



Local Government Act 1972

1972 CHAPTER 70

PART VI

DISCHARGE OF FUNCTIONS

Modifications etc. (not altering text)

- C1** Pt. VI (ss. 101-110): power conferred to make provisions about matters of the kind dealt with in this part (1.9.1997) by 1997 c. 50, s. 44(1), Sch. 4(a)(iv); S.I. 1997/1930, art. 2(1)(2)(m)

101 Arrangements for discharge of functions by local authorities.

- (1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions—
- (a) by a committee, a sub-committee or an officer of the authority; or
 - (b) by any other local authority.

[^{F1}(1A) A local authority may not under subsection (1)(b) above arrange for the discharge of any of their functions by another local authority if, or to the extent that, that function is also a function of the other local authority and is the responsibility of the other authority's executive.

- (1B) Arrangements made under subsection (1)(b) above by a local authority ("the first authority") with respect to the discharge of any of their functions shall cease to have effect with respect to that function if, or to the extent that,—
- (a) the first authority are operating or begin to operate executive arrangements, and that function becomes the responsibility of the executive of that authority; or
 - (b) the authority with whom the arrangements are made ("the second authority") are operating or begin to operate executive arrangements, that function is also a function of the second authority and that function becomes the responsibility of the second authority's executive.

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- (1C) Subsections (1A) and (1B) above do not affect arrangements made by virtue of section 19 of the Local Government Act 2000 (discharge of functions of and by another authority).]
- (2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the authority and where by virtue of this section any functions of a local authority may be discharged by a sub-committee of the authority, then, unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.
- (3) Where arrangements are in force under this section for the discharge of any functions of a local authority by another local authority, then, subject to the terms of the arrangements, that other authority may arrange for the discharge of those functions by a committee, sub-committee or officer of theirs and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of that other authority.
- (4) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.
- (5) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so,—
 - (a) they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities; and
 - (b) any enactment relating to those functions or the authorities by whom or the areas in respect of which they are to be discharged shall have effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.
- [^{F2}(5A) Arrangements made under subsection (5) above by two or more local authorities with respect to the discharge of any of their functions shall cease to have effect with respect to that function if, or to the extent that, the function becomes the responsibility of an executive of any of the authorities.
- (5B) Subsection (5A) above does not affect arrangements made by virtue of section 20 of the Local Government Act 2000 (joint exercise of functions).]
- (6) A local authority’s functions with respect to levying, or issuing a precept for, a rate ^{F3} . . . shall be discharged only by the authority.
- [^{F4}(6A) Community Infrastructure Levy under Part 11 of the Planning Act 2008 is not a rate for the purposes of subsection (6).]
- (7) ^{F5}
- (7A) ^{F6}

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(8) Any enactment, except one mentioned in subsection (9) below, which contains any provision—

- (a) which empowers or requires local authorities or any class of local authorities to establish committees (including joint committees) for any purpose or enables a Minister to make an instrument establishing committees of local authorities for any purpose or empowering or requiring a local authority or any class of local authorities to establish committees for any purpose; or
- (b) which empowers or requires local authorities or any class of local authorities to arrange or to join with other authorities in arranging for the exercise by committees so established or by officers of theirs of any of their functions, or provides that any specified functions of theirs shall be discharged by such committees or officers, or enables any Minister to make an instrument conferring such a power, imposing such a requirement or containing such a provision;

shall, to the extent that it makes any such provision, cease to have effect.

(9) The following enactments, that is to say—

- ^{F7}(a)
- ^{F8}(b)
- ^{F9}(c)
- ^{F10}(d)
- ^{F11}(e)
- (f) ^{F12}
- ^{F13}(g)
- ^{F14}(h)

are exempted from subsection (8) above.

(10) This section shall not authorise a local authority to arrange for the discharge by any committee, sub-committee or local authority of any functions which by any enactment mentioned in subsection (9) above are required or authorised to be discharged by a specified committee, but the foregoing provision shall not prevent a local authority who are required by or under any such enactment to establish, or delegate functions to, a committee established by or under any such enactment from arranging under this section for the discharge of their functions by an officer of the local authority or committee, as the case may be.

^{F15}(10A) In determining what arrangements to make for the discharge of any functions, a principal council in Wales may act as if paragraph (f) were omitted from subsection (9) above.]

^{F16}(11)

(12) References in this section and section 102 below to the discharge of any of the functions of a local authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.

(13) In this Part of this Act “local authority” includes the Common Council, the Sub-Treasurer of the Inner Temple, the Under Treasurer of the Middle Temple, ^{F17}the London Fire and Emergency Planning Authority, ^{F18}any joint authority except a police authority, ^{F19}an economic prosperity board, a combined authority, ^{F20}a joint waste authority, ^{F21}... a joint board on which a local authority within the meaning

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of this Act or any of the foregoing authorities are represented and, without prejudice to the foregoing, any port health authority.

(14) Nothing in this section affects the operation of section 5 of the 1963 Act or the ^{M1}Local Authorities (Goods and Services) Act 1970.

[^{F22}(15) Nothing in this section applies in relation to any function under the Licensing Act 2003 of a licensing authority (within the meaning of that Act).]

