Deregulation and Contracting Out Act 1994

1994 CHAPTER 40

PART II

CONTRACTING OUT

Contracting out of functions

70 Functions of local authorities

(1) This section applies to any function of a local authority—

(a) which is conferred by or under any enactment; and

(b) which, by virtue of section 101 of the Local Government Act 1972 or section 56 of the Local Government (Scotland) Act 1973 (arrangements for discharge of functions by local authorities), may be exercised by an officer of the authority; and

(c) which is not excluded by section 71 below.

(2) If a Minister by order so provides, a function to which this section applies may be exercised by, or by employees of, such person (if any) as may be authorised in that behalf by the local authority whose function it is.

(3) A Minister shall not make an order under this section in relation to a local authority without first consulting—

(a) in the case of an authority in England or Wales, such representatives of local government;

(b) in the case of an authority in Scotland, such associations of local authorities,

as he considers appropriate.

(4) Subsections (4) and (5) of section 69 above shall apply for the purposes of this section as they apply for the purposes of that section; and in subsection (5) of that section as so applied any reference to the Minister or office-holder by whom the authorisation is

given shall be construed as a reference to the local authority by which the authorisation is given.

(5) Where at any time—

(a) an order is in force under this section in relation to any function of a local authority ("authority A"); and

(b) arrangements are in force under section 101 of the Local Government Act 1972 or section 56 of the Local Government (Scotland) Act 1973 for the exercise of that function by another local authority ("authority B"),

it shall be an implied term of those arrangements that, except with the consent of authority A, authority B shall not give any authorisation by virtue of the order in relation to that function.