

SCHEDULE 1**Regulation 8****FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S BOARD**

(1) Function	(2) Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	
1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8)(1).
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990(2).
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990(3).
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I.1995/419) and directions made thereunder.
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)(4).
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990(5).
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992(6).

(1) Section 70(1)(a) and (b) of the Town and Country Planning Act 1990 (c. 8).

(2) Section 73A was inserted by the Planning and Compensation Act 1991 (c. 34), Schedule 7, paragraph 8.

(3) Section 70A was inserted by the Planning and Compensation Act 1991, section 17.

(4) Section 316 was substituted by section 20 of the Planning and Compensation Act 1991. Relevant amending instruments are S.I. 1992/1982 and 1998/2800.

(5) Sections 191 and 192 were substituted by section 10 of the Planning and Compensation Act 1991.

(6) S.I. 1992/666, to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) Function	(2) Provision of Act or Statutory Instrument
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990(7).
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990(8).
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990(9).
16. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990(10).
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
20. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act(11).
22. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraph 127 Welsh Office circular 61/96 Planning and the Historic Environment; Historic Buildings and Conservation Areas.

- (7) Section 196A was inserted by section 11 of the Planning and Compensation Act 1991. For the circumstances in which the right may be exercised, see sections 196A to 196C of the Town and Country Planning Act 1990.
- (8) Sections 171C and 187A were inserted by sections 1 and 2 of the Planning and Compensation Act 1991. Subsections (1) to (5A) of section 183 were substituted by section 9 of the Planning and Compensation Act 1991.
- (9) Section 172 was substituted by section 5 of the Planning and Compensation Act 1991.
- (10) Section 187B was inserted by section 3 of the Planning and Compensation Act 1991.
- (11) See also the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 (S.I. 1990/1519), to which there are amendments not relevant to these Regulations.

(1) Function	(2) Provision of Act or Statutory Instrument
23. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990(12).
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
28. Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.
29. Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c. 33).
31. Power to serve purchase orders.	Sections 137—144 of the Town and Country Planning Act 1990.
32. Powers related to blight notices.	Sections 149—171 of the Town and Country Planning Act 1990.
33. Power to authorise erection of stiles etc on footpaths or bridleways.	Section 147 of the Highways Act 1980 (c. 66).
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)	
1. Power to issue licences authorising the use of land as a caravan site (“site licences”).	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c. 49).
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local

(12) Section 44A was inserted by the Planning and Compensation Act 1991 (c. 34), Schedule 3, paragraph 7.

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(1) Function	(2) Provision of Act or Statutory Instrument
	Government (Miscellaneous Provisions) Act 1976.
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2)(13).
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963(14).
8. Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963(15).
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c. 65)(16).
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32)(17).
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976(18).
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c. 13).
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c. 54)(19).
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
16. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46).

(13) To which there are amendments not relevant to these Regulations.

(14) To which there are amendments not relevant to these Regulations.

(15) Schedule 5ZA was inserted by S.I. 1995/3231, article 5(6).

(16) To which there are amendments not relevant to these Regulations.

(17) To which there are amendments not relevant to these Regulations.

(18) To which there are amendments not relevant to these Regulations.

(19) Amended by the Local Government Act 1972, section 204(6) and the Local Government, Planning and Land Act 1980, section 1(6), Schedule 6 paragraph 11 and Schedule 34, Pt VI.

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(1) Function	(2) Provision of Act or Statutory Instrument
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53)(20).
19. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
20. Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53)(21).
21. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66)(22).
22. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licensing Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), sections 12(3) and 27 of the Local Government Act 1874 (c. 73), and section 213 of the Local Government Act 1972 (c. 70).
23. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
24. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).
25. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52)(23).
26. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c. 27).
27. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971 (c. 40).
28. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).
29. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35)(24); section 1 of the Animal Boarding Establishments Act 1963(c. 43)(25); the Riding

(20) Amended by the Local Government Act 1974 (c. 7), Schedule 6, paragraph 1, section 18 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) and section 186 of the Local Government, Planning and Land Act 1980 (c. 65). Section 94(8) was substituted by the Deregulation (Public Health Acts Amendment Act) Order 1997 (S.I. 1997/1187).

