Draft Order laid before Parliament under sections 35(7) and 37(7) of the Regional Development Agencies Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1999 No.

COUNTRYSIDE AGENCY
REGIONAL DEVELOPMENT AGENCIES
URBAN REGENERATION AGENCY
DEVELOPMENT COMMISSION

The Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999

Made - - - -	*1999*
Coming into force - -	*1999*

The Secretary of State, in exercise of the powers conferred upon him by sections 35 and 37 of the Regional Development Agencies Act 1998(**1**) and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament:

Citation and Commencement

1. This Order may be cited as the Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999, and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order–

"the 1983 Act" means the Miscellaneous Financial Provisions Act 1983(**2**);

"the 1998 Act" means the Regional Development Agencies Act 1998;

"the transfer date" means 1st April 1999; and

(**1**) 1998 c. 45.
(**2**) 1983 c. 29.

any reference to the Countryside Agency shall, in relation to any time before the transfer date, be treated as a reference to the Countryside Commission.

Change of name of the Countryside Commission

3. On and after the transfer date–

(a) the Countryside Commission shall be known as the Countryside Agency;

(b) any reference to the Countryside Commission in any instrument or document subsisting before the transfer date shall have effect as if for that reference there were substituted a reference to the Countryside Agency;

(c) anything done by or in relation to the Countryside Commission before the transfer date shall, so far as is required for continuing its effect on or after that date, have effect as if it had been done by or in relation to the Countryside Agency;

(d) the enactments specified in Schedule 1 to this Order shall have effect subject to the amendments specified in that Schedule; and

(e) any provision of a local Act passed, or subordinate legislation made, before the transfer date which refers to the Countryside Commission shall have effect as if for each reference to the Countryside Commission there were substituted a reference to the Countryside Agency.

Transfer of functions to the Countryside Agency

4. Subject to article 6 below, on the transfer date the functions of the Development Commission under section 1(3) of the 1983 Act (to keep under review and advise the Secretary of State upon all matters relating to the economic and social development of rural areas in England and to carry out or assist others to carry out measures likely to further such development) shall be transferred to the Countryside Agency.

Supplementary, incidental and consequential provisions to article 4 of this Order

5.—(1) On the transfer date the powers of the Development Commission under section 1(4) of the 1983 Act shall be transferred to the Countryside Agency.

(2) The Countryside Agency shall not give financial assistance under article 4 or paragraph (1) above to any person except in accordance with arrangements approved by the Secretary of State and the Treasury.

(3) The power of the Countryside Agency to acquire land in consequence of paragraph (1) above includes power, if authorised by the Secretary of State, to purchase land compulsorily; and the Acquisition of Land Act 1981(**3**) shall apply to any such compulsory purchase by the Countryside Agency.

(4) The Secretary of State may give the Countryside Agency directions as to the exercise of the functions transferred to it under article 4 above, and the Agency shall comply with any such directions.

(5) Anything which immediately before the transfer date is in the process of being done by or in relation to the Development Commission and which relates to any function or power transferred to the Countryside Agency under article 4 or paragraph (1) above may be continued by or in relation to the Countryside Agency as if it had been done by or in relation to that Agency.

(**3**) 1981 c. 67.

(6) Anything done by or in relation to the Development Commission before the transfer date in respect of any matter relating to any function or power transferred to the Countryside Agency under article 4 or paragraph (1) above shall–

(a) to the extent that the matter becomes the responsibility of the Countryside Agency in consequence of an order under section 35 of the 1998 Act or a scheme made pursuant to section 35(5) of that Act, and

(b) so far as is required for continuing its effect on and after that date,

have effect as if done by or in relation to the Countryside Agency.

Termination of the exercise of functions of the Development Commission

6. On and after the transfer date the Development Commission shall have only the following functions–

(a) anything which falls to be done by the Development Commission in connection with any transfer scheme under section 34 of the 1998 Act or in connection with article 7 or 8 of this Order;

(b) the functions under article 8(1) below;

(c) the preparation of accounts and reports; and

(d) such other functions as are necessary for winding up the affairs of the Development Commission.

Transfer of property, rights and liabilities to the Countryside Agency

7.—(1) The Development Commission shall make one or more schemes for the transfer to the Countryside Agency of such of the Development Commission's property, rights and liabilities as appear to the Secretary of State appropriate to be transferred in consequence of this Order.

(2) Schedule 2 to this Order (being the provisions of Schedule 8 to the 1998 Act, with those modifications which the Secretary of State thinks fit) shall have effect in relation to any scheme under this article.

Functions with respect to the provision of services to regional development agencies

8.—(1) The Development Commission shall have functions with respect to the provision of services of the following descriptions to any regional development agency–

(a) financial services;

(b) administration;

(c) personnel services;

(d) services relating to the use of information technology;

(e) services relating to the management of land and buildings;

(f) training and advice in connection with the services listed above.

