

---

STATUTORY INSTRUMENTS

---

**2005 No. 929**

**The Local Authorities (Functions and Responsibilities)  
(Amendment) (No. 2) (England) Regulations 2005**

**Amendments**

2.—(1) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000<sup>(1)</sup> are amended as follows.

(2) In paragraph (3) of regulation 1 (interpretation), at the end, insert—

“; and

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004<sup>(2)</sup>.”.

(3) In regulation 4 (functions not to be the sole responsibility of an authority’s executive)—

(a) in paragraph (3), at the end of sub-paragraph (c), omit “and” and, after that sub-paragraph, insert—

“(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”;

(b) in paragraph (4)—

(i) after “amending, modifying”, insert “, revising”;

(ii) for “varying or revoking”, substitute “varying, withdrawing or revoking”; and

(iii) in sub-paragraph (a)—

(aa) after “amendment, modification”, insert “, revision”;

(bb) for “variation or revocation”, substitute “variation, withdrawal or revocation”; and

(cc) at the end of paragraph (i), omit “or” and, after that paragraph, insert—

“(ia) is recommended by the person carrying out, under section 20 of the 2004 Act, an independent examination of a development plan document; or”;

(c) after paragraph (4), insert—

“(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—

---

(1) S.I. 2000/2853, to which relevant amendments have been made by S.I. 2001/2212 and 2004/2211. There are other amendments not relevant to these Regulations.

(2) 2004 c. 5.

- (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.”; and
- (d) for sub-paragraph (b) of paragraph (8), substitute—
- “(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.”.
- (4) In paragraph A (functions relating to town and country planning and development control) of Schedule 1 (functions not to be the responsibility of an authority’s executive)—
- (a) omit items 1 to 4;
  - (b) in column (1), after item 18, insert—
    - “**18A.** Power to issue a temporary stop notice.”; and
  - (c) in column (2), in relation to the entry in column (1) for item 18, insert—
    - “Section 171E of the Town and Country Planning Act 1990(3).”.
- (5) In Schedule 3 (functions not to be the sole responsibility of an authority’s executive)—
- (a) in the appropriate place in column (1), insert—
    - “Development plan documents(4)
  - (b) in column (2), in relation to the entry in column (1) for development plan documents, insert—
    - “Section 15 of the 2004 Act.”.

---

(3) 1990 c. 8. Section 171E was inserted by section 52 of the Planning and Compulsory Purchase Act 2004.

(4) Functions relating to local development documents which are not development plan documents are the responsibility of the executive of an authority.