secure that at all times there is on the Implementation Executive —

(a) one member of the Conservative Party,

(b) one person who is not a member of any registered party within the meaning of that term in the Political Parties, Elections and Referendums Act 2000(**7**),

(c) one member of the Labour Party, and

(d) one member of the Liberal Democrats.

(8) It shall be the duty of Bedford Borough Council and the County Council to co-operate in the establishment of the Implementation Executive.

(9) The leader of the Implementation Executive shall be the Mayor; and the Mayor shall preside at all meetings of the Implementation Executive at which he is present.

(10) The persons who, immediately before 1st April 2009, are members of the Implementation Executive by virtue of paragraph (6)(c) shall continue as members of the Implementation Executive notwithstanding that they cease on that date to be members of the County Council.

(11) The Implementation Executive shall regulate its own proceedings, but a question to be decided by the 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.

(12) 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.

Other transitional functions of Implementation Executive

8.—(1) The other transitional functions referred to in article 7(2)(b), which are to be exercisable only during the transitional period ending on 1st April 2009, are—

(a) such executive and non-executive functions of Bedford Borough Council as exist on the date on which this Order is made; and

(b) such other functions (including functions exercisable by the County Council, and functions conferred on or after that date on local authorities generally or on particular classes of local authority),

as, by any of the means mentioned in paragraph (2), the Secretary of State specifies as a function or responsibility of the Implementation Executive.

(2) The means referred to in paragraph (1) are—

(a) this Order,

(b) a subsequent order made under section 7 of the 2007 Act by virtue of section 14 of the Interpretation Act 1978 (power to amend)(**8**),

(c) an order under section 20 of the 2007 Act (correction of orders), and

(d) regulations under section 14 of the 2007 Act (regulations for supplementing orders).

(**7**) 2000 c.41. *See* the definition in section 160(1), and Part 2 of the Act.
(**8**) 1978 c.30.