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WELSH STATUTORY INSTRUMENTS

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**2007 No. 399**

**The Local Authorities (Executive Arrangements)  
(Functions and Responsibilities) (Wales) Regulations 2007**

**Functions which are not to be the sole responsibility of an authority's executive**

5.—(1) In connection with the discharge of the function of —

- (a) formulating or preparing a plan, scheme or strategy of a description specified in column (1) of Schedule 3 to these Regulations;
- (b) formulating a plan, scheme or strategy for the control of the authority's borrowing or capital expenditure; or
- (c) formulating or preparing any other plan, scheme or strategy whose adoption or approval is, by virtue of regulation 6(1), a matter for determination by the authority;

the actions designated by paragraph (3) ("the designated actions") must not be the responsibility of an executive of the authority.

(2) Subject as provided in paragraph (1) the functions mentioned in that paragraph must be the responsibility of an executive.

(3) The designated actions are —

- (a) the giving of instructions requiring an executive to reconsider any draft plan, scheme or strategy submitted by an executive for the authority's consideration;
- (b) the amendment of any draft plan, scheme or strategy submitted by an executive for the authority's consideration;
- (c) the approval, for the purpose of its submission to the National Assembly for Wales 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) is 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 for Wales 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; but
- (b) is not the responsibility of 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 of the Leasehold Reform, Housing and Urban Development Act 1993 (programmes for disposals)(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),

is 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), is not the responsibility of an executive of the authority.

(8) Section 101 of the 1972 Act does 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) subject to the provisions in respect of calculations of council tax base in paragraph 22 of Schedule 2 making a calculation in accordance with any of sections 32 to 37, 43 to 51, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992(3), whether originally or by way of substitute; or
- (b) issuing a precept under Chapter IV of Part 1 of that Act,

the actions designated by paragraph (11) (“the designated actions”) are the responsibility of an executive of the authority.

(10) Subject as provided in paragraph (9), the function mentioned in that paragraph is not the responsibility of an executive.

(11) The designated actions 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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**Commencement Information**

**II** Reg. 5 in force at 16.2.2007, see [reg. 1\(1\)](#)

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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 [S.I. 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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007, Section 5.