Textual Amendments

- F1** S. 101(1A)-(1C) inserted (E.) (18.5.2001) by S.I. 2001/1517, art. 3(a) and (W.) (1.4.2002) by S.I. 2002/803, art. 3(a)
- F2** S. 101(5A)(5B) inserted (E.) (18.5.2001) by S.I. 2001/1517, art. 3(b) and (W.) (1.4.2002) by S.I. 2002/803, art. 3(b)
- F3** Words repealed (subject to savings in S.I. 1990/431, art. 4, **Sch. 1 para. 1(b)**) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 45(4)(5), 194(4), **Sch. 12 Pt. II**
- F4** S. 101(6A) inserted (6.4.2009) by Planning Act 2008 (c. 29), ss. 224(1), 241; S.I. 2009/400, art. 3(m)
- F5** S. 101(7) repealed (31.5.2009) by The Legislative Reform (Local Government) (Animal Health Functions) Order 2009 (S.I. 2009/1375), art. 2(1)(a)
- F6** S. 101(7A) repealed (31.5.2009) by The Legislative Reform (Local Government) (Animal Health Functions) Order 2009 (S.I. 2009/1375), art. 2(1)(b)
- F7** S. 101(9)(a) repealed (1.4.1994) by 1993 c. 35, ss. 307(1)(3), 308(3), Sch. 19 para. 49, **Sch. 21 Pt. II**; S.I. 1994/507, art. 4, **Sch. 2** Appendix (with savings in Sch. 3 Pt. II para. 8(a)(b)(i))
- F8** S. 101(9)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F9** S. 101(9)(c) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch.**
- F10** S. 101(9)(d) repealed (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), ss. 321, 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, art. 3(b) (with arts. 8, 12); S.I. 2011/556, art. 2(2)(o) (with art. 2(3))
- F11** S. 101(9)(e) repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 30, **Sch. 10 Pt. I**
- F12** S. 101(9)(f) repealed (1.4.2005 for E. and 1.4.2006 for W.) by Children Act 2004 (c. 31), ss. 64, 67, **Sch. 5 Pt. 4**; S.I. 2005/394, art. 2(2); S.I. 2006/885, art. 2(1)(h)
- F13** S. 101(9)(g) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. VII**
- F14** S. 101(9)(h) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**
- F15** S. 101(10A) inserted (3.4.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 26(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1)(2), **Sch. 5**
- F16** S. 101(11) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F17** Words in s. 101(13) inserted (3.7.2000) by 1999 c. 29, s. 332(1) (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(e)
- F18** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84(1), **Sch. 14 para. 15**
- F19** Words in s. 101(13) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 19**; S.I. 2009/3318, art. 2(c)
- F20** Words in s. 101(13) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, **Sch. 13 para. 9**; S.I. 2008/917, art. 2(1)(o)(p)
- F21** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F22** S. 101(15) inserted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201, **Sch. 6 para. 58** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

Modifications etc. (not altering text)

- C2** S. 101 extended by Local Government Act 1974 (c. 7), s. 25(4)

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- Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- C3** S. 101 excluded by Lotteries and Amusements Act 1976 (c. 32, SIF 12:1), **s. 6(3)** and by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), **ss. 4(5)**, 5(5) and by Local Government and Housing Act 1989 (c. 42, SIF 81:1), **s. 45(4)**
S. 101 excluded by S.I. 1991/445, **reg. 5(4)**
S. 101 excluded (1.6.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 90(5), 164(3); S.I. 1991/1042, **art. 3**
S. 101 excluded (17.7.1992) by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **s. 316(3)(b)** (as inserted by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 20(3)(b)**); S.I. 1992/1491, **art. 2** (with art. 3)
S. 101 excluded: (17.7.1992) by S.I. 1992/1492, **reg. 10**; (6.5.1992) by Local Government Act 1992 (c. 19), **ss. 5(4)**, 30(2); (31.1.1995) by S.I. 1995/187, **art. 11(3)**; (1.3.1995) by S.I. 1995/493, **art. 20(3)**; (8.3.1995) by S.I. 1995/600, **art. 18(3)**; (8.3.1995) by S.I. 1995/610, **art. 17(2)**; (1.8.1995) by S.I. 1995/1748, **reg. 5(4)**; (temp. from 5.5.1997 to 31.3.1998) by S.I. 1996/1867, **art. 22(3)**; (temp. from 5.5.1997 to 31.3.1998) by S.I. 1996/1876, **art. 15(3)**; (1.6.1997) by S.I. 1997/1160, **reg. 15(2)**; (11.9.1998) by 1998 c. 18, **ss. 11(8)(9)**, 55(2); (25.5.1999) by 1999 c. i, **ss. 1(2)**, 31 (with s. 28)
S. 101 excluded: (E.) (16.11.2000) by S.I. 2000/2853, **regs. 2(7)**, 4(8), 5(5); (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 23, 108(4), **Sch. 1 para. 2(4)**; S.I. 2000/2849, **art. 2(c)**; (E.) (7.8.2000) and (W.) (1.11.2000) by 2000 c. 22, **s. 48(5)**; S.I. 2000/2187, **art. 2(a)**; S.I. 2000/2948, **art. 2**; (E.) (19.12.2000) (W.) (19.12.2000 with application in relation to police authorities in W. and otherwise 28.7.2001) by 2000 c. 22, **ss. 51(9)**, 80(4), 108(4); (E.) (2.4.2001) by S.I. 2001/1299, **reg. 4**; (E.) (18.5.2001) by S.I. 2001/1517, **art. 8(3)**; (W.) (28.7.2001) by S.I. 2001/2284, **regs. 8(7)**, 10(8), 11(5) (as amended (10.2.2003 for W.) by S.I. 2003/155, **reg. 2**); (W.) (28.7.2001) by S.I. 2001/2291, **regs. 2(7)**, 4(8), 5(5) (as amended (10.2.2003 for W.) by S.I. 2003/153, **reg. 2**); (E.) (7.11.2001) by S.I. 2001/3384, **reg. 5**
S. 101 excluded by Greenham and Crookham Commons Act 2002 (c. i), **s. 20(1)** (with savings in ss. 38, 39) (the amendment coming into force in accordance with s. 1(2)-(4) of the amending Act)
S. 101 excluded (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), **ss. 25(8)**, 73; S.I. 2005/558, **art. 2**, **Sch. 1**
- C4** S. 101 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 91, **Sch. 15 para. 1(2)(a)** and restricted (16.1.1990 to the extent mentioned in S.I. 1989/2445, **art. 4**, and 1.8.1990 to the extent mentioned in S.I. 1990/1552, **art. 3**, otherwise prosp.) by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2) ss. 9(8)(a)(10), 195(2)
S. 101 restricted (22.8.1996) by 1996 c. 16, **ss. 15(2)(4)**, 104(1)
- C5** S. 101 modified by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 73(4), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), **Sch. 26 paras. 3(1)(2)**, 17, 40(4), 57(6), **58**
S. 101 modified (3.4.1995) by 1994 c. 19, **s. 30(10)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1)**, 23(2)); S.I. 1995/852, **art. 5**
S. 101 modified (31.10.1997) by 1997 c. 50, **s. 55(8)(9)**; S.I. 1997/2390, **art. 2(1)(2)(m)**
S. 101 modified (16.7.1998) by 1998 c. 30, **ss. 23(3)(a)**, 46(3)
S. 101 modified (28.9.2004 for E.) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 4(8)**, 121 (with ss. 111, 119, **Sch. 8**); S.I. 2004/2202, **art. 2(a)**
- C6** S. 101 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 101 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
Ss. 101-104 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(1)**
Ss. 101-104 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(1)**
- C7** S. 101: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 101: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**

