STATUTORY INSTRUMENTS

2000 No. 3132

LOCAL GOVERNMENT, ENGLAND

The Plymouth City Council Act 1987 (Modification) Order 2000

Made - - - - -	*24th November 2000*
Laid before Parliament	*1st December 2000*
Coming into force - -	*22nd December 2000*

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred on him by section 47 of the Local Government Act 2000(**a**), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Plymouth City Council Act 1987 (Modification) Order 2000 and shall come into force on 22nd December 2000.

(2) In this Order "the Council" means Plymouth City Council.

Modification of section 25 of the Plymouth City Council Act 1987

2. Where the functions of the Council under Part III (Cottonian Collection) of the Plymouth City Council Act 1987(**b**) are the responsibility of the executive of the Council under executive arrangements(**c**) section 25 (Cottonian Representatives) of that Act shall have effect as if for subsections (1) and (2), there were substituted the following subsections—

"(1) The Council shall manage the Cottonian Collection.

(2) Where the management of the Cottonian Collection is for the time being the responsibility of the executive of the Council in accordance with provisions made by or under Part II (arrangements with respect to executives etc.) of the Local Government Act 2000 ("the 2000 Act"), an overview and scrutiny committee, or sub-committee, to which subsection (2A) applies must, subject to section 21(9) of the 2000 Act, include the persons who are for the time being the Cottonian Representatives.

(2A) This subsection applies to—

(a) an overview and scrutiny committee of the Council if the committee's functions under section 21 (overview and scrutiny committees) of the 2000 Act relate wholly or partly to the Cottonian Collection; and

(b) a sub-committee of an overview and scrutiny committee of the Council if the sub-committee's functions under that section relate wholly or partly to the Cottonian Collection.

(**a**) 2000 c. 22.
(**b**) 1987 c. iv.
(**c**) *See* regulation 3 of, and paragraph 1 of Schedule 2 to, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. 2000/2853).

[DETR 2018]

(2B) A person who is a member of an overview and scrutiny committee or sub-committee by virtue of subsection (2) is to be entitled to vote at a meeting of the committee or sub-committee on any question—

(a) which relates to the Cottonian Collection, and

(b) which falls to be decided at the meeting.

(2C) In relation to a person who is a member of an overview and scrutiny committee or sub-committee by virtue of subsection (2) of this section, subsection (10) of section 21 of the 2000 Act (voting rights of persons who are not members of the authority) shall apply as if, for the words "subject to any provision made by or under paragraphs 7 to 9 of Schedule 1", there were substituted the words "subject to section 2(2B) of the Plymouth City Council Act 1987".

(2D) The proceedings of any overview and scrutiny committee or sub-committee to which subsection (2A) applies shall not be invalidated by reason of a vacancy within the Cottonian Representatives.

(2E) In subsection (2)—

"executive" shall be construed in accordance with section 11 (local authority executives) of the 2000 Act; and

"overview and scrutiny committee" has the meaning given by section 21(1) of that Act.".

Signed by authority of the Secretary of State
for the Environment, Transport and the Regions.

Beverley Hughes
Parliamentary Under Secretary of State,
Department of the Environment,
Transport and the Regions

24th November 2000

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is consequential on Part II (arrangements with respect to executives etc.) of the Local Government Act 2000 ("the 2000 Act"). It modifies, in the circumstances mentioned below, section 25 of the Plymouth City Council Act 1987, which is concerned with the management of the Cottonian Collection by a committee of the City Council on which individuals known as the Cottonian Representatives are entitled to representation and voting rights.

The effect of the Order is that, if the Council's functions relating to the Cottonian Collection are discharged by the Council's executive, under executive arrangements in accordance with the 2000 Act, the Cottonian Representatives will be entitled to be members of the Council's overview and scrutiny committee, or sub-committee of such a committee, whose terms of reference include matters relating to the Cottonian Collection. The Cottonian Representatives will be entitled to vote on those matters at meetings of the relevant overview and scrutiny committee, or sub-committee, subject only to section 21(9) of the 2000 Act. The effect of that provision is to disqualify for membership of such a committee or sub-committee a Cottonian Representative who is also a member of the Council's executive.

ISBN 0-11-018832-2

9 780110 188324

£1.50

© Crown copyright 2000

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E2028 556846 12/2000 19585