

This Statutory Instrument has been made in consequence of a defect in S.I. 2008/516 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2008 No. 744

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities (Functions and Responsibilities)
(England) (Amendment No. 2) Regulations 2008**

<i>Made</i> - - - -	<i>11th March 2008</i>
<i>Laid before Parliament</i>	<i>18th March 2008</i>
<i>Coming into force</i> - -	<i>1st April 2008</i>

The Secretary of State, in exercise of the powers conferred by sections 13 and 105 of the Local Government Act 2000(a) makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Functions and Responsibilities) (England) (Amendment No. 2) Regulations 2008, and shall come into force on 1st April 2008.

(2) These Regulations apply in relation to local authorities in England.

Amendment

2.—(1) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000(b) are amended as follows.

(2) In Schedule 3 (functions not to be the sole responsibility of an authority's executive)—

- (a) in column (1), omit the words “Local Area Agreement”; and
- (b) in column (2), in relation to the words omitted by paragraph (a), omit “Section 106(1) of the 2007 Act.”.

Signed by authority of the Secretary of State for Communities and Local Government

John Healey
Minister of State

11th March 2008

Department for Communities and Local Government

(a) 2000 c.22. For the application of sections 13 and 105 of the Local Government Act 2000 to Wales, see section 106 of that Act.
(b) S.I. 2000/2853 to which relevant amendments have been made by S.I. 2008/516. There are other amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the 2000 Regulations”). They apply in relation to local authorities in England.

Regulation 2 corrects drafting errors contained in S.I. 2008/516. That instrument amends the 2000 Regulations in respect of functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) relating to local area agreements. Regulation 6(2)(c) and (d) of S.I. 2008/516 amends the 2000 Regulations by inserting into Schedule 3 to the 2000 Regulations reference to the duty under section 106 of the 2007 Act to prepare and submit local area agreements. The effect of the amendment would normally be that the duty is not to be the sole responsibility of the executive. However, the amendment is at odds with the change made by regulation 7(b) of S.I. 2008/516. That regulation inserts references to functions under sections 106, 110, 111 and 113 of the 2007 Act into Schedule 2 to the 2000 Regulations. Normally, this would mean that, but for the conflict with regulation 6(2)(c), the functions may be (but need not be) the responsibility of an authority’s executive, i.e. it is for the local authority to decide how responsibility should be allocated. To clarify the position, these Regulations amend the 2000 Regulations by omitting from Schedule 3 to the latter the reference to local area agreements inserted by regulation 6(2)(c) and (d). The amendment made by regulation 7(b) is not affected by these Regulations. The effect of the amendment made by these Regulations, is that it is for the authority to allocate responsibility for functions relating to local area agreements.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

£3.00

© Crown copyright 2008

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s
Stationery Office and Queen’s Printer of Acts of Parliament.

E2231 3/2008 182231T 19585