(21) Amended by the Local Government Act 1972, section 204(9).

(22) Section 5 was amended by the Local Government, Planning and land Act 1980, Schedule 6, paragraph 13(1).

(23) Amended by the Fire Safety and Safety of Places of Sport Act 1987 (c. 27). See, in particular, Part II of, and Schedule 2 to, that Act.

(24) Amended by the Local Government Act 1974, section 42 and Schedule 8.

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(1) Function	(2) Provision of Act or Statutory Instrument
	Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70)(26); section 1 of the Breeding of Dogs Act 1973 (c. 60)(27), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
30. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38)(28).
31. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37)(29).
32. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
33. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
34. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).
35. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c. 76) and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510)(30).
36. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to—	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).
(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67)	
or	
(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).	
37. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)(31).

(25) Amended by the Local Government Act 1974, Schedule 6, paragraph 17 and by the Protection of Animals (Amendment) Act 1988 (c. 29), section 3(2) and (3) and the Schedule.

(26) Amended by the Local Government Act 1974, section 35(1) and (2) and Schedule 6, paragraph 18 and by the Protection of Animals (Amendment) Act 1988, section 3(2) and (3) of the Schedule.

(27) Section 1 was amended by the Local Government, Planning and Land Act 1980, section 1(6), Schedule 6, Schedule 34, paragraph 15 and by the Protection of Animals (Amendment) Act 1988, section 3(2) and (3) and the Schedule.

(28) Amended by the Local Government Act 1974 sections 35(1) and (2) and 42, Schedule 6, paragraph 2(1) and Schedule 8.

(29) Amended by the Local Government, Planning and Land Act 1980, Schedule 6, paragraph 6, and by section 3 of the Protection of Animals (Amendment) Act 1988.

(30) Section 46A was inserted by section 1 of the Marriage Act 1994 (c. 34).

(31) Amended by S.I. 1968/658.

(1) Function	(2) Provision of Act or Statutory Instrument
38. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)(32).
39. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
40. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).
41. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (c. 16).
42. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
43. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
44. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
45. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
46. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
47. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.
48. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980.
49. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
50. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
51. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.
52. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980(33).
53. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
54. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).

(32) Amended by section 22 of the local Government (Miscellaneous Provisions) Act 1982 (c. 30).

(33) Amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).

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(1) Function	(2) Provision of Act or Statutory Instrument
55. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)(34).
56. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
57. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)(35).
58. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)
59. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	The Food Safety (General Food Hygiene) (Butchers Shops)(Amendment)(Wales) Regulations 2000(S.I. 2000/3341)(36).
60. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
61. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
62. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
63. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
64. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
65. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
66. Power to register food business premises.	Section 19 of the Food Safety Act 1990 (c. 16) and Regulation 9 of the Food Premises (Registration) Regulations 1991.

C. Functions relating to health and safety at work

(34) Amended by regulation 2 of the Meat Products (Hygiene) (Amendment) Regulations 1999 (S.I. [1999/683](#)).

(35) Amended by S.I. [1996/1699](#).

(36) These Regulations amend the Food Safety (General Food Hygiene) Regulations 1995(S.I.[1995/1763](#)).

(1) Function	(2) Provision of Act or Statutory Instrument
Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c. 37)(37).
D. Functions relating to elections	
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c. 2)(38).
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Power to dissolve community councils	Section 28 of the Local Government Act 1972.
4. Power to make orders for grouping communities	Section 29 of the Local Government Act 1972.
5. Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972.
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to provide assistance at European Parliamentary elections.	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c. 10)(39).
8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.

(37) For the definition of “the relevant statutory provisions” see section 53(1) of the Health and Safety at Work etc. Act 1974. See also the definitions of “the existing statutory provisions” and “health and safety regulations” in section 53(1) and, as to “health and safety regulations”, section 15(1) of that Act which was substituted by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 5.

