

2013 No. 643

LOCAL GOVERNMENT, ENGLAND

**The Isles of Scilly (Functions) (Review and Scrutiny) Order
2013**

Made - - - - *18th March 2013*

Coming into force - - *1st April 2013*

The Secretary of State makes this Order on the application of the Council of the Isles of Scilly and in exercise of the powers conferred by sections 265(2) and 266(2) of the Local Government Act 1972(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Isles of Scilly (Functions) (Review and Scrutiny) Order 2013 and comes into force on 1st April 2013.

(2) In this Order—

“the 2000 Act” means the Local Government Act 2000(b);

“the 2012 Regulations” means the Local Authorities (Committee System) (England) Regulations 2012(c).

Exercise and performance of functions relating to overview and scrutiny committees

2. The Council of the Isles of Scilly shall exercise and perform in the Isles of Scilly the functions conferred or imposed on local authorities under the following enactments, as if the Council were a committee system local authority within the meaning of Part 1A of the 2000 Act(d)—

- (a) section 9JA(1) of the 2000 Act (overview and scrutiny committees)(e);
- (b) regulation 5(1) of the 2012 Regulations (sub-committees of overview and scrutiny committees);
- (c) regulation 5(2) of those Regulations (restrictions on discharge of functions by sub-committees);
- (d) regulation 5(5) of those Regulations (restrictions on voting by non-members).

(a) 1972 c.70.

(b) 2000 c.22.

(c) S.I. 2012/1020.

(d) See sections 9J(3) and 9B(4) of the Local Government Act 2000; sections 9B and 9J were inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c.20) (“the 2011 Act”).

(e) Section 9JA was inserted by paragraph 1 of Schedule 2 to the 2011 Act.

Revocation

3. The Isles of Scilly (Functions) (Review and Scrutiny of Health Services) Order 2004(a) is revoked.

Signed by authority of the Secretary of State for Health.

18th March 2013

Norman Lamb
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the Council of the Isles of Scilly (“the Council”) to exercise the local authority power to appoint one or more committees as its overview and scrutiny committee or committees.

The Order reflects changes made by Part 5 of the Health and Social Care Act 2012 to the system of review and scrutiny of the health service (“health scrutiny”). Those changes include amendments to section 244 of the National Health Service Act 2006 to enable regulations to confer functions of health scrutiny on local authorities rather than on their overview and scrutiny committees directly. Those amendments include powers for regulations to authorise local authorities, including the Council, to arrange for their functions of health scrutiny under the regulations to be discharged by an overview and scrutiny committee of theirs.

Article 2 of the Order provides for the Council to exercise certain functions of a local authority operating a committee system. The functions are those under section 9JA(1) of the Local Government Act 2000 and certain provisions of the Local Authorities (Committee System) (England) Regulations 2012. The functions relate to the appointment of overview and scrutiny committees and sub-committees of those committees.

Article 3 revokes the Isles of Scilly (Functions) (Review and Scrutiny of Health Services) Order 2004, which had the effect of making it a requirement for the Council to establish an overview and scrutiny committee or committees for the purpose of the review and scrutiny of matters relating to the health service.

A full Impact Assessment has not been produced for this instrument as no impact on the private sector or civil society organisations is foreseen.

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(a) S.I. 2004/1412.

STATUTORY INSTRUMENTS

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