
STATUTORY INSTRUMENTS

2012 No. 1020

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

PART 3

Overview and scrutiny: general provisions

Overview and scrutiny committees: supplementary provision

- 5.—(1) An overview and scrutiny committee of a local authority—
- (a) may appoint one or more sub-committees; and
 - (b) may arrange for the discharge of any of its functions by any such sub-committee.
- (2) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it in accordance with paragraph (1)(b).
- (3) An overview and scrutiny committee of a local authority, is to be treated;
- (a) as a committee or a sub-committee of a principal council for the purposes of Part 5A of the 1972 Act (access to meetings and documents of certain authorities, committees and sub-committees); and
 - (b) as a body to which section 15 of the 1989 Act⁽¹⁾ (duty to allocate seats to political groups) applies.
- (4) Subsections (2) and (5) of section 102 of the 1972 Act⁽²⁾ apply to an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, as they apply to a committee appointed under that section.
- (5) An overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority, but subject to regulations 13 and 14, any such persons are not entitled to vote at any meeting of such a committee or sub-committee on any question which falls to be decided at that meeting, unless permitted to do so under regulation 11.
- (6) An overview and scrutiny committee of a local authority or a sub-committee of such a committee—
- (a) may require members of the local authority, and officers of the authority, to attend before it to answer questions; and
 - (b) may invite other persons to attend meetings of the committee.
- (7) It is the duty of any member or officer mentioned in paragraph (6)(a) to comply with any requirement so mentioned.

⁽¹⁾ Section 15 is modified by the Local Government (Committees and Political Groups) Regulations 1990 (S.I. 1990/1553), Regulation 16.

⁽²⁾ Section 102(2) was amended (in relation to England) by S.I. 2001/1517; section 194 (1) of, and Schedule 11 to, the 1989 Act.

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(8) A person is not obliged by paragraph (7) to answer any question which that person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

(9) In exercising, or deciding whether to exercise, any of its functions an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Secretary of State.

(10) Guidance under paragraph (9) may make different provision for different cases or for different descriptions of committee or sub-committee.