



Local Government Act 1972

1972 CHAPTER 70

PART VI

DISCHARGE OF FUNCTIONS

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.

(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

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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.
- (7) A local authority shall not make arrangements under this section for the discharge of any of their functions under the ^{M1}Diseases of Animals Act 1950 by any other local authority.
- [^{F4}(7A) Subsection (7) above does not apply to arrangements as between principal councils in Wales.]
- (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

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(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—

^{F5}(a)

^{F6}(b)

^{F7}(c)

(d) section 1 of the ^{M2}Sea Fisheries Regulation Act 1966;

^{F8}(e)

(f) section 2 of the ^{M3}Local Authority Social Services Act 1970 (social services committees);

^{F9}(g)

^{F10}(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.

[^{F11}(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.]

^{F12}(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, [^{F13}the London Fire and Emergency Planning Authority,]^{F14}any joint authority except a police authority,^{F15} . . .] a joint board on which a local authority within the meaning 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 ^{M4}Local Authorities (Goods and Services) Act 1970.

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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(7A) inserted (3.4.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 26(2)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/852, **art. 9(1)(2), Sch. 5**
- F5** 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)**)
- F6** S. 101(9)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F7** 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.**
- F8** 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**
- F9** S. 101(9)(g) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. VII**
- F10** 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.**
- F11** 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**
- F12** S. 101(11) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F13** 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)**
- F14** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84(1), **Sch. 14 para. 15**
- F15** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

Modifications etc. (not altering text)

- C1** S. 101 extended by Local Government Act 1974 (c. 7), **s. 25(4)**
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**)
- C2** 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.)

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- (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
- C3** 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)
- C4** 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)**
- C5** 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)**
- C6** 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**
- S. 101: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**
- C7** 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)**
- C8** 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**
- C9** 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
- C10** 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)**
- C11** S. 101(1)(a) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 5(a)**
- C12** 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)

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- C13** S. 101(2) extended by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **s. 2(3)**
- C14** 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**
- C15** 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**
- C16** 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**
- C17** 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)
- C18** 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**
- C19** 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**
- C20** 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)**)
- C21** 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)**
- C22** S. 101(13) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(i)**
- C23** S. 101(13) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(i)**

Marginal Citations

- M1** 1950 c. 36.
M2 1966 c. 38.
M3 1970 c. 42.
M4 1970 c. 39.

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