



# Greater London Authority Act 1999

## 1999 CHAPTER 29

### PART II

#### GENERAL FUNCTIONS AND PROCEDURE

##### *The general and subsidiary powers of the Authority*

#### **30 The general power of the Authority.**

- (1) The Authority shall have power to do anything which it considers will further any one or more of its principal purposes.
- (2) Any reference in this Act to the principal purposes of the Authority is a reference to the purposes of—
  - (a) promoting economic development and wealth creation in Greater London;
  - (b) promoting social development in Greater London; and
  - (c) promoting the improvement of the environment in Greater London.
- (3) In determining whether or how to exercise the power conferred by subsection (1) above to further any one or more of its principal purposes, the Authority shall have regard to the desirability of so exercising that power as to—
  - (a) further the remaining principal purpose or purposes, so far as reasonably practicable to do so; and
  - (b) secure, over a period of time, a reasonable balance between furthering each of its principal purposes.
- (4) In determining whether or how to exercise the power conferred by subsection (1) above, the Authority shall have regard to the effect which the proposed exercise of the power would have on—
  - (a) the health of persons in Greater London; and
  - (b) the achievement of sustainable development in the United Kingdom.
- (5) Where the Authority exercises the power conferred by subsection (1) above, it shall do so in the way which it considers best calculated—

*Status: Point in time view as at 11/07/2001.*

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- (a) to promote improvements in the health of persons in Greater London, and
  - (b) to contribute towards the achievement of sustainable development in the United Kingdom,
- except to the extent that the Authority considers that any action that would need to be taken by virtue of paragraph (a) or (b) above is not reasonably practicable in all the circumstances of the case.
- (6) In subsection (5)(a) above, the reference to promoting improvements in health includes a reference to mitigating any detriment to health which would otherwise be occasioned by the exercise of the power.
  - (7) The Secretary of State may issue guidance to the Authority concerning the exercise by the Authority of the power conferred by subsection (1) above.
  - (8) In deciding whether or how to exercise that power, the Authority shall have regard to any guidance issued under subsection (7) above.
  - (9) Any guidance issued under subsection (7) above shall be published by the Secretary of State in such manner as he considers appropriate.
  - (10) The functions conferred or imposed on the Authority under or by virtue of this section shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.

#### Commencement Information

- II** S. 30 wholly in force at 3.7.2000; s. 30 not in force at Royal Assent see s. 425(2); s. 30(7)(9) in force at 8.5.2000 by [S.I. 2000/801](#), art. 2(2)(b), [Sch. Pt. 2](#); s. 30 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/801](#), art. 2(2)(c), [Sch. Pt. 3](#)

### 31 Limits of the general power.

- (1) The Authority shall not by virtue of section 30(1) above incur expenditure in doing anything which may be done by a functional body other than the London Development Agency.
- (2) In determining whether to exercise the power conferred by section 30(1) above, the Authority shall seek to secure that it does not incur expenditure in doing anything which is being done by the London Development Agency.
- (3) The Authority shall not by virtue of section 30(1) above incur expenditure in providing—
  - (a) any housing,
  - (b) any education services,
  - (c) any social services, or
  - (d) any health services,
 in any case where the provision in question may be made by a London borough council, the Common Council or any other public body.
- (4) Any reference in subsection (3) above to the provision of housing—
  - (a) includes a reference to the management of housing; but
  - (b) does not include a reference to the acquisition by the Authority of existing housing accommodation and the making of that accommodation available on

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a temporary basis for one or more of the principal purposes of the Authority or for purposes incidental to such a purpose.

- (5) Any reference in subsection (3) above to the provision of social services is a reference to the exercise of [<sup>F1</sup>any social services function within the meaning of the Local Authority Social Services Act 1970]
- (6) Nothing in subsections (1) to (5) above shall be taken to prevent the Authority incurring expenditure in co-operating with, or facilitating or co-ordinating the activities of, the bodies mentioned in those subsections.
- (7) The Secretary of State may by order amending this section make further provision for preventing the Authority from doing by virtue of section 30(1) above anything—
  - (a) which may be done by a London borough council, the Common Council or a public body, and
  - (b) which is specified, or is of a description specified, in the order.
- (8) The Secretary of State may by order impose limits on the expenditure which may be incurred by the Authority by virtue of section 30(1) above.
- (9) The Secretary of State may by order amending this section make provision removing or restricting any prohibitions or limitations imposed by this section on what may be done by the Authority by virtue of section 30(1) above.

