



# Local Government Act 2000

## 2000 CHAPTER 22

### [<sup>F1</sup>PART 1A

#### ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND

### CHAPTER 2

#### EXECUTIVE ARRANGEMENTS

#### *[<sup>F1</sup>Executive functions*

#### Textual Amendments

- F1** Pt. 1A inserted (3.12.2011 for specified purposes, 15.1.2012 for the insertion of Pt. 1A Ch. 4 so far as not already in force and ss. 9B, 9C and 9R for specified purposes, 9.3.2012 for the insertion of ss. 9H-9HE in so far as not already in force and s. 9R for specified purposes, 4.5.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 2 para. 1](#); S.I. 2011/2896, art. 2(e); S.I. 2012/57, art. 4(1)(b) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 2(a); S.I. 2012/1008, art. 4(b)

#### **9D Functions which are the responsibility of an executive**

- (1) This section has effect for the purposes of determining which of the functions of a local authority that operates executive arrangements are the responsibility of an executive of the authority under those arrangements.
- (2) Subject to any provision made by this Act or by any enactment which is passed or made after the day on which this Act is passed, any function of the local authority which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements.
- (3) The Secretary of State may by regulations make provision for any function of a local authority specified in the regulations—

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- (a) to be a function which is not to be the responsibility of an executive of the authority under executive arrangements,
  - (b) to be a function which may be the responsibility of such an executive under such arrangements, or
  - (c) to be a function which—
    - (i) to the extent provided by the regulations, is to be the responsibility of such an executive under such arrangements, and
    - (ii) to the extent provided by the regulations, is not to be the responsibility of such an executive under such arrangements.
- (4) Executive arrangements must make provision for any function of a local authority falling within subsection (3)(b)—
- (a) to be a function which is to be the responsibility of an executive of the authority,
  - (b) to be a function which is not to be the responsibility of such an executive, or
  - (c) to be a function which—
    - (i) to the extent provided by the arrangements, is to be the responsibility of such an executive, and
    - (ii) to the extent provided by the arrangements, is not to be the responsibility of such executive.
- (5) The power under subsection (3)(c) or (4)(c) includes power in relation to any function of a local authority that operates executive arrangements—
- (a) to designate any action in connection with the discharge of that function which is to be the responsibility of an executive of the local authority, and
  - (b) to designate any action in connection with the discharge of that function which is not to be the responsibility of such an executive.
- (6) The Secretary of State may by regulations specify cases or circumstances in which any function of a local authority which, by virtue of the preceding provisions of this section, would otherwise be the responsibility of an executive of the authority to any extent is not to be the responsibility of such an executive to that or any particular extent.
- (7) A function of a local authority may, by virtue of this section, be the responsibility of an executive of the authority to any extent notwithstanding that section 101 of the Local Government Act 1972, or any provision of that section, does not apply to that function.
- (8) Any reference in this section to a function specified in regulations includes a reference to a function of a description specified in regulations.
- (9) In this section—
- “action” in relation to any function includes any action (of whatever nature and whether or not separately identified by any enactment) involving—
    - (a) the taking of any step in the course of, or otherwise for the purposes of or in connection with, the discharge of the function,
    - (b) the doing of anything incidental or conducive to the discharge of the function, or
    - (c) the doing of anything expedient in connection with the discharge of the function or any action falling within paragraph (a) or (b);
  - “function” means a function of any nature, whether conferred or otherwise arising before, on or after the passing of this Act.

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#### Modifications etc. (not altering text)

- C1** Pt. 1A modified in part (14.2.2020) by S.I. 2020/156, **art. 7** (as substituted (8.5.2020) by [The Local Government \(Coronavirus\) \(Structural Changes\) \(Consequential Amendments\) \(England\) Regulations 2020](#) (S.I. 2020/426), regs. 1(2), **12**)
- C2** S. 9D restricted by S.I. 2019/957, **art. 6A(14)-(16)** (as inserted (8.5.2020) by [The Local Government \(Coronavirus\) \(Structural Changes\) \(Consequential Amendments\) \(England\) Regulations 2020](#) (S.I. 2020/426), regs. 1(2), **5**)

### 9DA Functions of an executive: further provision

- (1) Any reference in the following provisions of this Chapter to any functions which are, or are not, the responsibility of an executive of a local authority under executive arrangements is a reference to the functions of the authority to the extent to which they are or (as the case may be) are not, by virtue of section 9D, the responsibility of the executive under such arrangements.
- (2) Any function which is the responsibility of an executive of a local authority under executive arrangements—
- is to be regarded as exercisable by the executive on behalf of the authority, and
  - may be discharged only in accordance with any provisions made by or under this Part or section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England) which apply to the discharge of any such function by that form of executive.
- (3) Accordingly, any function which is the responsibility of an executive of a local authority under executive arrangements—
- may not be discharged by the authority,
  - is not to be a function to which section 101(1) of the Local Government Act 1972 applies, and
  - may be the subject of arrangements made under section 101(5) of that Act only if permitted by any provision made under section 9EB.
- (4) Subject to any provision made under subsection (5), any function of a local authority that operates executive arrangements which, under those arrangements, is not the responsibility of the executive of the local authority is to be discharged in any way which would be permitted or required apart from the provisions made by or under this Chapter.
- (5) The Secretary of State may by regulations make provision with respect to the discharge of any function of a local authority that operates executive arrangements which, under those arrangements, is not the responsibility of the executive of the local authority (including provision disapplying section 101 of the Local Government Act 1972 or any provision of that section).
- (6) In this section “function” has the same meaning as in section 9D.]

#### Modifications etc. (not altering text)

- C3** S. 9DA restricted by S.I. 2019/957, **art. 6A(14)-(16)** (as inserted (8.5.2020) by [The Local Government \(Coronavirus\) \(Structural Changes\) \(Consequential Amendments\) \(England\) Regulations 2020](#) (S.I. 2020/426), regs. 1(2), **5**)

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- C4** S. 9DA modified (E.) (18.3.2022) by [The North Yorkshire \(Structural Changes\) Order 2022 \(S.I. 2022/328\)](#), arts. 1(1), **8(2)**
- C5** S. 9DA modified (E.) (18.3.2022) by [The Somerset \(Structural Changes\) Order 2022 \(S.I. 2022/329\)](#), arts. 1(1), **8(2)**

**Changes to legislation:**

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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. 21(2ZA) inserted by [2011 nawm 4 s. 59\(3\)](#)
- s. 21(13)(c) inserted by [2011 nawm 4 s. 59\(5\)\(b\)](#)
- s. 21(15A) inserted by [2011 nawm 4 s. 59\(6\)](#)
- s. 21(18) inserted by [2011 nawm 4 s. 59\(7\)](#)
- s. 21C(6)(aa)(ab) inserted by [2012 c. 7 Sch. 5 para. 97\(a\)](#)