



# Local Government Act 2000

## 2000 CHAPTER 22

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

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

### [<sup>F1</sup>CHAPTER 3

#### THE COMMITTEE SYSTEM

##### 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)

#### **9J Secretary of State's power to prohibit delegation of functions etc**

- (1) The Secretary of State may by regulations—
- (a) specify or describe any function of a committee system local authority that is to be a non-delegable function;
  - (b) specify or describe cases or circumstances in which any specified or described function of a committee system local authority is to be a non-delegable function;
  - (c) specify or describe any action in connection with the discharge of a function of a committee system local authority that is to be a non-delegable action;
  - (d) specify or describe cases or circumstances in which any specified or described action in connection with the discharge of a function of a committee system local authority is to be a non-delegable action.
- (2) If a function or action is non-delegable—

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**Changes to legislation:** *Local Government Act 2000, CHAPTER 3 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) it must be carried out by the local authority, and
  - (b) such provisions of section 101 of the Local Government Act 1972 as may be specified in regulations under this section do not apply to it.
- (3) In this Part “committee system local authority” means a local authority that operates a committee system.
- (4) For the purposes of this section, something is specified or described if it is specified or described in regulations made by the Secretary of State under this section.
- (5) 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 within paragraph (a) or (b);
  - “function” means a function of any nature, whether conferred or otherwise arising before, on or after this section comes into force.

#### **9JA Overview and scrutiny committee**

- (1) A committee system local authority may by resolution appoint one or more committees as the authority's overview and scrutiny committee or, as the case may be, committees.
- (2) The Secretary of State may by regulations make provision about—
  - (a) the functions, composition and procedure of a committee that has been appointed as an overview and scrutiny committee under this section, and
  - (b) the appointment by committee system local authorities of joint committees and sub-committees as overview and scrutiny committees.
- (3) Provision under subsection (2) may, in particular, include provision which applies or reproduces (with or without modifications) any provision of, or made under, sections 9F to 9FI or paragraphs 6 to 13 of Schedule A1.

#### **9JB Overview and scrutiny: flood risk management**

- (1) A committee system local authority that is a lead local flood authority must review and scrutinise the exercise by risk management authorities of—
  - (a) flood risk management functions, or
  - (b) coastal erosion risk management functions,
 which may affect the local authority's area.
- (2) A local authority may issue such reports and recommendations as it considers appropriate in the course of exercising the function in subsection (1).
- (3) A risk management authority must comply with a request made by a local authority in the course of exercising the function in subsection (1) for—
  - (a) information;
  - (b) a response to a report.

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- (4) The Secretary of State may make regulations about the duty under subsection (3) which may, in particular, include provision—
  - (a) about the procedure to be followed in relation to requests and compliance with them,
  - (b) about notices to be served in relation to requests,
  - (c) for exemptions from the duty,
  - (d) requiring persons to attend to give information orally,
  - (e) about the nature of the information and responses that may be requested, and
  - (f) about the publication of requests, information and responses.
- (5) A risk management authority must have regard to any reports or recommendations mentioned in subsection (2) that relate to it.
- (6) Expressions used in this section have the same meaning as in Part 1 of the Flood and Water Management Act 2010.]

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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\(a\)](#)