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STATUTORY INSTRUMENTS

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**2012 No. 1020**

**The Local Authorities (Committee System) (England) Regulations 2012**

**PART 2**

**Discharge of functions**

**Functions to be discharged by the local authority**

**3.**—(1) Section 101 (arrangements for the discharge of functions by local authorities) of the 1972 Act<sup>(1)</sup> does not apply with respect to the discharge, by a local authority, of any function referred to in paragraphs (2) to (8).

(2) The functions referred to in this paragraph are—

- (a) the approval or adoption of a plan or strategy of a description specified in column (1) of the Schedule to these Regulations and conferred by the enactments specified in relation to those functions in column (2);
- (b) the approval or adoption of a plan or strategy for the control of the local authority's borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision; and
- (c) the approval for the purpose of its submission to the Secretary of State or any Minister of the Crown for approval, of any plan or strategy, referred to in sub-paragraphs (a) or (b), (whether or not in the form of a draft) of which any part is required to be so submitted.

(3) The function referred to in this paragraph is the making of a members' allowance scheme authorised or required by Regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the 1989 Act<sup>(2)</sup> or of amending, revoking or replacing any such scheme.

(4) The functions referred to in this paragraph are the functions of the determination of—

- (a) the amount of any allowance payable under;
  - (i) subsection (5) of section 3 (chairman's expenses) of the 1972 Act;

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(1) Section 101 was amended by section 30 of, and Schedule 10 to, the Health and Social Services and Social Security Adjudications Act 1983 (c.41); sections 84 and 102 of, and Schedules 14 and 17 to, the Local Government Act 1985 (c.51); the Statute Law (Repeals) Act 1986 (c.12); section 237 of, and Schedule 13 to, the Education Reform Act 1988 (c.40); sections 45(5) and 194 of, and Schedule 12 to, the 1989 Act; section 307 of, and Schedules 19 and 21 to, the Education Act 1993 (c.35); section 93 of, and Schedule 9 to, the Police and Magistrates' Courts Act 1994 (c.29); section 66(5) of, and Schedule 15 to, the Local Government (Wales) Act 1994 (c.19); section 120 of, and Schedule 24 to, the Environment Act 1995 (c.25); section 332(1) of the Greater London Authority Act 1999 (c.29); section 198 of, and Schedule 6 to, the Licensing Act 2003 (c.17); section 64 of, and Schedule 5 to, the Children Act 2004 (c.31); section 209 of, and Schedule 6 to the Local Government and Public Involvement in Health Act 2007 (c.28); section 224 of the Planning Act 2008 (c.29); section 119 of, and Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009 (c.20); section 321 of, and Schedule 22 to, the Marine and Coastal Access Act 2009 (c.23); section 99 of, and Schedule 16 to, the Police Reform and Social Responsibility Act 2011 (c.13); section 22 of, and Schedule 3 to, the Localism Act 2011 (c.20); (in relation to England) S.I. 2001/1517; and S.I. 2009/1375.

(2) Section 18 was amended by section 43 of, and Schedule 4 to, the Police and Magistrates' Courts Act 1994; section 582(1) of, and Schedule 37 to, the Education Act 1996 (c.56); section 99 of the Local Government Act 2000.

- (ii) subsection (4) of section 5 (vice chairman's expenses) of that Act; and
  - (b) the amount of any allowance payable pursuant to a scheme under section 18 of the 1989 Act, or the rates at which payments, by way of any such allowance are to be made.
- (5) The function referred to in this paragraph is the function of making a request to the Local Government Boundary Commission for England under section 57 (requests for single-member electoral areas) of the Local Democracy, Economic Development and Construction Act 2009<sup>(3)</sup> for single-member electoral areas.
- (6) The function referred to in this paragraph is the function of passing a resolution to change a scheme for elections under sections 32(1), 37(1) or 39(1) (resolutions for schemes of elections) of the 2007 Act.
- (7) The function referred to in this paragraph is the function of making an order giving effect to recommendations made in a community governance review under section 86 (reorganisation of community governance) of the 2007 Act<sup>(4)</sup>.
- (8) The function referred to in this paragraph is the function relating to the voting rights of co-opted members of an overview and scrutiny committee under regulation 11.
- (9) Subject to paragraph (10), section 101 of the 1972 Act does not apply with respect to the discharge of the function of amending, modifying, varying or revoking any plan or strategy referred to in paragraph (2)(a) or (b) (whether approved or adopted before or after the coming into force of these Regulations).
- (10) Paragraph (9) does not apply to any amendment, modification, variation or revocation which—
- (a) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part submitted; or
  - (b) is authorised by a determination made by the local authority—
    - (i) in pursuance of arrangements made for the discharge of functions under section 101 of the 1972 Act; and
    - (ii) at the time when the local authority approves or adopts the plan or strategy, as the case may be.

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<sup>(3)</sup> 2009 c.20. Section 57 was amended by section 24 of the Localism Act 2011.

<sup>(4)</sup> Section 86 was amended by section 67(1) of, and Schedule 4 to, the Local Democracy, Economic Development and Construction Act 2009 (c.20).