#### Textual Amendments

- F1** Words in s. 31(5) substituted for s. 31(5)(a)(b) (26.10.2000 for E. and 28.7.2001 for W.) by [2000 c. 22, ss. 107\(1\), 108\(4\), Sch. 5 para. 33](#); [S.I. 2000/2849, art. 2\(f\)\(h\)](#)

#### Commencement Information

- I2** S. 31 wholly in force at 3.7.2000: s. 31 in force at Royal Assent for certain purposes see s. 425(2); s. 31 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/801, art. 2\(2\)\(c\), Sch. Pt. 3](#)

## 32 Consultation.

- (1) The power conferred by section 30(1) above is exercisable only after consultation with such bodies or persons as the Authority may consider appropriate in the particular case.
- (2) In determining what consultation (if any) is appropriate under subsection (1) above, the bodies which, and persons whom, the Authority considers consulting must include—
  - (a) any London borough council;
  - (b) the Common Council; and
  - (c) bodies of each of the descriptions specified in subsection (3) below.
- (3) Those descriptions are—
  - (a) voluntary bodies some or all of whose activities benefit the whole or part of Greater London;
  - (b) bodies which represent the interests of different racial, ethnic or national groups in Greater London;
  - (c) bodies which represent the interests of different religious groups in Greater London;

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- (d) bodies which represent the interests of persons carrying on business in Greater London.
- (4) The Authority may make arrangements with—
- (a) any London borough council,
  - (b) the Common Council,
  - (c) bodies of the descriptions specified in subsection (3) above, and
  - (d) such other bodies or persons as it may consider appropriate,
- for the purpose of facilitating the carrying out by the Authority of consultation pursuant to this section or any other provision of this Act.
- (5) The functions conferred on the Authority under or by virtue of this section shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.

### **33 Equality of opportunity.**

- (1) The Authority shall make appropriate arrangements with a view to securing that—
- (a) in the exercise of the power conferred on the Authority by section 30 above,
  - (b) in the formulation of the policies and proposals to be included in any of the strategies mentioned in section 41(1) below, and
  - (c) in the implementation of any of those strategies,
- there is due regard to the principle that there should be equality of opportunity for all people.
- (2) After each financial year the Authority shall publish a report containing—
- (a) a statement of the arrangements made in pursuance of subsection (1) above which had effect during that financial year; and
  - (b) an assessment of how effective those arrangements were in promoting equality of opportunity.
- (3) The functions conferred or imposed on the Authority under or by virtue of this section shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.

### **34 Subsidiary powers of the Authority.**

- (1) The Authority, acting by the Mayor, by the Assembly, or by both jointly, may do anything (including the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the exercise of any functions of the Authority exercisable by the Mayor or, as the case may be, by the Assembly or by both acting jointly.
- (2) The Authority shall not by virtue of this section raise money (whether by precepts, borrowing or otherwise) or lend money, except in accordance with the enactments relating to those matters.

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*Exercise of functions: general principles*

**35 Authority functions to be exercisable by Mayor, Assembly or both.**

- (1) Any function transferred to, or conferred or imposed on, the Authority by or under this Act or any other Act (whenever passed) shall, in accordance with the provisions of this Act, be exercisable—
  - (a) only by the Mayor acting on behalf of the Authority;
  - (b) only by the Assembly so acting; or
  - (c) only by the Mayor and Assembly jointly so acting.
- (2) Any function—
  - (a) which is transferred to, or conferred or imposed on, the Authority by or under this Act or any other Act (whenever passed), and
  - (b) which (apart from this subsection) is not made exercisable on behalf of the Authority by the Mayor, by the Assembly, or by the Mayor and the Assembly acting jointly,shall be exercisable only by the Mayor acting on behalf of the Authority.
- (3) Any function transferred to, or conferred or imposed on, the Mayor by or under this Act or any other Act (whenever passed) shall be taken to be a function of the Authority exercisable only by the Mayor acting on behalf of the Authority.
- (4) Any function transferred to, or conferred or imposed on, the Assembly by or under this Act or any other Act (whenever passed) shall be taken to be a function of the Authority exercisable only by the Assembly acting on behalf of the Authority.
- (5) Any function transferred to, or conferred or imposed on, the Mayor and the Assembly by or under this Act or any other Act (whenever passed) shall be taken to be a function of the Authority exercisable only by the Mayor and Assembly acting jointly on behalf of the Authority.
- (6) Subsections (3) and (4) above are subject to subsection (5) above.
- (7) Any reference in this Act to—
  - (a) functions of the Authority,
  - (b) functions of the Mayor,
  - (c) functions of the Assembly, or
  - (d) functions of the Mayor and Assembly,shall be construed in accordance with the foregoing provisions of this section.
- (8) Subsections (1) to (7) above are subject to any express provision to the contrary in this Act.
- (9) Subsections (2) and (3) above are without prejudice to [F2sections 38 and 380] below and Schedule 4 to this Act.
- (10) This section is subject, in particular, to Part II of the M1Deregulation and Contracting Out Act 1994 (contracting out).