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- S. 101: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**
- C8** Ss. 101-106 applied (with modifications) (20.11.1996) by: S.I. 1996/2912, **art. 2, Sch. para. 20(1)**; S.I. 1996/2916, **art. 2, Sch. para. 20(1)**; S.I. 1996/2917, **art. 2, Sch. para. 20(1)**; S.I. 1996/2918, **art. 2, Sch. para. 20(1)**; S.I. 1996/2919, **art. 2, Sch. para. 20(1)**; S.I. 1996/2920, **art. 2, Sch. para. 20(1)**; S.I. 1996/2921, **art. 2, Sch. para. 20(1)**; S.I. 1996/2922, **art. 2, Sch. para. 20(1)**; S.I. 1996/2923, **art. 2, Sch. para. 20(1)**; S.I. 1996/2924, **art. 2, Sch. para. 20(1)**
- Ss. 101-106 applied (with modifications) (11.12.1995) by: S.I. 1995/3218, **art. 2, Sch. para. 20(1)**; S.I. 1995/3229, **art. 2, Sch. para. 20(1)**; S.I. 1995/3230, **art. 2, Sch. para. 20(1)**
- Ss. 101-106 applied (with modifications) (5.12.1995) by: S.I. 1995/3127, **art. 2, Sch. para. 20(1)**; S.I. 1995/3132, **art. 2, Sch. para. 20(1)**; S.I. 1995/3133, **art. 2, Sch. para. 20(1)**
- C9** S. 101: power to disapply conferred (E.) (7.8.2000 for specified purposes otherwise 26.10.2000) and (W.) (1.11.2000) by 2000 c. 22, **s. 13(12)**; S.I. 2000/2187, **art. 2(b)**; S.I. 2000/2849, **art. 2(b)**; S.I. 2000/2948, **art. 2**
- C10** S. 101 extended (1.9.2003) by Education Act 2002 (c. 32), **ss. 183(4)(c), 216** (with **ss. 210(8), 214(4)**); S.I. 2003/1667, **art. 4**; S.I. 2003/1718, **art. 5, Sch. Pt. II**
- C11** S. 101 excluded (3.7.2006 for W.) by The Local Authorities (Standing Orders) (Wales) Regulations 2006 (S.I. 2006/1275), **reg. 7**
- C12** S. 101 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), **art. 2, Sch. para. 15**
- C13** S. 101 excluded (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), **reg. 10(7)**
- S. 101 excluded (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), **reg. 12(8)**
- S. 101 excluded (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), **reg. 13(5)**
- C14** S. 101 excluded (W.) (16.2.2007) by The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (S.I. 2007/399), **reg. 3(7)**
- S. 101 excluded (W.) (16.2.2007) by The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (S.I. 2007/399), **reg. 5(8)**
- S. 101 excluded (W.) (16.2.2007) by The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (S.I. 2007/399), **reg. 6(5)**
- C15** Ss. 101-106 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), **arts. 1(1), 7, Sch. 1**
- C16** S. 101 applied (with modifications) (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), **arts. 1, 9(3)**
- C17** S. 101 applied (with modifications) (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), **arts. 1, 8(1)(7)**
- C18** S. 101 excluded by 2000 c. 22, **s. 9R(6)** (as inserted (3.12.2011 for specified purposes, 15.1.2012 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **s. 240(2), Sch. 2 para. 1**; S.I. 2011/2896, **art. 2(e)**; S.I. 2012/57, **art. 4(1)(b)** (with **arts. 6, 7, 9-11**); S.I. 2012/1008, **art. 4(b)**)
- C19** S. 101: power to exclude conferred by 2000 c. 22, **s. 9J(2)(b)** (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **s. 240(2), Sch. 2 para. 1**; S.I. 2011/2896, **art. 2(e)**; S.I. 2012/1008, **art. 4(b)**)
- C20** S. 101 excluded by 2000 c. 22, **s. 9C(6)** (as inserted (3.12.2011 for specified purposes, 15.1.2012 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **s. 240(2), Sch. 2 para. 1**; S.I. 2011/2896, **art. 2(e)**; S.I. 2012/57, **art. 4(1)(b)** (with **arts. 6, 7, 9-11**); S.I. 2012/1008, **art. 4(b)**)
- C21** S. 101(1) excluded (E.) (7.8.2000 for specified purposes otherwise 26.10.2000) (W.) (28.7.2001) by 2000 c. 22, **ss. 13(10)(b), 108(4)**; S.I. 2000/2187, **art. 2(b)**; S.I. 2000/2849, **art. 2(b)**
- C22** S. 101(1) excluded by 2000 c. 22, **s. 9DA(3)(6)** (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **s. 240(2), Sch. 2 para. 1**; S.I. 2011/2896, **art. 2(e)**; S.I. 2012/1008, **art. 4(b)**)

