
STATUTORY INSTRUMENTS

2000 No. 2853

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Functions not to be the sole responsibility of an authority's executive

4.—(1) In connection with the discharge of the function—

(a) of formulating or preparing a plan or strategy of a description specified in column (1) of Schedule 3 to these Regulations;

[^{F1}(b) of formulating a plan or strategy for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision; or]

(c) of formulating or preparing any other plan or strategy whose adoption or approval is, by virtue of regulation 5(1), a matter for determination by the authority,

the actions designated by paragraph (3) ("the paragraph (3) actions") shall not be the responsibility of an executive of the authority.

(2) Except to the extent of the paragraph (3) actions, any such function as is mentioned in paragraph (1) shall be the responsibility of such an executive.

(3) The actions designated by this paragraph are—

(a) the giving of instructions requiring the executive to reconsider any draft plan or strategy submitted by the executive for the authority's consideration;

(b) the amendment of any draft plan or strategy submitted by the executive for the authority's consideration;

[^{F2}(bb) the approval, for the purposes of public consultation in accordance with regulation 10 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan;]

(c) the approval, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; ^{F3}...

[^{F4}(ca) the approval, for the purpose of its submission to the Secretary of State for independent examination under section 20 (independent examination) of the 2004 Act, of a development plan document; and]

(d) the adoption (with or without modification) of the plan or strategy.

(4) The function of amending, modifying [^{F5}, revising], [^{F6}varying, withdrawing or revoking] any plan or strategy of a description referred to in paragraph (1), (whether approved or adopted before or after the coming into force of these Regulations)—

(a) shall be the responsibility of an executive of the authority to the extent that the making of the amendment, modification [^{F7}, revision], [^{F8}variation, withdrawal or revocation]—

(i) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval, or to any part so submitted; ^{F9}...

[^{F10}(ia) is recommended by the person carrying out, under section 20 of the 2004 Act, an independent examination of a development plan document; or]

(ii) is authorised by a determination made by the authority when approving or adopting the plan or strategy, as the case may be; and

(b) shall not be the responsibility of such an executive to any other extent.

[^{F11}(4A) In connection with the discharge of functions under any of sections 28 to 31 (joint local development documents and joint committees) of the 2004 Act, the actions designated by paragraph (4C) (“the paragraph (4C) actions”) shall not be the responsibility of an executive of the authority.

(4B) Except to the extent of the paragraph (4C) actions, any such function as is mentioned in paragraph (4A) shall be the responsibility of such an executive.

(4C) The actions designated by this paragraph are—

- (a) the making of an agreement to prepare one or more joint development plan documents;
- (b) the making of an agreement to establish a joint committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority;
- (c) where the authority is a constituent authority to a joint committee, the making of an agreement that the joint committee is to be, for the purposes of Part 2 of the 2004 Act, the local planning authority for any area or matter which is not the subject of an order under section 29 of the 2004 Act or an earlier agreement under section 30 of the 2004 Act; and
- (d) the making of a request to the Secretary of State for the revocation of an order constituting a joint committee as the local planning authority for any area or in respect of any matter.]

(5) Except to the extent mentioned in paragraph (6), the function of making an application—

- (a) under subsection (5) of section 135 (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993(1), [^{F12}for the inclusion of a disposal in a disposals programme] or
- (b) [^{F13}for consent to that disposal] under section 32 (power to dispose of land held for the purposes of Part II) or section 43 (consent required for certain disposals not within section 32) of the Housing Act 1985(2),

shall be the responsibility of an executive of the authority.

(6) The extent mentioned in this paragraph is the authorisation of the making of the application.

(7) The function of making such an application as is referred to in paragraph (5), to the extent mentioned in paragraph (6), shall not be the responsibility of an executive of the authority.

(8) Section 101 of the 1972 Act shall not apply with respect to the discharge—

- (a) of a function specified in paragraph (1) to the extent that, by virtue of that paragraph, it is not the responsibility of an executive of the authority;

[^{F14}(b) of the functions specified in paragraphs (4), (4A) and (5) to the extent that they are not the responsibility of an executive of the authority.]

(9) In connection with the discharge of the function of—

- (a) making a calculation in accordance with any of sections 32 to 37, 43 to 49, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992(3), whether originally or by way of substitute; or

(1) 1993 c. 28, to which there are amendments not relevant to these Regulations.

(2) 1985 c. 68. Relevant amendments, in subsection (3) of section 32 and subsection (1)(a) of section 43, were made by paragraph 3(a), (d) and (e) of the Schedule to S.I.1997/74.