(38) Subsection (4) of section 52 was substituted by the Representation of the People Act 1985 (c. 50), Schedule 4.

(39) Originally enacted as the European Assembly Elections Act 1978 and renamed by virtue of section 3 of the European Communities (Amendment) Act 1986 (c. 58). Schedule 1 was substituted by the European Parliamentary Elections Act 1999 (c. 1), Schedule 2.

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(1) Function	(2) Provision of Act or Statutory Instrument
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972.
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2) .
18. Miscellaneous electoral functions under Part II, SI 1999/450	National Assembly for Wales (Representation of the People) Order 1999, SI 1999/450
E. Functions relating to name and status of areas and individuals	
1. Power to change the name of a county, or county borough	Section 74 of the Local Government Act 1972.
2. Power to change the name of a community.	Section 76 of the Local Government Act 1972.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.
F. Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30) (40).
G. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.
H. Functions relating to pensions etc.	
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11) (41).
2. Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947.	Section 26 of the Fire Services Act 1947 (10 & 11 Geo.6 c. 41)(42).
I. Miscellaneous functions	

(40) Section 14 of the Interpretation Act 1978 is applied to byelaws made under section 235 of the Local Government Act 1972 by section 22(1) of, and paragraph 3 of Part I of Schedule 2 to, the Interpretation Act 1978.

(41) As to section 7 see also section 99 of the Local Government Act [2000 \(c. 22\)](#). Section 12 of the Superannuation Act 1972 is amended by section 10 of the Pensions (Miscellaneous Provisions) Act [1990 \(c. 7\)](#).

(42) To which there are amendments not relevant to these Regulations.

(1) Function	(2) Provision of Act or Statutory Instrument
1. Power to create footpaths and bridleways.	Sections 25 and 26 of the Highways Act 1980 (c. 66).
2. Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.
3. Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.
4. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
5. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
6. Duty to keep a definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c. 69).
7. Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.
8. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590)(43).
9. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).
10. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).
11. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
12. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).
13. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972(44).
14. Power to appoint staff.	Section 112 of the Local Government Act 1972.
15. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
16. Power to consider adverse reports from the Local Commissioner.	Section 31A of the Local Government Act 1974.

(43) Made under section 23 (regulations as to accounts) of the Local Government Finance Act 1982 (c. 32) as amended by section 27 of the Audit Commission Act 1998 (c. 18).

(44) See also sections 8 and 20 of the Local Government and Housing Act 1989.

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SCHEDULE 2

Regulation 9

FUNCTIONS WHICH MAY BE (BUT NEED NOT BE) THE RESPONSIBILITY OF AN AUTHORITY'S BOARD

1. Any function under a local Act other than a function specified or referred to in paragraphs A — I of Schedule 1.
2. The determination of an appeal against any decision made by or on behalf of the authority.
3. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998(45).
4. The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the School Standards and Framework Act 1998 (appeals against exclusion of pupils).
5. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).
6. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).
7. The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996(46) for enabling questions to be put on the discharge of the functions of a police authority.
8. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.
9. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999(47).
10. Any function relating to contaminated land(48).
11. The discharge of any function relating to the control of pollution or the management of air quality(49).
12. The service of an abatement notice in respect of a statutory nuisance(50).
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area(51).
14. The inspection of the authority's area to detect any statutory nuisance(52).
15. The investigation of any complaint as to the existence of a statutory nuisance(53).
16. The obtaining of information under section 330 of the Town and Country Planning Act 1990(54) as to interests in land.

(45) 1998 c. 14. Section 34(4) replaces section 63(3) of the Social Security Administration Act 1992. The Council Tax Benefit Regulations 1992 (S.I. 1992/1814) and the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), to which there are amendments not relevant to these Regulations, continue to have effect, by virtue of section 17(2)(b) of the Interpretation Act 1978 (c. 30), notwithstanding the repeal of section 63(3) of the Social Security Administration Act 1992.