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- C23** S. 101(1)(a) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 5(a)**
- C24** S. 101(1)(b) excluded by Local Government Finance Act 1988 (c. 41, SIF 81:1), **s. 89(3)**
S. 101(1)(b) excluded (3.4.1995) by 1994 c. 19, **s. 38(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, **arts. 6, 9(2)**
- C25** S. 101(1)(b)(5) modified (W.) (1.4.2010) by Local Government (Wales) Measure 2009 (nawm 2), ss. 10(1), 53(2); S.I. 2009/3272, **art. 3, Sch. 2**
- C26** S. 101(2) extended by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **s. 2(3)**
- C27** S. 101(2)-(4) power to apply or reproduce (with or without modifications) (E.) (7.8.2000) and (W.) (1.11.2000) by 2000 c. 22, **s. 19(5)**; S.I. 2000/2187, **art. 2(a)**; S.I. 2000/2948, **art. 2**
- C28** S. 101(2) modified by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 15(7), 17, 40(4), 57(6), **58**
- C29** S. 101(2)-(4) power to apply (with modifications) conferred by 2000 c. 22, s. 9EA(4)(b)(5) (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e); S.I. 2012/1008, art. 4(b))
- C30** S. 101(3)(4) applied (8.5.2000) by 1999 c. 29, **s. 38(8)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
S. 101(3)(4) applied (8.5.2000) by 1999 c. 29, **s. 380(10)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- C31** S. 101(4) excluded (3.4.1995) by 1994 c. 19, **s. 29(1)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, **art. 5, 9(2)**
- C32** S. 101(5): power to direct conferred (1.2.1996) by 1995 c. 25, s. 90, **Sch. 11 para. 3(1)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**
S. 101(5): power to restrict conferred (1.2.1996) by 1995 c. 25, s. 90, **Sch. 11 para. 3(2)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**
- C33** S. 101(5) modified (8.5.2000) by 1999 c. 29, s. 154(4), **Sch. 10 para. 9(1)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
S. 101(5) modified (8.5.2000) by 1999 c. 29, **s. 39(1)(2)(4)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
S. 101(5) modified (3.7.2000) by 1984 c. 27, **s. 55(8)** (as added (3.7.2000) by 1999 c. 29, s. 282(5) (with **Sch. 12 para. 9(1)**)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
S. 101(5) modified (3.7.2000) by 1991 c. 40, **s. 73(1A)** (as substituted (3.7.2000) by 1999 c. 29, s. 283(2), 425(2) (with **Sch. 12 para. 9(1)**)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- C34** S. 101(5) restricted (E.) (7.8.2000 for specified purposes, otherwise 26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, **ss. 13(10)(c), 108(4)**; S.I. 2000/2187, **art. 2(b)**;
S. 101(5) restricted (W.) (1.4.2002) by 1989 c. 42, S. 9(8A)(b) (as inserted (1.4.2002) by S.I. 2002/808, **art. 23(b)**)
- C35** S. 101(6) amended by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), **ss. 14(14), 23(2), 27(2)**
S. 101(6) applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(2)**; S.I. 1996/2916, art. 2, **Sch. para. 20(2)**; S.I. 1996/2917, art. 2, **Sch. para. 20(2)**; S.I. 1996/2918, art. 2, **Sch. para. 20(2)**; S.I. 1996/2919, art. 2, **Sch. para. 20(2)**; S.I. 1996/2920, art. 2, **Sch. para. 20(2)**; S.I. 1996/2921, art. 2, **Sch. para. 20(2)**; S.I. 1996/2922, art. 2, **Sch. para. 20(2)**; S.I. 1996/2923, art. 2, **Sch. para. 20(2)**; S.I. 1996/2924, art. 2, **Sch. para. 20(2)**
S. 101(6) applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(2)**; S.I. 1995/3229, art. 2, **Sch. para. 20(2)**; S.I. 1995/3230, art. 2, **Sch. para. 20(2)**
S. 101(6) applied (with modifications) (5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(2)**; S.I. 1995/3132, art. 2, **Sch. para. 20(2)**; S.I. 1995/3133, art. 2, **Sch. para. 20(2)**
- C36** S. 101(13) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(i)**
- C37** S. 101(13) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(i)**

Marginal Citations

M1 1970 c. 39.

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102 Appointment of committees.

- (1) For the purpose of discharging any functions in pursuance of arrangements made under section 101 above [^{F23}or][^{F24}section 53 of the Children Act 1989]—
- (a) a local authority may appoint a committee of the authority; or
 - (b) two or more local authorities may appoint a joint committee of those authorities; or
 - (c) any such committee may appoint one or more sub-committees.

- [^{F25}(1A) For the purpose of discharging any function in pursuance of arrangements made under regulations made under section 18 of the Local Government Act 2000 (discharge of functions by area committees)—
- (a) a local authority may appoint a committee of the authority; or
 - (b) any such committee may appoint one or more sub-committees.]

- (2) Subject to the provisions of this section, the number of members of a committee appointed under subsection (1) [^{F26}or (1A)] above, their term of office, and the area (if restricted) within which the committee are to exercise their authority shall be fixed by the appointing authority or authorities or, in the case of a sub-committee, by the appointing committee.

- (3) A committee appointed under subsection (1) [^{F26}or (1A)] above, other than a committee for regulating and controlling the finance of the local authority or of their area, may, subject to section 104 below, include persons who are not members of the appointing authority or authorities or, in the case of a sub-committee, the authority or authorities of whom they are a sub-committee, ^{F27} . . .