**Textual Amendments**

**F2** Words in s. 35(9) substituted (27.5.2000) by S.I. 2000/1435, art. 2, Sch. Pt. I para. 3

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#### Marginal Citations

M1 1994 c. 40.

### 36 Standing orders of the Authority.

- (1) The Assembly, in consultation with the Mayor, may make standing orders of the Authority.
- (2) The procedure of the Assembly, and of any committees or sub-committees of the Assembly, shall be regulated by the standing orders of the Authority.
- (3) Standing orders of the Authority may make provision regulating the procedure to be followed—
  - (a) by any member of the Assembly, or
  - (b) by any member of staff of the Authority,
 by whom functions of the Authority are exercisable pursuant to arrangements under section 54 below.
- (4) Standing orders of the Authority may make provision regulating the procedure to be followed by the Mayor or by the Assembly in discharging any functions of the Mayor or the Assembly, to the extent that the functions—
  - (a) consist of consultation, or any other interaction or relationship, between the Mayor and the Assembly; or
  - (b) are exercisable by the Mayor in relation to the Assembly or by the Assembly in relation to the Mayor.
- (5) Standing orders of the Authority may make provision for any other matter for which provision by standing orders of the Authority is authorised or required by or under any other provision of this Act or any other enactment.
- (6) Subsections (2) to (5) above are subject to any other provision of this Act or any other enactment which regulates, or provides for the regulation of, the procedure of the Assembly or any procedure to be followed by the Mayor.
- (7) Standing orders of the Authority may make different provision for different circumstances.
- (8) The Assembly, after consultation with the Mayor, may at any time vary or revoke any standing orders of the Authority.
- (9) Neither section 38 below nor section 54 below shall apply in relation to the functions of the Mayor or the Assembly under this section.

### 37 Discharge during vacancy or temporary incapacity of Mayor.

Schedule 4 to this Act shall have effect with respect to the discharge of functions during periods when—

- (a) there is a vacancy in the office of Mayor; or
- (b) there is no such vacancy but the Mayor is unable to act in his office.

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### *Functions exercisable by the Mayor*

#### **38 Delegation.**

- (1) Any function exercisable on behalf of the Authority by the Mayor shall also be exercisable on behalf of the Authority by any of the bodies or persons specified in subsection (2) below, if or to the extent that the Mayor so authorises, whether generally or specially, and subject to any conditions imposed by the Mayor.
  - (2) Those bodies and persons are—
    - (a) the Deputy Mayor;
    - (b) any member of staff of the Authority;
    - (c) Transport for London;
    - (d) the London Development Agency;
    - (e) the Common Council;
    - (f) any local authority.
  - (3) In the case of the Common Council or a local authority, an authorisation under this section—
    - (a) may only be granted or varied with its written consent; and
    - (b) shall cease to have effect if notice of the withdrawal of that consent is given to the Mayor.
  - (4) [<sup>F3</sup>Subject to subsection (5A), where], by virtue of an authorisation under subsection (1) above, a duty is exercisable by any of the bodies or persons specified in subsection (2) above, that body or person shall discharge the duty in accordance with the authorisation and any conditions imposed by the Mayor under subsection (1) above.
  - (5) [<sup>F4</sup>Subject to subsection (5A), subsection](4) above is without prejudice to the exercise by the body or person concerned of any power to arrange for the discharge of functions by—
    - (a) a committee or sub-committee, or a member, officer or employee, of the body or person, or
    - (b) a joint committee on which the body or person is represented,except to the extent that the terms of the authorisation or any conditions imposed by the Mayor under subsection (1) above otherwise provide.
- [<sup>F5</sup>(5A) Where, by virtue of an authorisation under subsection (1) above, a duty is exercisable by a local authority which are operating executive arrangements—
- (a) that duty shall be treated as a function of that local authority for the purposes of section 13 of the Local Government Act 2000; and
  - (b) if, or to the extent that, that duty is a function which is the responsibility of the executive of that authority—
    - (i) subsections (4) and (5) above shall not apply; and
    - (ii) sections 14 to 16 of the Local Government Act 2000 and any regulations made under sections 17 to 20 of that Act shall apply except to the extent that the terms of the authorisation or any conditions imposed by the Mayor under subsection (1) above otherwise provide.]
- (6) Subsection (1) above does not apply—
    - (a) in relation to functions under this section;