(46) 1996 c. 16.

(47) 1999 c. 27.

(48) Part IIA of the Environmental Protection Act 1990 (c. 43) and subordinate legislation under that Part.

(49) See the Pollution Prevention and Control Act 1999 (c. 24), Part IV of the Environment Act 1995 (c. 25), Part I of the Environmental Protection Act 1990 (c. 43) and the Clean Air Act 1993 (c. 11).

(50) Section 80(1) of the Environmental Protection Act 1990.

(51) Section 8 of the Noise and Statutory Nuisance Act 1993 (c. 40).

(52) Section 79 of the Environmental Protection Act 1990.

(53) Section 79 of the Environmental Protection Act 1990.

(54) 1990 c. 8.

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17. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976(55).

18. The making of agreements for the execution of highways works(56).

19. The appointment of any individual—

(a) to any office other than an office in which he is employed by the authority;

(b) to any body other than—

(i) the authority;

(ii) a joint committee of two or more authorities; or

(c) to any committee or sub-committee of such a body,

and the revocation of any such appointment.

20. Power to make payments or provide other benefits in cases of maladministration etc.(57)

21. The discharge of any function by an authority acting as a harbour authority.

SCHEDULE 3

Regulation 10(1)

FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF AN AUTHORITY'S BOARD

<i>(1)</i> <i>Plans and strategies</i>	<i>(2)</i> <i>Reference</i>
Behaviour Support Plans	Section 527A of the Education Act 1996
Best Value Performance Plan	Section 6(1) of the Local Government Act 1999 (c. 27)
Children's Services Plan	Paragraph 1A of Schedule 2 to the Children Act 1989 (c. 41)
Community Care Plan	Section 46 of the National Health Service & Community Care Act 1990 (c. 19)
Community Strategy	Section 4 of the Local Government Act 2000 (c. 22)
Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998 (c. 37)
Early Years Development Plan	Section 120 of the School Standards and Framework Act 1998.
Education Strategic Plan	Section 6 of the School Standards and Framework Act 1998.
Food Law Enforcement Service Plan	Section 12 of the Food Standards Act 1999 (c. 28)
Local Transport Plan	Section 92 of the Transport Act 2000

(55) 1976 c. 57.

(56) Section 278 of the Highways Act 1980 (c. 66), substituted by the New Roads and Street Works Act 1991 (c. 22), section 23.

(57) Section 92 of the Local Government Act 2000.

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<i>(1)</i> <i>Plans and strategies</i>	<i>(2)</i> <i>Reference</i>
School Organisation Plan	Section 26 of the School Standards and Framework Act 1998
Plans and alterations which together comprise the Development Plan	Section 10A of the Town and Country Planning Act 1990
Welsh Language Scheme Youth Justice Plan	Section 5 of the Welsh Language Act 1993 Section 40 of the Crime and Disorder Act 1998 (c. 37).

SCHEDULE 4

Regulation 11

CIRCUMSTANCES IN WHICH FUNCTIONS ARE NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S BOARD

(1) Function	(2) Circumstances
<p>1. The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the authority's borrowing or capital expenditure or referred to in Schedule 3.</p>	<p>The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>
<p>2. The determination of any matter in the discharge of a function which—</p> <ul style="list-style-type: none"> (a) is the responsibility of the board; and (b) is concerned with the authority's budget, or their borrowing or capital expenditure. 	<p>The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made—</p> <ul style="list-style-type: none"> (a) is minded to determine the matter contrary to, or not wholly in accordance with— <ul style="list-style-type: none"> (i) the authority's budget; or (ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and (b) is not authorised by the authority's alternative arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.
<p>3. The determination of any matter in the discharge of a function—</p> <ul style="list-style-type: none"> (a) which is the responsibility of the board; and (b) in relation to which a plan or strategy (whether statutory or non-statutory) 	<p>The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the</p>

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(1) Function	(2) Circumstances
has been adopted or approved by the authority.	case may be, the strategy adopted or approved by the authority.