- (4) A local authority may appoint a committee, and two or more local authorities may join in appointing a committee, to advise the appointing authority or authorities [^{F28}, or, where the appointing authority or each of the authorities operate executive arrangements, any executive of that or those authorities, or a committee or member of that executive,] on any matter relating to the discharge of their functions, and any such committee—
- (a) may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities; and
 - (b) may appoint one or more sub-committees to advise the committee with respect to any such matter.

- (5) Every member of a committee appointed under this section who at the time of his appointment was a member of the appointing authority or one of the appointing authorities shall upon ceasing to be a member of that authority also cease to be a member of the committee; but for the purposes of this section a member of a local authority shall not be deemed to have ceased to be a member of the authority by reason of retirement if he has been re-elected a member thereof not later than the day of his retirement.

Textual Amendments

- F23** Words inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 29, [Sch. 9 Pt. I para. 16](#)
- F24** Words in s. 102(1) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5), [Sch. 13 para. 31\(1\)](#); [S. I. 1991/828](#), [art. 3\(2\)](#)

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- F25** S. 102(1A) inserted (E.) (18.5.2001) by S.I. 2001/1517, art. 4(a) and (W.) (1.4.2002) by S.I. 2002/803, **art. 4(a)**
- F26** Words in s. 102(2)(3) inserted (E.) (18.5.2001) by S.I. 2001/1517, art. 4(b) and (W.) (1.4.2002) by S.I. 2002/803, **art. 4(b)**
- F27** Words repealed (16.1.1990 to the extent mentioned in S.I. 1989/2445, **art. 4** otherwise 1.8.1990 and 1.1.1991 as provided by S.I. 1990/1552, art. 3, **Sch.**) by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), ss. 13(8), 194(4), **Sch. 12 Pt. II**
- F28** Words in s. 102(4) inserted (E.) (18.5.2001) by S.I. 2001/1517, art. 4(c) and (W.) (1.4.2002) by S.I. 2002/803, **art 4(c)**

Modifications etc. (not altering text)

- C15** Ss. 101-106 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
- C38** S. 102 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 102 applied (10.1.1992) by S.I. 1991/2913, artS. 6, 8, **Sch. 1**
Ss. 101-106 applied (with modifications) (20.11.1996) by: S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**
Ss. 101-106 applied (with modifications) (11.12.1995) by: S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**
Ss. 101-106 applied (with modifications) (5.12.1995) by: S.I. 1995/3127, art. 2, **Sch. para. 20(1)**; S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**
S. 102 applied (with modifications) (3.7.2000) by 1999 c. 29, s. 244(8)(a) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- C39** S. 102: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8(1)(3), **Sch. 1**
S. 102: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 102: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**
- C40** Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- C41** S. 102 modified (3.7.2000) by 1984 c. 27, s. 55(8) (as added (3.7.2000) by 1999 c. 29, s. 282(5) (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
S. 102 modified (3.7.2000) by 1991 c. 40, s. 73(1A) (as substituted (3.7.2000) by 1999 c. 29, s. 283(2) (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
S. 102 modified (8.5.2000) by 1999 c. 29, s. 39(1)(2)(4) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- C42** Ss. 101-104 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(1)**
Ss. 101-104 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(1)**
- C43** S. 102(1)(b)(c)(2)(3)(5) modified (8.5.2000) by 1999 c. 29, s. 154(4), **Sch. 10 para. 9(1)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- C44** S. 102(2) excluded (28.11.2008) by The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (S.I. 2008/2867), **reg. 16(8)**
- C45** S. 102(2)(5) applied (E.) (2.4.2001) by S.I. 2001/1299, **reg. 6(11)**
S. 102(2)(5) applied (W.) (28.7.2001) by S.I. 2001/2284, **reg. 6(11)**
- C46** S. 102(2)(3) excluded (3.4.1995) by 1994 c. 19, ss. 30(11)(13), 31(9)(11); S.I. 1995/852, **art. 5**
- C47** S. 102(2)(5) applied (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 21(12), 108(4); S.I. 2000/2849, **art. 2(a)**
- C48** S. 102(2) applied (with modifications) (30.4.2009 for E. and 1.10.2009 for W.) by Police and Justice Act 2006 (c. 48), ss. 19, 53, **Sch. 8 para. 9**; S.I. 2009/936, **art. 2**; S.I. 2009/2540, **art. 2**

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- C49** S. 102(2) applied (W.) (16.2.2007) by [The Local Authorities \(Alternative Arrangements\) \(Wales\) Regulations 2007 \(S.I. 2007/397\)](#), [reg. 9\(7\)](#)
- C50** S. 102(2) applied by 2000 c. 22, s. 9FA(7) (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 2 para. 1](#); S.I. 2011/2896, art. 2(e); S.I. 2012/1008, art. 4(b))
- C51** S. 102(5) applied (with modifications) (30.4.2009 for E. and 1.10.2009 for W.) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 19, 53, [Sch. 8 para. 9](#); S.I. 2009/936, [art. 2](#); S.I. 2009/2540, [art. 2](#)
- C52** S. 102(5) applied (W.) (16.2.2007) by [The Local Authorities \(Alternative Arrangements\) \(Wales\) Regulations 2007 \(S.I. 2007/397\)](#), [reg. 9\(7\)](#)
- C53** S. 102(5) applied by 2000 c. 22, s. 9FA(7) (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 2 para. 1](#); S.I. 2011/2896, art. 2(e); S.I. 2012/1008, art. 4(b))

103 Expenses of joint committees.

The expenses incurred by a joint committee of two or more local authorities whether appointed or established under this Part of this Act or any other enactment shall be defrayed by those authorities in such proportions as they may agree or in case of disagreement as may be determined—

- (a) in any case in which those authorities are the councils of parishes [^{F29}or groups of parishes] situated in the same district, by the district council;
- [^{F30}(aa) in any case in which those authorities are the councils of communities or groups of communities situated in the same principal area, by the council of that area;]and
- (b) in any other case, by a single arbitrator agreed on by the appointing authorities or, in default of agreement, appointed by the Secretary of State.

