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STATUTORY INSTRUMENTS

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**2001 No. 1299**

**The Local Authorities (Alternative Arrangements) (England) Regulations 2001**

**Part I**

**General**

**Functions which are to be the responsibility of the authority itself**

4.—(1) Section 101 (arrangements for the discharge of functions by local authorities) of the 1972 Act shall not apply with respect to the discharge, by a local authority, of any function mentioned in paragraph (2), (3) or (4).

(2) The functions mentioned in this paragraph are;

- (a) the approval or adoption of a plan or strategy of a description specified in column (1) of the Schedule to these Regulations by reference to the enactments, in relation to those functions in column (2);
- (b) the approval or adoption of a plan or strategy for the control of the local authority's borrowing or capital expenditure;
- (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 mentioned in sub-paragraphs (a) or (b), (whether or not in the form of a draft) of which any part is required to be so submitted; and
- (d) the authorisation of the making of an application—
  - (i) for the inclusion of a disposal in a disposals programme under subsection (5) of section 135 (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993(1), or
  - (ii) 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).

(3) The function mentioned in this paragraph is the making of any scheme authorised or required by Regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the Local Government and Housing Act 1989(3) or of amending, revoking or replacing any such scheme.

(4) The functions mentioned in this paragraph are the functions of the determination of—

- (a) the amount of any allowance payable under;
  - (i) subsection (5) of section 3 (chairman's expenses) of the 1972 Act;
  - (ii) subsection (4) of section 5 (vice-chairman's expenses) of that Act; or

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(1) 1993 c. 28, to which there are amendments not relevant to these Regulations.  
(2) Relevant amendments, in subsection (3) of section 32 and subsection (1)(a) of section 43, were made by paragraph 3(a), (d) and (c) of the Schedule to S.I.1997/74.  
(3) 1989 c. 42. Section 18 is amended by section 99(3) to (9) of the Local Government Act 2000.

- (iii) subsection (4) of section 173 (financial loss allowance) of that Act<sup>(4)</sup>;
  - (iv) section 175 (allowances for attending conferences and meetings) of that Act;
  - (b) the rates at which payments are to be made under section 174 (travelling and subsistence allowances) of that Act; and
  - (c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989, or the rates at which payments, by way of any such allowance are to be made.
- (5) Subject to paragraph (6), section 101 of the 1972 Act shall not apply with respect to the discharge of the function of amending, modifying, varying or revoking any plan or strategy mentioned in paragraph (2)(a) or (b) (whether approved or adopted before or after the coming into force of these Regulations).
- (6) Paragraph (5) does not apply to any amendment, modification, variation or revocation which—
- (a) 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; or
  - (b) is authorised by a determination made by the local authority—
    - (i) in pursuance of arrangements made for the discharge of functions under section 101 of the 1972 Act; and
    - (ii) at the time when the local authority approves or adopts the plan or strategy, as the case may be.

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<sup>(4)</sup> Section 173(4) was inserted by the Local Government and Housing Act 1989 (c. 42), Schedule 11 paragraph 26. A relevant saving was made by article 3(2) of the Local Government and Housing Act 1989 (Commencement No. 11 and Savings) Order 1991 (S.I. 1991/344).