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- (b) in relation to any function of making appointments under subsection (1) of section 67 below (which, subject to the provisions of Schedule 4 to this Act, shall be exercisable only by the Mayor); or
- (c) in relation to any function under Part X below (in relation to which provision for delegation is made under that Part).
- (7) Each of the following bodies, namely—
- (a) Transport for London,
  - (b) the London Development Agency,
  - (c) the Common Council,
  - (d) any local authority,
- shall have power to exercise functions on behalf of the Authority in accordance with this section, whether or not they would have power to do so apart from this subsection and irrespective of the nature of the function.
- (8) Subsections (3) and (4) of section 101 of the <sup>M2</sup>Local Government Act 1972 (delegation of functions to committees, officers etc, and continued exercise by local authority concerned) shall apply in relation to any authorisation under subsection (1) above given by the Mayor—
- (a) to a local authority,
  - (b) to Transport for London, or
  - (c) to the London Development Agency,
- as they apply to arrangements under that section between one local authority and another.
- (9) An authorisation under this section may be varied or revoked at any time by the Mayor.
- (10) Any authorisation under this section, and any variation or revocation of such an authorisation, must be in writing.
- [<sup>F6</sup>(11) For the purposes of this section executive and executive arrangements have the same meaning as in Part II of the Local Government Act 2000.]

#### Textual Amendments

- F3** Words in s. 38(4) substituted (E.) (11.7.2001) *S.I. 2001/2237, arts. 2(u), 36(a)*
- F4** Words in s. 38(5) substituted (E.) (11.7.2001) *S.I. 2001/2237, arts. 2(u), 36(b)*
- F5** S. 38(5A) inserted (E.) (11.7.2001) *S.I. 2001/2237, arts. 2(u), 36(c)*
- F6** S. 38(11) added (E.) (11.7.2001) *S.I. 2001/2237, arts. 2(u), 36(d)*

#### Marginal Citations

- M2** 1972 c. 70.

### 39 Exercise of functions by joint committees.

- (1) Where any functions exercisable on behalf of the Authority by the Mayor are, by virtue of an authorisation under section 38(1) above, also exercisable by one or more local authorities, the Mayor and those authorities may enter into arrangements under section 101(5) of the <sup>M3</sup>Local Government Act 1972 for the joint discharge of the functions by a joint committee.
- (2) Where—



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- (a) a statutory function of the Authority is exercisable, or has been exercised, by the Mayor acting on behalf of the Authority, and
- (b) the exercise, or any particular exercise, of that function will or may affect, or be affected by, the exercise, or any particular exercise, of statutory functions of local authorities (whether or not the functions are the same in the case of each such authority),

the Mayor and those authorities may enter into arrangements under section 101(5) of the <sup>M4</sup>Local Government Act 1972 for the joint exercise of any of the statutory functions mentioned in paragraph (a) or (b) above by a joint committee, as if those functions were exercisable by the Mayor acting on behalf of the Authority and by each local authority.

- (3) For the purposes of subsection (2) above, the exercise of a function shall be taken to affect, or be affected by, the exercise of another function if the functions are exercisable for the same, or for similar or connected, purposes or in relation to the same, or similar or connected, subject matter.
- (4) For the purposes of subsections (1) and (2) above, sections 101(5) and 102 to 106 of the <sup>M5</sup>Local Government Act 1972 shall have effect as if the Authority acting by the Mayor were a local authority.
- (5) Any arrangements made by virtue of subsection (1) or (2) above for the discharge of any functions by a joint committee (or by a sub-committee of a joint committee) shall not prevent the Mayor or any local authority, or the joint committee by whom the arrangements are made, from exercising the functions.
- (6) A person who is disqualified under section 21 above from being elected or being the Mayor or an Assembly member, otherwise than by reason only of being a member of staff of the Authority, shall be disqualified from being a member of a joint committee established by virtue of subsection (1) or (2) above or of any sub-committee of such a committee.
- (7) Subject to that, the Mayor or any other individual may be appointed as a representative of the Authority on any joint committee established by virtue of subsection (1) above and any such representative may be appointed as a member of any sub-committee of such a joint committee.
- (8) Any reference in this section to a local authority includes a reference to the Common Council.

