



2014 CHAPTER 8

PART 11

GENERAL POWERS OF COUNCILS

Boundaries of the general power

80.—(1) If exercise of a pre-commencement power of a council is subject to restrictions, those restrictions apply also to exercise of the general power so far as it is overlapped by the pre-commencement power.

(2) The general power does not enable a council to do—

- (a) anything which the council is unable to do by virtue of a pre-commencement limitation; or
- (b) anything which the council is unable to do by virtue of a post-commencement limitation which is expressed to apply—
 - (i) to the general power;
 - (ii) to all of the council's powers; or
 - (iii) to all of the council's powers but with exceptions that do not include the general power.

(3) The general power does not confer power to—

- (a) make or alter arrangements of a kind which may be made under Part 4;
- (b) make or alter arrangements of a kind which are made, or may be made, by or under Part 5 or Part 6;
- (c) make or alter any contracting-out arrangements, or other arrangements within neither of paragraphs (a) and (b), that authorise a person to exercise a function of a council.

(4) In this section—

“post-commencement limitation” means a prohibition, restriction or other limitation expressly imposed by a statutory provision which comes into operation after the commencement of section 79;

“pre-commencement limitation” means a prohibition, restriction or other limitation expressly imposed by a statutory provision (including a provision of or made under this Act) which comes into operation on or before the commencement of section 79;

“pre-commencement power” means power conferred by a statutory provision which comes into operation before the commencement of section 79.