
WELSH STATUTORY INSTRUMENTS

2004 No. 3093 (W.267)

LOCAL GOVERNMENT, WALES

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Amendment) (Wales) Regulations 2004

Made - - - - 23 November 2004

Coming into force - - 24 November 2004

The National Assembly for Wales makes the following regulations in exercise of the powers conferred on it by sections 13, 105 and 106 of the Local Government Act 2000⁽¹⁾.

Name, commencement and application

1.—(1) These Regulations are called the Local Authorities Executive Arrangements (Functions and Responsibilities) (Amendment) (Wales) Regulations 2004 and come into force on 24 November 2004.

(2) The Regulations apply to Wales only.

Amendment of Regulations

2. The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001⁽²⁾ are amended —

- (a) in regulation 2(2)(a)(ii), at the end for “and” substitute “or”;
- (b) in sub-paragraph (9)(a) of regulation 4 insert at the beginning —
“subject to the provisions in respect of calculation of council tax base in paragraph 22 of Schedule 2”;
- (c) in Schedule 1 (Functions not to be the responsibility of an authority’s executive) in accordance with Part 1 of the Schedule to these Regulations;
- (d) in Schedule 2 (Functions which may (but need not be) the responsibility of an authority’s executive) in accordance with Part 2 of the Schedule to these Regulations;
- (e) in Schedule 3 (Functions not to be the sole responsibility of an authority’s executive) in accordance with Part 3 of the Schedule to these Regulations.

(1) 2000 c. 22.

(2) S.I. 2001/2291 (W.179) as amended by the Local Authorities Executive Arrangements (Functions and Responsibilities) (Amendment) (Wales) Regulations 2002 S.I. 2002/783 (W.84) and the Local Authorities Executive Arrangements (Functions and Responsibilities) (Amendment) (Wales) Regulations 2003 S.I. 2003/153 (W.23).

Status: This is the original version (as it was originally made).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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

23 November 2004

D. Elis-Thomas
The Presiding Officer of the National Assembly

SCHEDULE 1

Regulation 2

PART 1

Schedule 1 Amendments

1. In Part B insert after paragraph 66:

Function	Provision of Act or Statutory Instrument
67. Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003 (c. 17).

2. In Part I:

- (1) delete paragraphs 18, 19; and
 (2) insert after paragraph 17:

Functions	Provision of Act or Statutory Instrument
18. Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (C.3)
19. Power to appoint officers for particular purposes (appointment of “proper officers”).	Section 270(3) of the Local Government Act 1972.
20. Duty to designate an officer as the head of the authority’s paid service, and to provide staff etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42).
21. Duty to designate an officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
22. Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (c. 22).
23. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.
24. Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972 (c. 11).

PART 2

Schedule 2 Amendments

At the end add:

- “22. Functions in respect of the calculation of council tax base in accordance with any of the following —
- (a) the determination of an amount for item T in section 33(1) and 44(1) of the Local Government Finance Act 1992;
 - (b) the determination of an amount for item TP in sections 34(3), 45(3), 48(3) and 48(4) of the Local Government Finance Act 1992;

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- (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.

23. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.”

PART 3

Schedule 3 Amendments

- 1. In column (2) of the paragraph relating to the Local Transport Plan delete “92” and insert “108”.
- 2. Delete the entry relating to Food Law Enforcement Service Plan.
- 3. At the end add:

(1) Plans and Strategies	(2) Reference
Powers to approve a Young Peoples Partnership Strategic Plans and a Children and Young Peoples Framework Partnership.	Sections 123, 124 and 125 of the Learning and Skills Act 2000.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Local Government Act 2000 provides for the discharge of a local authority’s functions by an executive of an authority (which must take one of the forms specified in section 11(2) to (5) of the Act) unless those functions are not to be the responsibility of the authority’s executive.

The National Assembly for Wales made the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 (“the 2001 Regulations”) which specified functions that are not to be the responsibility of an authority’s executive or are to be the responsibility of such an executive only to a limited extent or only in specified circumstances. These regulations (in regulation 2) make changes to the 2001 Regulations in Schedule 1 by adding to the list of functions not to be the responsibility of an authority’s executive, by adding to the list of functions in Schedule 2 which may (but need not) be the responsibility of an authority’s executive and amending Schedule 3 by adding to functions not to be the sole responsibility of an authority’s executive.