#### Marginal Citations

- M3** 1972 c. 70.
- M4** 1972 c. 70.
- M5** 1972 c. 70.

## 40 Contracting out.

- (1) Part II of the <sup>M6</sup>Deregulation and Contracting Out Act 1994 (contracting out) shall be amended as follows.
- (2) In section 70 (functions of local authorities) in subsection (1)(b), after section 56 of the Local Government (Scotland) Act 1973 there shall be inserted “ or section 38 or 380 of the Greater London Authority Act 1999 ”.

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(3) After subsection (5) of that section (which implies certain terms into arrangements under section 101 of the <sup>M7</sup>Local Government Act 1972 etc) there shall be inserted—

“(6) Any reference in subsection (5) above to arrangements under section 101 of the <sup>M8</sup>Local Government Act 1972 includes a reference to an authorisation under section 38 or 380 of the Greater London Authority Act 1999.”

(4) In section 79(1) (interpretation of Part II) in the definition of local authority, in paragraph (a), after London borough council, there shall be inserted “ the Greater London Authority acting through the Mayor of London, ”.

#### Marginal Citations

- M6** 1994 c. 40.  
**M7** 1972 c. 70.  
**M8** 1972 c. 70.

### *The Mayor's strategies*

#### **41 General duties of the Mayor in relation to his strategies.**

(1) This section applies to—

- (a) the transport strategy prepared and published under section 142 below,
- (b) the London Development Agency strategy prepared and published under section 7A(2) of the <sup>M9</sup>Regional Development Agencies Act 1998,
- (c) the spatial development strategy prepared and published under Part VIII below,
- (d) the London Biodiversity Action Plan prepared and published under section 352 below,
- (e) the municipal waste management strategy prepared and published under section 353 below,
- (f) the London air quality strategy prepared and published under section 362 below,
- (g) the London ambient noise strategy prepared and published under section 370 below, and
- (h) the culture strategy prepared and published under section 376 below.

(2) The Mayor shall keep each of the strategies mentioned in subsection (1) above under review and shall make such revisions of those strategies as he considers necessary.

(3) Subsection (2) above does not apply in relation to the spatial development strategy (for which separate provision as to review is made by section 340 below).

(4) In preparing or revising any strategy mentioned in subsection (1) above, the Mayor shall have regard to—

- (a) the principal purposes of the Authority;
- (b) the effect which the proposed strategy or revision would have on—
  - (i) the health of persons in Greater London; and
  - (ii) the achievement of sustainable development in the United Kingdom;
 and

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- (c) the matters specified in subsection (5) below.
- (5) Those matters are—
- (a) the need to ensure that the strategy is consistent with national policies and with such international obligations as the Secretary of State may notify to the Mayor for the purposes of this paragraph;
  - (b) the need to ensure that the strategy is consistent with each other strategy mentioned in subsection (1) above;
  - (c) the resources available for implementation of the strategy; and
  - (d) the desirability of promoting and encouraging the use of the River Thames safely, in particular for the provision of passenger transport services and for the transportation of freight.
- (6) The Mayor—
- (a) in considering whether any strategy mentioned in subsection (1) above needs to be revised,
  - (b) in implementing any such strategy, or
  - (c) in exercising in relation to the spatial development strategy any of his functions under sections 334 to 341 below,
- shall have regard to the matters specified in subsection (5) above.
- (7) Where the Mayor prepares or revises any strategy mentioned in subsection (1) above, he shall include such of the available policies and proposals relating to the subject matter of the strategy as he considers best calculated—
- (a) to promote improvements in the health of persons in Greater London, and
  - (b) to contribute towards the achievement of sustainable development in the United Kingdom,
- except to the extent that he considers that any action that would need to be taken by virtue of paragraph (a) or (b) above is not reasonably practicable in all the circumstances of the case.
- (8) In subsection (7)(a) above, the reference to promoting improvements in health includes a reference to mitigating any detriment to health which would otherwise be occasioned by the strategy or revision.
- (9) The Mayor shall from time to time set such targets with respect to the implementation of any strategy mentioned in subsection (1) above as he may consider appropriate, having regard to—
- (a) any related targets or objectives set nationally; and
  - (b) any performance indicators set by the Secretary of State, whether nationally or locally, which affect the exercise of functions by authorities involved in the implementation of the strategy;
- and in setting any such targets the Mayor shall seek to secure that they are not less demanding than any related targets or objectives which are set nationally.
- (10) For the purposes of this section international obligations means international obligations of the United Kingdom under any treaty, including obligations under the Community Treaties.
- (11) For the purposes of this Act, unless the context otherwise requires, a reference to a strategy includes a reference to the London Biodiversity Action Plan.

