Greater London Authority Act 1999

1999 CHAPTER 29

PART II

GENERAL FUNCTIONS AND PROCEDURE

Functions exercisable by the Mayor

38 Delegation.

(1) Any function exercisable on behalf of the Authority by the Mayor shall also be exercisable on behalf of the Authority by any of the bodies or persons specified in subsection (2) below, if or to the extent that the Mayor so authorises, whether generally or specially, and subject to any conditions imposed by the Mayor.

(2) Those bodies and persons are—

(a) the Deputy Mayor;

(b) any member of staff of the Authority;

(c) Transport for London;

[F1](d) . . . . . .

[[F2](da) any Mayoral development corporation;**]**

[[F3](db) the Homes and Communities Agency;**]**

(e) the Common Council;

(f) any local authority.

[[F4](2A) In relation to functions exercisable by the Mayor under Part 11 of the Planning Act 2008 (Community Infrastructure Levy) subsection (2) has effect with the omission of paragraphs (c) to (f).**]**

[[F5](2B) In relation to a function listed in subsection (2C), subsection (2) has effect—

(a) as if paragraph (b) referred only to members of staff appointed under section 67(1), and

(b) with the omission of paragraphs (c) to (f).

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(2C) The functions referred to in subsection (2B) are—

(a) the function of giving a direction under section 2A(1) or (1B) of the Town and Country Planning Act 1990 (call-in of planning applications by the Mayor), and

(b) the function of determining an application by virtue of section 2A or 2B of that Act.**]**

(3) In the case of **[**[F6]the Homes and Communities Agency,**]** the Common Council or a local authority, an authorisation under this section—

(a) may only be granted or varied with its written consent; and

(b) shall cease to have effect if notice of the withdrawal of that consent is given to the Mayor.

(4) **[**[F7]Subject to subsection (5A), where**]**, by virtue of an authorisation under subsection (1) above, a duty is exercisable by any of the bodies or persons specified in subsection (2) above, that body or person shall discharge the duty in accordance with the authorisation and any conditions imposed by the Mayor under subsection (1) above.

(5) **[**[F8]Subject to subsection (5A), subsection**]** (4) above is without prejudice to the exercise by the body or person concerned of any power to arrange for the discharge of functions by—

(a) a committee or sub-committee, or a member, officer or employee, of the body or person, or

(b) a joint committee on which the body or person is represented,

except to the extent that the terms of the authorisation or any conditions imposed by the Mayor under subsection (1) above otherwise provide.

[[F9](5A) Where, by virtue of an authorisation under subsection (1) above, a duty is exercisable by a local authority which are operating executive arrangements—

(a) that duty shall be treated as a function of that local authority for the purposes of section 13 of the Local Government Act 2000; and

(b) if, or to the extent that, that duty is a function which is the responsibility of the executive of that authority—

(i) subsections (4) and (5) above shall not apply; and

(ii) sections 14 to 16 of the Local Government Act 2000 and any regulations made under sections 17 to 20 of that Act shall apply except to the extent that the terms of the authorisation or any conditions imposed by the Mayor under subsection (1) above otherwise provide.**]**

(6) Subsection (1) above does not apply—

(a) in relation to functions under this section;

(b) in relation to any function of making appointments under subsection (1) of section 67 below (which, subject to the provisions of Schedule 4 to this Act, shall be exercisable only by the Mayor); or

(c) in relation to any function under Part X below (in relation to which provision for delegation is made under that Part).

(7) Each of the following bodies, namely—

(a) Transport for London,

[F10](b) . . . . . .

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[F11(ba) any Mayoral development corporation,]

[F12(bb) the Homes and Communities Agency,]

(c) the Common Council,

(d) any local authority,

shall have power to exercise functions on behalf of the Authority in accordance with this section, whether or not they would have power to do so apart from this subsection and irrespective of the nature of the function.

(8) Subsections (3) and (4) of section 101 of the M1Local Government Act 1972 (delegation of functions to committees, officers etc, and continued exercise by local authority concerned) shall apply in relation to any authorisation under subsection (1) above given by the Mayor—

(a) to a local authority, [F13or]

(b) to Transport for London, F14...

F14(c) . . . . . .

as they apply to arrangements under that section between one local authority and another.

[F15(8A) An authorisation given by the Mayor under subsection (1) above to a Mayoral development corporation in relation to a function does not prevent the Mayor from exercising the function.]

[F16(8B) An authorisation given by the Mayor under subsection (1) above to the Homes and Communities Agency in relation to a function does not prevent the Mayor from exercising the function.]

(9) An authorisation under this section may be varied or revoked at any time by the Mayor.

(10) Any authorisation under this section, and any variation or revocation of such an authorisation, must be in writing.

[F17(11) For the purposes of this section executive and executive arrangements have the same meaning as in Part II of the Local Government Act 2000.]