(2) The Urban Regeneration Agency shall have functions with respect to the provision of services of the following descriptions to any regional development agency–

(a) financial services;

(b) administration;

(c) personnel services;

(d) services relating to the use of information technology;

(e) services relating to the management of land and buildings;

(f) research;

(g) best practice guidance;

(h) project appraisal;

(i) training and advice in connection with the services listed above.

(3) The Development Commission shall make one or more schemes for the transfer to the Urban Regeneration Agency of such of the Development Commission's property, rights and liabilities relating to the functions in paragraph (1) above as appear to the Secretary of State appropriate to be transferred in consequence of this Order.

(4) Schedule 2 to this Order (being the provisions of Schedule 8 to the 1998 Act with those modifications which the Secretary of State thinks fit) shall apply in relation to any scheme under this article with the following modifications–

(a) in paragraph 1, for the words "article 7" there shall be substituted the words "article 8"; and

(b) for the words "the Countryside Agency" wherever they appear, there shall be substituted the words "the Urban Regeneration Agency".

Supplementary, incidental and consequential provision

9. In section 167(2)(a) of the Leasehold Reform, Housing and Urban Development Act 1993(**4**) (power of the Secretary of State to give directions to the Urban Regeneration Agency), the words "under this Part" shall be omitted.

Signed by authority of the Secretary of State

Minister of State,
Department of the Environment, Transport and
the Regions

1999

(**4**) 1993 c. 28.

SCHEDULE 1

Article 3

CONSEQUENTIAL AMENDMENT OF ENACTMENTS

1.—(1) The National Parks and Access to the Countryside Act 1949(**5**) shall be amended as follows.

(2) In section 1(1)(**6**) (Countryside Commission and Countryside Council for Wales) for the words "Countryside Commission" there shall be substituted the words "Countryside Agency".

(3) In section 4A(2)(**7**) (application in Wales) for the words "Countryside Commission" there shall be substituted the words "Countryside Agency".

(4) In section 50A(2)(**8**) (application in Wales) for the words "Countryside Commission" there shall be substituted the words "Countryside Agency".

(5) For the words "the Commission" wherever they appear there shall be substituted the words "the Agency".

2. In Part II of the Table in Schedule 1 to the Public Records Act 1958(**9**) (other establishments and organisations) for the words "National Parks Commission" there shall be substituted the words "Countryside Agency".

3. In Schedule 2 to the Parliamentary Commissioner Act 1967(**10**) (Departments etc subject to investigation) for the words "Countryside Commission" there shall be substituted the words "Countryside Agency".

4.—(1) The Countryside Act 1968(**11**) shall be amended as follows.

(2) In section 1(1)(**12**) (general functions) for the words "Countryside Commission" there shall be substituted the words "Countryside Agency".

(3) In section 1A(**13**) for the words "Countryside Commission" there shall be substituted the words "Countryside Agency".

(4) In section 49(2) (interpretation) for the words ""the Commission" means the Countryside Commission"(**14**) there shall be substituted the words ""the Agency" means the Countryside Agency".

(5) For the word "Commission" wherever it appears there shall be substituted the word "Agency".

5. In Schedule 1 to the Superannuation Act 1972(**15**) (kinds of employment referred to in section 1) for the words "Countryside Commission" there shall be substituted the words "Countryside Agency".

6.—(1) The Local Government Act 1974(**16**) shall be amended as follows.

(2) In section 7(3) (supplementary aggregate grants) for the words "Countryside Commission" there shall be substituted the words "Countryside Agency".

(**5**) 1949 c. 97.
(**6**) Section 1 was substituted by the Environmental Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 1(2).
(**7**) Section 4A was inserted by the Environmental Protection Act 1990, section 130 and Schedule 8, paragraph 1(4).
(**8**) Section 50A was inserted by the Environmental Protection Act 1990, section 130 and Schedule 8, paragraph 1(6).
(**9**) 1958 c. 51.
(**10**) 1967 c. 13.
(**11**) 1968 c. 41.
(**12**) Section 1(1) was substituted by the Environmental Protection Act 1990, section 130 and Schedule 8, paragraph 2(2).
(**13**) Section 1A was inserted by the Environmental Protection Act 1990, section 130 and Schedule 8, paragraph 2(2).
(**14**) These words were inserted by the Environmental Protection Act 1990, section 130 and Schedule 8, paragraph 2(13).
(**15**) 1972 c. 11; the reference to the Countryside Commission was inserted by the Wildlife and Countryside Act 1981 (c. 69), Schedule 13, paragraph 10(1).
(**16**) 1974 c. 7.