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### Marginal Citations

M9 1998 c. 45.

## 42 Consultation.

- (1) In preparing or revising any strategy to which this section applies the Mayor shall consult—
  - (a) the Assembly,
  - (b) the functional bodies,
  - (c) each London borough council,
  - (d) the Common Council, and
  - (e) any other body or person whom he considers it appropriate to consult.
- (2) In determining what consultation (if any) is appropriate under subsection (1)(e) above, the bodies which, and persons whom, the Mayor considers consulting must include bodies of each of the descriptions specified in section 32(3) above.
- (3) The strategies to which this section applies are those mentioned in section 41(1) above, other than the spatial development strategy (for which separate provision as to consultation and other aspects of public participation is made by Part VIII below).
- (4) Subsection (1) above is without prejudice to any other duty imposed on the Mayor in relation to consultation.
- (5) In discharging the duty under subsection (1) above, the Mayor shall consult the Assembly and the functional bodies before consulting the other bodies or persons mentioned in subsection (1)(c) to (e) above.
- (6) In any case where—
  - (a) the Mayor proposes to revise any of the strategies to which this section applies, and
  - (b) he considers that the proposed revisions will not materially alter the strategy in question,
 the Mayor is not required to carry out consultation in accordance with this section.

### Modifications etc. (not altering text)

C1 S. 42 excluded (3.7.2000) by 1998 c. 45, s. 7B(6) (as inserted (3.7.2000) by 1999 c. 29, s. 307 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

## 43 Publicity and availability of strategies.

- (1) The Mayor shall take such steps as in his opinion will give adequate publicity to the current version of each strategy to which section 42 above applies.
- (2) The Mayor shall send to the Common Council and to each London borough council a copy of the current version of each strategy mentioned in section 41(1) above.
- (3) A copy of the current version of each such strategy shall be kept available by the Mayor for inspection by any person on request free of charge—

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- (a) at the principal offices of the Authority, and
  - (b) at such other places as the Mayor considers appropriate,
- at reasonable hours.
- (4) A copy of the current version of each such strategy, or any part of such a strategy, shall be supplied to any person on request for such reasonable fee as the Mayor may determine.
- (5) Any reference in this section to the current version of a strategy or part of a strategy is a reference—
- (a) in the case of the spatial development strategy, to that strategy as last published, whether originally or by way of replacement, and to any published alteration thereof for the time being having effect; and
  - (b) in the case of any other strategy, to that strategy as last published, whether originally or as revised.

#### **44 Directions by the Secretary of State.**

- (1) In relation to each strategy mentioned in section 41(1) above, where the Mayor has not published the strategy and the Secretary of State considers that the Mayor is not taking such steps as are necessary to prepare the strategy, he may issue a direction to the Mayor under subsection (2) below.
- (2) A direction under this subsection may direct the Mayor to prepare and publish the strategy within such period as the direction shall specify.
- (3) Where the Secretary of State issues a direction to the Mayor under subsection (1) above, the Mayor shall comply with the direction.

#### *Public accountability*

#### **45 The Mayor's periodic report to the Assembly.**

- (1) The Mayor shall, not later than three clear working days before the first meeting of the Assembly held pursuant to subsection (3) of section 52 below, and thereafter not later than three clear working days before each subsequent meeting of the Assembly held pursuant to that subsection, submit a written report to the Assembly.
- (2) A report required to be submitted by the Mayor under subsection (1) above shall relate to the period since the submission of the previous report or, in the case of the first such report, to the period since the first ordinary election and shall include—
- (a) notification of decisions taken by the Mayor which he considers to be of significance;
  - (b) the reasons for which the Mayor took the decisions mentioned in paragraph (a) above; and
  - (c) the response of the Mayor to proposals submitted by the Assembly under section 60 below.
- (3) The Mayor shall attend every meeting of the Assembly held pursuant to section 52(3) below and shall, subject to subsection (6) below, answer questions put to him at any such meeting by Assembly members about matters in relation to which statutory functions are exercisable by him.