Textual Amendments

- F29** Words in s. 103(a) substituted (1.4.1996) by 1994 c. 19, s. 66(5), [Sch. 15 para. 27](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)
- F30** S. 103(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(5), [Sch. 15 para. 27](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)

Modifications etc. (not altering text)

- C15** Ss. 101-106 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 7, [Sch. 1](#)
- C54** S. 103 applied (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), [art. 20\(6\)](#)
- C55** S. 103 applied (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), [art. 9\(8\)](#)
- C56** Ss. 101-106 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2916, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2917, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2918, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2919, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2920, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2921, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2922, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2923, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2924, art. 2, [Sch. para. 20\(1\)](#)
- Ss. 101-106 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, [Sch. para. 20\(1\)](#); S.I. 1995/3229, art. 2, [Sch. para. 20\(1\)](#); S.I. 1995/3230, art. 2, [Sch. para. 20\(1\)](#)
- Ss. 101-106 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, [Sch. para. 20\(1\)](#); S.I. 1995/3132, art. 2, [Sch. para. 20\(1\)](#); S.I. 1995/3133, art. 2, [Sch. para. 20\(1\)](#)
- Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), [Sch. 7 para. 13\(1\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))

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- S. 103 applied (12.4.1994 with effect between the establishment date and the reorganisation date) by S.I. 1994/867, **reg. 11(6)**
- Ss. 103-106 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- S. 103 modified (8.5.2000) by 1999 c. 29, **s. 39(1)(2)(4)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- S. 103 modified (8.5.2000) by 1999 c. 29, s. 154(4), **Sch. 10 para. 9(1)(c)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- C57** Ss. 101-104 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(1)**
- Ss. 101-104 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(1)**
- C58** S. 103 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 15**
- C59** S. 103 excluded (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 180(3), 324(1)(c)(3)** (with ss. 172(3), 185)
- C60** S. 103 excluded (1.10.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 180(3), 324(3)** (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(h)

104 Disqualification for membership of committees and joint committees.

- (1) Subject to subsection (2) below, a person who is disqualified under Part V of this Act for being elected or being a member of a local authority shall be disqualified for being a member of a committee (including a sub-committee) of that authority, or being a representative of that authority on a joint committee (including a sub-committee) of the authority and another local authority, whether the committee or joint committee are appointed under this Part of this Act or under any other enactment.
- (2) A person shall not by reason of his being a teacher in, or being otherwise employed in, any school, ^{F31} . . . or other educational institution maintained or assisted by a [^{F32}local authority] be disqualified for being a member of any committee of any local authority—
- (a) appointed wholly or partly for the purpose of discharging [^{F33}any education functions as defined in section 579(1) of the Education Act 1996]; or
- (b) appointed for purposes connected with the execution of the ^{M2}Public Libraries and Museums Act 1964;
- or for being a representative of a local authority on a joint committee of the authority and another authority which has been appointed or established for any such purpose.
- (3) Section 92 above shall, so far as applicable, apply with respect to membership of or a claim to be entitled to act as a member of a committee of a local authority or a joint committee of two or more local authorities as it applies to membership of or claims to be entitled to act as a member of a local authority.
- (4) In the application of this section to the Common Council for the reference to Part V of this Act there shall be substituted a reference to the enactments for the time being in force relating to disqualification for membership of the Common Council.
- [^{F34}(5) In the application of this section to the London Fire and Emergency Planning Authority, the reference to a person who is disqualified under Part V of this Act for being elected or being a member of a local authority shall be treated as if it included a reference to a person who is disqualified under section 21 of the Greater London Authority Act 1999 from being elected or being the Mayor of London or a member of the London Assembly.]

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Textual Amendments

- F31** Word repealed by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**
- F32** Words in s. 104(2) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, **Sch. 2 para. 26(2)(a)**
- F33** Words in s. 104(2)(a) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, **Sch. 2 para. 26(2)(b)**
- F34** S. 104(5) inserted (3.7.2000) by [1999 c. 29, s. 332\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1094, **art. 4(e)**

Modifications etc. (not altering text)

- C15** Ss. 101-106 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011](#) (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
- C61** Ss. 101-106 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**
- Ss. 101-106 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**
- Ss. 101-106 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**; S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**
- Ss. 101-106 extended (19.9.1995) by [1995 c. 25, ss. 63\(5\), 125\(2\)](#), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
- Ss. 103-106 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- S. 104 modified (8.5.2000) by [1999 c. 29, s. 39\(1\)\(2\)\(4\)](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- C62** Ss. 101-104 applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004](#) (S.I. 2004/1777), **art. 17(1)**
- Ss. 101-104 applied (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004](#) (S.I. 2004/1778), **art. 17(1)**
- C63** S. 104 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006](#) (S.I. 2006/2790), art. 2, **Sch. para. 15**
- C64** S. 104 applied (12.11.2009 for certain purposes and otherwise prosp.) by [Marine and Coastal Access Act 2009](#) (c. 23), **ss. 151(7)(a), 324(1)(c)(3)** (with ss. 172(3), 185)
- C65** S. 104 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009](#) (c. 23), **ss. 151(7)(a), 324(1)(c)(d)** (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

Marginal Citations

- M2** [1964 c. 75](#).