(3) 1992 c. 14. Sections 52I, 52J, 52T and 52U were inserted by the Local Government Act 1999 (c. 27) Schedule 1, paragraph 1.

(b) issuing a precept under Chapter IV of Part I of that Act,
the actions designated by paragraph (11) (“the paragraph (11) actions”) shall be the responsibility of an executive of the authority.

(10) Except to the extent of the paragraph (11) actions, any such function as is mentioned in paragraph (9) shall not be the responsibility of such an executive.

(11) The actions designated by this paragraph are—

- (a) the preparation, for submission to the authority for their consideration, of—
 - (i) estimates of the amounts to be aggregated in making the calculation or of other amounts to be used for the purposes of the calculation and estimates of the calculation; or
 - (ii) the amounts required to be stated in the precept;
- (b) the reconsideration of those estimates and amounts in accordance with the authority’s requirements;
- (c) the submission for the authority’s consideration of revised estimates and amounts.

[^{F15}(12) The function, pursuant to an order under section 70 (functions of local authorities) of the Deregulation and Contracting Out Act 1994, of authorising a person to exercise a function to which that section applies (“section 70 function”)—

- (a) shall be the responsibility of an executive of the authority to the extent that the section 70 function is the responsibility of that executive; and
- (b) shall not be the responsibility of such an executive to any other extent.

(13) The function of revoking such an authorisation as is referred to in paragraph (12)—

- (a) shall be the responsibility of an executive of the authority to the extent that the section 70 function is the responsibility of the executive; and
- (b) shall not be the responsibility of such an executive to any other extent.]

Textual Amendments

- F1** Reg. 4(1)(b) substituted (31.3.2008) by The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008 (S.I. 2008/516), regs. 1(1)(a), **6(1)**
- F2** Reg. 4(3)(bb) inserted (10.7.2001) by The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001 (S.I. 2001/2212), regs. 1(3), **2(a)(i)** (with reg. 1(4)(5))
- F3** Word in reg. 4(3)(c) omitted (22.4.2005) by virtue of The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 (S.I. 2005/929), regs. 1(1), **2(3)(a)**
- F4** Reg. 4(3)(ca) inserted (22.4.2005) by The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 (S.I. 2005/929), regs. 1(1), **2(3)(a)**
- F5** Word in reg. 4(4) inserted (22.4.2005) by The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 (S.I. 2005/929), regs. 1(1), **2(3)(b)(i)**
- F6** Words in reg. 4(4) substituted (22.4.2005) by The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 (S.I. 2005/929), regs. 1(1), **2(3)(b)(ii)**
- F7** Word in reg. 4(4)(a) inserted (22.4.2005) by The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 (S.I. 2005/929), regs. 1(1), **2(3)(b)(iii)(aa)**
- F8** Words in reg. 4(4)(a) substituted (22.4.2005) by The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 (S.I. 2005/929), regs. 1(1), **2(3)(b)(iii)(bb)**
- F9** Word in reg. 4(4)(a)(i) omitted (22.4.2005) by virtue of The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 (S.I. 2005/929), regs. 1(1), **2(3)(b)(iii)(cc)**

Changes to legislation: There are currently no known outstanding effects for the The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Section 4. (See end of Document for details)

- F10** Reg. 4(4)(a)(ia) inserted (22.4.2005) by The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 (S.I. 2005/929), regs. 1(1), **2(3)(b)(iii)(cc)**
- F11** Reg. 4(4A)-(4C) inserted (22.4.2005) by The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 (S.I. 2005/929), regs. 1(1), **2(3)(c)**
- F12** Words in reg. 4(5)(a) inserted (10.7.2001) by The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001 (S.I. 2001/2212), regs. 1(3), **2(a)(ii)** (with reg. 1(4)(5))
- F13** Words in reg. 4(5)(b) inserted (10.7.2001) by The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001 (S.I. 2001/2212), regs. 1(3), **2(a)(iii)** (with reg. 1(4)(5))
- F14** Reg. 4(8)(b) substituted (22.4.2005) by The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 (S.I. 2005/929), regs. 1(1), **2(3)(d)**
- F15** Reg. 4(12)(13) inserted (10.7.2001) by The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001 (S.I. 2001/2212), regs. 1(3), **2(a)(iv)** (with reg. 1(4)(5))

Commencement Information

- I1** Reg. 4 in force at 16.11.2000, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Section 4.