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- (4) The Mayor shall—
- (a) so far as reasonably practicable, answer any such question orally at the meeting at which it is put, or
  - (b) if for any reason it is not reasonably practicable to do that, provide a written answer before the end of the third working day following the day on which the question was asked at the meeting,
- (subject, in either case, to subsection (6) below).
- (5) For the purposes of subsection (4)(b) above, the day on which a question is asked at a meeting is—
- (a) in the case of an oral question, the day on which the question is first asked at the meeting; or
  - (b) in the case of a written question, the day on which the question is first raised at the meeting.
- (6) The duty of the Mayor under subsection (3) or (4) above shall not require him to disclose advice received by him from—
- (a) a person appointed under section 67(1) or (2) below,
  - (b) a functional body,
  - (c) a member of a functional body, or
  - (d) a member of staff of a functional body,
- except as provided by subsection (7) below.
- (7) Where—
- (a) the Mayor receives advice from a person falling within paragraph (b), (c) or (d) of subsection (6) above, and
  - (b) the functional body mentioned in that paragraph is the Metropolitan Police Authority or the London Fire and Emergency Planning Authority,
- the Mayor is not relieved by subsection (6) above from any requirement to disclose the advice, if or to the extent that the advice falls within subsection (8) below.
- (8) Advice given to the Mayor by a [<sup>F7</sup>person falling within paragraph (b), (c) or (d) of subsection (6) above] falls within this subsection if it has been disclosed—
- (a) at a meeting of, or of a committee or sub-committee of, the functional body [<sup>F8</sup>concerned] at a time when the meeting was open to members of the public by virtue of Part VA of the <sup>M10</sup>Local Government Act 1972 (access to meetings and documents); or
  - (b) in a document which has been open to inspection by members of the public by virtue of that Part of that Act.
- (9) Any reference in this section to a member of staff of a functional body includes a reference to an officer or employee of that body.
- (10) For the purposes of this section, a day is a working day unless it is—
- (a) a Saturday or Sunday;
  - (b) Christmas Eve, Christmas Day, Maundy Thursday or Good Friday;
  - (c) a day which is a Bank Holiday in England under the <sup>M11</sup>Banking and Financial Dealings Act 1971; or
  - (d) a day appointed for public thanksgiving or mourning.

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#### Textual Amendments

- F7** Words in s. 45(8) substituted (27.5.2000) by [S.I. 2000/1345, art. 2, Sch. Pt. 1 para. 4\(a\)](#)  
**F8** Word in s. 45(8)(a) inserted (27.5.2000) by [S.I. 2000/1345, art. 2, Sch. Pt. 1 para. 4\(b\)](#)

#### Marginal Citations

- M10** 1972 c. 70.  
**M11** 1971 c. 80.

## 46 Annual report by the Mayor.

- (1) As soon as practicable after the end of each financial year the Mayor shall prepare a report on the exercise by him of statutory functions during the year (an annual report).
- (2) An annual report shall include—
  - (a) an assessment of the Mayor’s progress in implementing the strategies required to be prepared and published by him under this Act or under section 7A(2) of the <sup>M12</sup>Regional Development Agencies Act 1998;
  - (b) a statement of any targets for the time being in force under section 41(9) above with respect to the implementation of those strategies and an assessment of the progress made by authorities involved in the implementation of those strategies towards achieving those targets;
  - (c) a summary of information which relates to the Authority’s performance of its statutory functions and which the Authority is required to publish under or by virtue of any enactment; and
  - (d) information of such descriptions as the Assembly, prior to the beginning of the financial year to which the annual report relates, has notified to the Mayor that it wishes to be included in the annual report.
- (3) As soon as practicable after preparing an annual report, the Mayor—
  - (a) shall send a copy of the report to the Assembly; and
  - (b) shall publish the report.
- (4) The annual report shall not be published until after the Mayor has sent a copy to the Assembly pursuant to subsection (3)(a) above.
- (5) A copy of the annual report sent to the Assembly shall be kept available for the appropriate period by the Mayor for inspection by any person on request free of charge at the principal offices of the Authority at reasonable hours.
- (6) A copy of the annual report sent to the Assembly, or any part of that report, shall be supplied to any person on request during the appropriate period for such reasonable fee as the Mayor may determine.
- (7) In this section the appropriate period in the case of an annual report is the period of six years beginning with the date of publication of that report pursuant to this section.