105 Disability for voting on account of interest in contracts, etc.

Sections 94 to 98 above shall apply as respects members of a committee of a local authority or of a joint committee of two or more local authorities (including in either case a sub-committee), whether the committee or joint committee are appointed or established under this Part of this Act or under any other enactment, as they apply in respect of members of local authorities, subject to the following modifications—

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- (a) references to meetings of any such committee shall be substituted for references to meetings of the local authority; and
- (b) in the case of members of a committee of a local authority of any sub-committee the right of persons who are members of the committee or sub-committee but not members of the local authority to inspect the book kept under section 96(2) above shall be limited to an inspection of the entries in the book relating to the members of the committee or sub-committee.

Modifications etc. (not altering text)

- C15** Ss. 101-106 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 7, **Sch. 1**
- C66** S. 105 excluded (27.11.2001*temp.* until 27.7.2002) by [S.I. 2001/3576](#), **art. 3(1)(a)**
S. 105 excluded (27.11.2001*temp.* until 27.7.2002) by [S.I. 2001/3578](#), **art. 3(1)(a)**
- C67** S. 105 excluded (W.) (18.4.2008) by [The Local Authorities \(Model Code of Conduct\) \(Wales\) Order 2008 \(S.I. 2008/788\)](#), **art. 4(1)(a)**
- C68** S. 105 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**.
S. 105: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**.
- C69** S.105 applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch.1**.
S.105: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch.1**.
Ss. 101-106 applied (with modifications)(20.11.1996) by [S.I. 1996/2912](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2916](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2917](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2918](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2919](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2920](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2921](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2922](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2923](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2924](#), art. 2, **Sch. para. 20(1)**
Ss. 101-106 applied (with modifications)(11.12.1995) by [S.I. 1995/3218](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3229](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3230](#), art. 2, **Sch. para. 20(1)**
Ss. 101-106 applied (with modifications)(5.12.1995) by [S.I. 1995/3127](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3132](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3133](#), art. 2, **Sch. para. 20(1)**
Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Ss. 103-106 applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), **art. 4(1)**
- C70** S.105 applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**.
S. 105 applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 14(2)(b)**
S. 105 applied (*temp.*) (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 14(2)(b)**
S.105: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**.
Ss. 101-106 applied (with modifications)(20.11.1996) by [S.I. 1996/2912](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2916](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2917](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2918](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2919](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2920](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2921](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2922](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2923](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2924](#), art. 2, **Sch. para. 20(1)**
Ss. 101-106 applied (with modifications)(11.12.1995) by [S.I. 1995/3218](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3229](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3230](#), art. 2, **Sch. para. 20(1)**
Ss. 101-106 applied (with modifications)(5.12.1995) by [S.I. 1995/3127](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3132](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3133](#), art. 2, **Sch. para. 20(1)**
Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

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- Ss. 103-106 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- C71** S. 105 disappplied by S.I. 2001/2289, art. 4 (as inserted (1.9.2004 for W.) by The Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004 (S.I. 2004/1510), **art. 3**)
- C72** S. 105 disappplied (3.5.2007) by The Local Authorities (Model Code of Conduct) Order 2007 (S.I. 2007/1159), **art. 3(a)**

106 Standing orders.

Standing orders may be made as respects any committee of a local authority by that authority or as respects a joint committee of two or more local authorities, whether appointed or established under this Part of this Act or any other enactment, by those authorities with respect to the quorum, proceedings and place of meeting of the committee or joint committee (including any sub-committee) but, subject to any such standing orders, the quorum, proceedings and place of meeting shall be such as the committee, joint committee or sub-committee may determine.

Modifications etc. (not altering text)

- C15** Ss. 101-106 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
- C73** S. 106 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 20(6)**
- C74** S. 106 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(8)**
- C75** S. 106 excluded by Education (No. 2) Act 1986 (c. 61, SIF 41:1), ss. 26(4), 66, **Sch. 3 para. 15**
- C76** Ss. 101-106 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**
- Ss. 101-106 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**
- Ss. 101-106 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**; S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**
- Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- Ss. 103-106 applied from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- S. 106 applied (12.4.1994 with effect between the establishment date and the reorganisation date) by S.I. 1994/867, **reg. 11(6)**
- S. 106 excluded (1.11.1996) by 1996 c. 56, ss. 159, 583(2), **Sch. 16 para. 15(2)** (with s. 1(4), **Sch. 39**)
- S. 106 excluded (1.11.1996) by 1996 c. 56, ss. 423, 583(2), **Sch. 33 Pt. II para. 15(2)** (with s. 1(4), **Sch. 39**)
- S. 106 applied (4.3.1996) by S.I. 1996/263, **reg. 10(5)**
- S. 106 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(1)**
- S. 106 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(1)**
- S. 106: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1)**, **Sch. 1**
- C77** S. 106 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 15**
- C78** S. 106 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(5)**

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- C79** S. 106 applied (12.11.2009 for certain purposes and otherwise prosp.) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 151\(7\)\(a\), 324\(1\)\(c\)\(3\)](#) (with ss. 172(3), 185)
- C80** S. 106 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 151\(7\)\(a\), 324\(1\)\(c\)\(d\)](#) (with ss. 172(3), 185); [S.I. 2010/2195, art. 3\(2\)\(b\)](#)

107 Application of foregoing provisions to police authorities.

(1) Subject to the following provisions of this section—

- (a) sections 101 to 103 and 106 above shall apply to a police authority^{F35} . . . as they apply to a local authority;
- (b) sections^{F36} . . . 105 above shall apply both to a police authority and a committee of any such authority or authorities as they apply to a committee of a local authority or authorities;

and in their application to the Common Council as police authority those sections [F37 and section 104] shall have effect subject to those provisions.

(2) A police authority may not arrange for the discharge of their functions by another police authority, and section 101(1)(b) and (3) above shall not apply to a police authority.

