

---

WELSH STATUTORY INSTRUMENTS

---

**2002 No. 808**

**The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (Wales) Order 2002**

**Functions of local authorities**

**28.** In section 70 of the Deregulation and Contracting Out Act 1994<sup>(1)</sup> (functions of local authorities)—

(a) after subsection (1), there shall be inserted—

“(1A) This section also applies to any function of a local authority—

- (a) if, and to the extent that, it is the responsibility of an executive of that local authority under executive arrangements<sup>(2)</sup>, within the meaning of Part II of the Local Government Act 2000;
- (b) which is conferred by or under any enactment;
- (c) which, by virtue of any of sections 14 to 16, or any provisions made under sections 17 to 20, of the Local Government Act 2000 (provisions with respect to executive arrangements — discharge of functions etc), may be exercised by an officer of the local authority; and
- (d) which is not excluded by section 71 below.”; and

(b) after subsection (6), there shall be inserted—

“(7) Where at any time—

- (a) an order is in force under this section in relation to any function of a local authority (“authority A”);
- (b) that function, to any extent, is the responsibility of an executive of authority A under executive arrangements, within the meaning of Part II of the Local Government Act 2000; and
- (c) arrangements are in force under regulations made under section 19 of the Local Government Act 2000<sup>(3)</sup> (discharge of functions of and by another local authority) for the exercise of that function, to any extent, by another local authority (“authority B”) or by any executive of authority B,

it shall be an implied term of those arrangements that authority B or, as the case may be, the executive of authority B, shall not give any authorisation by virtue of the order in relation to that function except with the consent of the executive of authority A.”

---

(1) 1994 c. 40. Section 70 was amended by section 40 of the Greater London Authority Act 1999 (c. 29) and is amended by Part IX of Schedule 34 to that Act.

(2) See section 13 of the Local Government Act 2000 (c. 22) and the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 (S.I.2001/2291 (W.179)).

(3) See the Local Authorities (Discharge of Functions) (Wales) Regulations 2001 (S.I. 2001/2287) (W.175).

---

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

---