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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

**The North Yorkshire (Structural Changes) Order 2022**

**PART 3**

**TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE**

**Other transitional functions**

7.—(1) The other transitional functions referred to in article 6(2)(b), which are to be exercisable only during the first and second transitional periods, are—

- (a) such executive and non-executive functions of the North Yorkshire Council as exist on the date on which this Order is made; and
- (b) such other functions (including functions exercisable by all or any of the district councils, 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 may specify.

(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)(1);
- (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).

(3) In addition to the functions specified elsewhere in this Order, the following functions are exercisable during the second transitional period—

- (a) section 108 of the Local Democracy, Economic Development and Construction Act 2009 (review by authorities: new combined authority)(2);
- (b) section 109 of the Local Democracy, Economic Development and Construction Act 2009 (preparation and publication of scheme: new combined authority)(3);
- (c) section 82 of the 2007 Act (council's power to undertake review) in relation to the area of any of the district councils;
- (d) section 86(4) of the 2007 Act (reorganisation of community governance);
- (e) section 87 of the 2007 Act (constitution of new parish);
- (f) section 88 of the 2007 Act (existing parishes under review);
- (g) section 89 of the 2007 Act (new council: consequential recommendations);
- (h) section 90 of the 2007 Act (council retained: consequential recommendations);

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(1) 1978 c. 30.

(2) Section 108 was amended by section 6 of the Cities and Local Government Devolution Act 2016 (c. 1).

(3) Section 109 was amended by sections 6 and 12 of the Cities and Local Government Devolution Act 2016 (c. 1).

(4) Section 86 was amended by Schedule 4 to the Local Democracy, Economic Development and Construction Act 2009 (c. 28).

- (i) section 91 of the 2007 Act (grouping or de-grouping of parishes);
- (j) section 93 of the 2007 Act (duties when undertaking a review);
- (k) section 94 of the 2007 Act (recommendations to create parish councils);
- (l) section 95 of the 2007 Act (electoral recommendations: general considerations); and
- (m) section 96(5) of the 2007 Act (publicising outcome).

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(5) Section 96 was amended by Schedule 4 to the Local Democracy, Economic Development and Construction Act 2009.