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WELSH STATUTORY INSTRUMENTS

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**2001 No. 2291**

**The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001**

**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, scheme or strategy, of a description specified in column (1) of Schedule 3 to these Regulations;
- (b) of formulating a plan or strategy for the control of the authority's borrowing or capital expenditure; or
- (c) of formulating or preparing any other plan, scheme 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, scheme or strategy submitted by the executive for the authority's consideration;
- (b) the amendment of any draft plan, scheme or strategy submitted by the executive for the authority's consideration;
- (c) the approval, for the purpose of its submission to the National Assembly or any Minister of the Crown for approval, of any plan, scheme or strategy (whether or not in the form of a draft) of which any part is required to be so submitted;
- (d) the adoption (with or without modification) of the plan, scheme or strategy).

(4) The function of amending, modifying, varying or revoking any plan, scheme 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 variation or revocation—
  - (i) is required for giving effect to requirements of the National Assembly or a Minister of the Crown in relation to a plan, scheme or strategy submitted for approval, or to any part so submitted; or
  - (ii) is authorised by a determination made by the authority when making the arrangements or approving or adopting the plan, scheme or strategy, as the case may be; and
- (b) shall not be the responsibility of such an executive to any other extent.

(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); or

(b) 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;

(b) of the functions specified in paragraphs (4) 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) or any of sections 43 to 51 or section 61 of that Act, whether originally or by way of substitute; or

(b) issuing a precept under Chapter IV of that Part,

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 of the authority.

(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;

(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.

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(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 SI 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.