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WELSH STATUTORY INSTRUMENTS

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**2007 No. 397**

**The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007**

**Discharge of specified functions by authorities**

**13.**—(1) Subject to paragraph (2), a function of any of the descriptions specified in column (1) of Schedule 4 (which, but for this paragraph, might be the responsibility of the Board of the authority), is not the responsibility of the Board in the circumstances specified in column (2) in relation to that function.

(2) Paragraph (1) does not apply in relation to the discharge of a function of the description specified in paragraph 3 of column (1) of Schedule 4 where —

- (a) the circumstances which render necessary the making of the determination may reasonably be regarded as urgent; and
- (b) the individual or body by whom the determination is to be made has obtained from the chairperson of a relevant scrutiny committee or, if there is no such person or the chairperson of every relevant scrutiny committee is unable or unwilling to act, from the chairperson of the authority or, in that person's absence, from the vice-chairperson, a statement in writing that the determination needs to be made as a matter of urgency.

(3) In paragraph (2) “relevant scrutiny committee” means a scrutiny committee of the authority whose terms of reference include the power to review or scrutinise decisions or other action taken in the discharge of the function to which the determination relates.

(4) The individual or body by whom a determination is made pursuant to paragraph (2) must, as soon as reasonably practicable after the making of the determination, submit to the authority a report which shall include particulars of —

- (a) the determination;
- (b) the emergency or other circumstances in which it was made; and
- (c) the reasons for the determination.

(5) Section 101 of the 1972 Act does not apply with respect to the discharge of a function referred to in paragraph (1) which, by virtue of that paragraph, is not the responsibility of the Board of the authority.