Textual Amendments

F1 S. 38(2)(d) repealed (31.3.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 32**; S.I. 2012/628, art. 4(d)

F2 S. 38(2)(da) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 46(2)**

F3 S. 38(2)(db) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 37(2)**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

F4 S. 38(2A) inserted (6.4.2009 for E.W.) by Planning Act 2008 (c. 29), **ss. 224(4)**, 241(8) (with s. 226); S.I. 2009/400, art. 3(m)

F5 S. 38(2B)(2C) inserted (1.10.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 28(1)**, 35(1); S.I. 2013/2143, art. 2(c)

F6 Words in s. 38(3) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 37(3)**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

F7 Words in s. 38(4) substituted (E.) (11.7.2001) S.I. 2001/2237, **arts. 2(u)**, 36(a)

F8 Words in s. 38(5) substituted (E.) (11.7.2001) S.I. 2001/2237, **arts. 2(u)**, 36(b)

F9 S. 38(5A) inserted (E.) (11.7.2001) S.I. 2001/2237, **arts. 2(u)**, 36(c)

F10 S. 38(7)(b) repealed (31.3.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 32**; S.I. 2012/628, art. 4(d)

F11 S. 38(7)(ba) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 46(3)**

F12 S. 38(7)(bb) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 37(4)**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

F13 Word in s. 38(8) inserted (31.3.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 20 para. 5**; S.I. 2012/628, art. 4(c)

F14 S. 38(8)(c) and word repealed (31.3.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 32**; S.I. 2012/628, art. 4(d)

F15 S. 38(8A) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 46(4)**

F16 S. 38(8B) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 37(5)**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

F17 S. 38(11) added (E.) (11.7.2001) S.I. 2001/2237, **arts. 2(u)**, 36(d)

Modifications etc. (not altering text)

C1 Ss. 38-39 excluded (19.6.2008) by The European Regional Development Fund (London Operational Programme) (Implementation) Regulations 2008 (S.I. 2008/1342), regs. 1(1), **7(2)**

C2 S. 38(1) excluded (27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004, 1.1.2004 for E.) by Local Government Act 2003 (c. 26), **ss. 3(9)**, 128(6); S.I. 2003/2938, art. 5 (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I (with Sch. 2 para. 3)

C3 S. 38(1) excluded by 2004 c. 5, s. 15(10) (as inserted (E.W.) (23.10.2007 for specified purposes, 27.6.2008 so far as not already in force) by Greater London Authority Act 2007 (c. 24), **ss. 30(11)**, 59(4)(b)); S.I. 2008/1372, art. 2

C4 S. 38(1) excluded by 1990 c. 8, s. 2B(8) (as inserted (E.W.) (23.10.2007 for specified purposes, 6.4.2008 in so far as not already in force) by Greater London Authority Act 2007 (c. 24), **ss. 31(2)**, 59(4)(b); S.I. 2008/582, art. 2(a))

C5 S. 38(7) restricted (E.) (30.3.2006) by London Olympic Games and Paralympic Games Act 2006 (c. 12), **ss. 34(5)**, 40(1)(e)

Marginal Citations

M1 1972 c. 70.

39 Exercise of functions by joint committees.

(1) Where any functions exercisable on behalf of the Authority by the Mayor are, by virtue of an authorisation under section 38(1) above, also exercisable by one or more local authorities, the Mayor and those authorities may enter into arrangements under section 101(5) of the [M2]Local Government Act 1972 for the joint discharge of the functions by a joint committee.

(2) Where—

(a) a statutory function of the Authority is exercisable, or has been exercised, by the Mayor acting on behalf of the Authority, and

(b) the exercise, or any particular exercise, of that function will or may affect, or be affected by, the exercise, or any particular exercise, of statutory functions of local authorities (whether or not the functions are the same in the case of each such authority),

the Mayor and those authorities may enter into arrangements under section 101(5) of the [M3]Local Government Act 1972 for the joint exercise of any of the statutory functions mentioned in paragraph (a) or (b) above by a joint committee, as if those functions were exercisable by the Mayor acting on behalf of the Authority and by each local authority.

(3) For the purposes of subsection (2) above, the exercise of a function shall be taken to affect, or be affected by, the exercise of another function if the functions are exercisable

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for the same, or for similar or connected, purposes or in relation to the same, or similar or connected, subject matter.

(4) For the purposes of subsections (1) and (2) above, sections 101(5) and 102 to 106 of the [M4]Local Government Act 1972 shall have effect as if the Authority acting by the Mayor were a local authority.

(5) Any arrangements made by virtue of subsection (1) or (2) above for the discharge of any functions by a joint committee (or by a sub-committee of a joint committee) shall not prevent the Mayor or any local authority, or the joint committee by whom the arrangements are made, from exercising the functions.

(6) A person who is disqualified under section 21 above from being elected or being the Mayor or an Assembly member, otherwise than by reason only of being a member of staff of the Authority, shall be disqualified from being a member of a joint committee established by virtue of subsection (1) or (2) above or of any sub-committee of such a committee.

(7) Subject to that, the Mayor or any other individual may be appointed as a representative of the Authority on any joint committee established by virtue of subsection (1) above and any such representative may be appointed as a member of any sub-committee of such a joint committee.

(8) Any reference in this section to a local authority includes a reference to the Common Council.

Modifications etc. (not altering text)

C1 Ss. 38-39 excluded (19.6.2008) by The European Regional Development Fund (London Operational Programme) (Implementation) Regulations 2008 (S.I. 2008/1342), regs. 1(1), **7(2)**

Marginal Citations

M2 1972 c. 70.
M3 1972 c. 70.
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 235(3)(w) inserted by 2024 c. 13 Sch. 30 para. 25(b)
- s. 334(2A)-(2E) substituted for s. 334(2)-(6) by 2023 c. 55 s. 95(2)
- s. 334(9)-(11) inserted by 2023 c. 55 s. 95(3)
- s. 337(1A) inserted by 2023 c. 55 s. 96(1)(c)
- s. 337(2)(ca) inserted by 2023 c. 55 Sch. 6 para. 15
- Sch. 23 para. 1(3A) inserted by 2023 c. 55 s. 244(2)
- Sch. 23 para. 3A3B and cross-heading inserted by 2023 c. 55 s. 244(3)
- Sch. 23 para. 4(2A)(2B) inserted by 2023 c. 55 s. 244(4)
- Sch. 23 para. 4A and cross-heading inserted by 2023 c. 55 s. 244(6)