(3) The officers who may discharge the functions of a police authority in pursuance of arrangements under section 101(1), (2) or (5) above shall include the chief officer of police, his deputy while performing his duties and any civilian officer employed [F38 by] the police authority or one of the police authorities.

[F39(3A) Where pursuant to arrangements made by virtue of subsection (3) above—

- (a) a chief officer of police, or
- (b) the deputy of a chief officer of police,

may discharge functions of a police authority, he may himself arrange for the discharge of any of those functions by a member of the police force or by a person who is employed by the authority but is not under the authority's direction and control.]

[F40(3B) Section 101 above, in its application to a police authority, shall have effect as if a reference in subsection (1), (2), (4) or (5) to an officer of an authority included a reference to a member of that authority.]

[F41(4) The Secretary of State may by regulations make provision regulating the power of a police authority under section 101 above to arrange for the discharge of their functions by a committee, sub-committee, officer or member of the authority as respects part only of their area.

(4A) Regulations under subsection (4) may in particular—

- (a) impose limitations or restrictions on the functions which may be the subject of arrangements of the kind referred to in that subsection;
- (b) make provision as to the membership or chairmanship of any committee or sub-committee discharging functions under such arrangements;
- (c) impose limitations or restrictions on which officers or members of a police authority may discharge functions under such arrangements.

(4B) A statutory instrument containing regulations under subsection (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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- (5) Section 101(10) above shall not apply to a police authority.
- (6) ^{F42}
- (7) Section 103 above, in its application to a joint committee of police authorities, shall have effect as if for paragraphs [^{F43}(a) and (b)] there were substituted the words “ by the Secretary of State ”.
- (8) A person shall not be disqualified by virtue of section 104 above for being a member of a police authority or the committee (or any sub-committee) of any such authority or authorities by virtue of his holding any office or employment, except employment [^{F44}by] the police authority or one of the police authorities.
- (8A) ^{F45}
- ^{F46}(9)
- ^{F47}(10)

Textual Amendments

- F35** Words in s. 107(1)(a) repealed (3.7.2000) by 1999 c. 29, s. 325, 423, Sch. 27 para. 27, **Sch. 34 Pt. VII** (with **Sch. 12 para. 9(1)**); S.I. 2000/1648, art. 2, **Sch.**
- F36** Words in s. 107(1)(b) repealed (1.4.1995) by 1994 c. 29, ss. 43, 93, Sch. 4 Pt. I para. 10(2)(a), **Sch. 9 Pt. I**; S.I. 1994/3236, art. 4(1), **Sch.**
- F37** Words in s. 107(1) inserted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 10(2)(b)**; S.I. 1994/2025, art. 6; S.I. 1994/3236, art. 4(1), **Sch.**
- F38** Words in s. 107(3) substituted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 10(3)**; S.I. 1994/2025, art. 6; S.I. 1994/3236, art. 4(1), **Sch.**
- F39** S. 107(3A) inserted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 10(4)**; S.I. 1994/2025, art. 6; S.I. 1994/3236, art. 4(1), **Sch.**
- F40** S. 107(3B) inserted (29.6.2007) by Police and Justice Act 2006 (c. 48), **ss. 3(2)**, 53; S.I. 2007/1614, **art. 2(c)**
- F41** S. 107(4)-(4B) substituted (29.6.2007) for s. 107(4) by Police and Justice Act 2006 (c. 48), **ss. 3(3)**, 53; S.I. 2007/1614, **art. 2(c)**
- F42** S. 107(6) omitted (29.6.2007) by virtue of Police and Justice Act 2006 (c. 48), **ss. 3(4)**, 53; S.I. 2007/1614, **art. 2(c)** and said subsection repealed (prosp.) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(B)**
- F43** Words in s. 107(7) substituted (1.4.2002) by 2001 c. 16, ss. 128, 138(2), Sch. 6 para. 27(a); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)
- F44** Words in s. 107(8) substituted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. Pt. I para. 10(5)**; S.I. 1994/2025, art. 6; S.I. 1994/3236, art. 4(1), **Sch.**
- F45** S. 107(8A) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, 138(2), Sch. 6 para. 27(b), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)
- F46** S. 107(9) repealed (1.4.1995) by 1994 c. 29, ss. 43, 93, Sch. 4 Pt. I para. 10(6), **Sch. 9 Pt. I**; S.I. 1994/3236, art. 4(1), **Sch.**
- F47** S. 107(10) repealed (1.4.1995) by 1994 c. 29, ss. 43, 93, Sch. 4 Pt. I para. 10(6), **Sch. 9 Pt. I**; S.I. 1994/3236, art. 4(1), **Sch.**

Modifications etc. (not altering text)

- C81** S. 107 restricted (22.8.1996) by 1996 c. 16, **ss. 15(2)(4)**, 104(1)
S. 107 modified (31.10.1997) by 1997 c. 50, **s. 55(8)(9)**; S.I. 1997/2390, **art. 2(1)(2)(m)**

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108 Committees of parish meetings.

In a parish not having a separate parish council the parish meeting may, subject to any provisions made by a grouping order and subject to such conditions as the meeting may impose, arrange for the discharge of any of their functions by a committee of local government electors for the parish, but any such arrangement shall not prevent the meeting from exercising those functions.

109 Conferring functions of parish council on parish meeting.

- (1) On the application of the parish meeting of a parish not having a separate parish council, the district council may, subject to the provisions of the grouping order if the parish is grouped with any other parish, by order confer on the parish meeting any functions of a parish council.
- (2) Two copies of every order made under this section shall be sent by the district council to the Secretary of State.

^{F48}**110**

Textual Amendments

F48 S. 110 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(4), [Sch. 12, Pt. II](#)

Status:

Point in time view as at 03/12/2011.

Changes to legislation:

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