#### Marginal Citations

- M12** 1998 c. 45.

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#### **47 The annual State of London debate.**

- (1) The Mayor shall once in every financial year hold and attend a meeting under this section (in this section referred to as a State of London debate) which shall be open to all members of the public.
- (2) The form of, and procedure for, a State of London debate shall be such as the Mayor may determine after consultation with the Assembly, but must be such that there is an opportunity for members of the public to speak.
- (3) The power to determine the form of, and procedure for, a State of London debate includes power to appoint a person to preside.
- (4) Any person may be appointed to preside at a State of London debate, whether or not he has any connection with the Authority.
- (5) A member of the public who attends or speaks at a State of London debate shall do so subject to and in accordance with the procedure for the State of London debate.
- (6) A State of London debate shall be held on a date to be determined by the Mayor—
  - (a) during April, May or June in each successive period of twelve months beginning with 1st April 2001, and
  - (b) at least 7 days after the publication under section 46 above of the annual report relating to the financial year last ended.
- (7) At least one month prior to the date on which the State of London debate is to be held, the Mayor—
  - (a) shall determine the place at which the meeting is to be held; and
  - (b) shall take such steps as will in his opinion give adequate notice of the date and place of the meeting to members of the public.

#### **48 People's Question Time.**

- (1) The Mayor and the Assembly shall twice in every financial year hold and attend a meeting under this section (in this section referred to as a People's Question Time) which shall be open to all members of the public.
- (2) The purpose of a People's Question Time is to afford an opportunity to members of the public to put questions to the Mayor and Assembly members and to enable the Mayor and Assembly members to respond.
- (3) The form of, and procedure for, a People's Question Time shall be such as the Mayor may determine after consultation with the Assembly.
- (4) The power to determine the form of, and procedure for, a People's Question Time includes power to appoint a person to preside.
- (5) Any person may be appointed to preside at a People's Question Time, whether or not he has any connection with the Authority.
- (6) A member of the public who attends or speaks at a People's Question Time shall do so subject to and in accordance with the procedure for the People's Question Time.
- (7) A People's Question Time shall be held on a date to be determined by the Mayor, after consultation with the Assembly, but which is not less than—
  - (a) one month before, or



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- (b) one month after,  
a State of London debate held pursuant to section 47(1) above.
- (8) At least one month prior to the date on which each People’s Question Time is to be held, the Mayor—
  - (a) shall determine the place at which the meeting is to be held; and
  - (b) shall take such steps as will in his opinion give adequate notice of the date and place of the meeting to members of the public.

### *Deputy Mayor*

## **49 The Deputy Mayor.**

- (1) There shall be a Deputy Mayor of London (the Deputy Mayor).
- (2) The Deputy Mayor shall have such functions as may be conferred or imposed upon him by or under this Act or any other enactment, whenever passed or made.
- (3) The Deputy Mayor shall be appointed by the Mayor from among the Assembly members.
- (4) A person must not hold the offices of Deputy Mayor and Chair of the Assembly at the same time.
- (5) If the Mayor appoints as Deputy Mayor the person who is the Chair of the Assembly, a vacancy shall arise in the office of Chair of the Assembly.
- (6) Subsections (4) and (5) above apply in relation to the Deputy Chair of the Assembly as they apply in relation to the Chair of the Assembly.
- (7) A person appointed Deputy Mayor shall not act in that office unless or until he has satisfied in respect of his office as an Assembly member the requirements of section 28(1) above.
- (8) A person shall cease to be the Deputy Mayor if—
  - (a) he ceases to be an Assembly member;
  - (b) he at any time gives notice of resignation as the Deputy Mayor to the proper officer of the Authority; or
  - (c) the Mayor at any time gives him notice terminating his appointment as Deputy Mayor.
- (9) A person who ceases to be Deputy Mayor shall be eligible for reappointment.

### *Chair and Deputy Chair of the Assembly*

## **50 Functions.**

- (1) There shall be—
  - (a) an office of Chair of the London Assembly (the Chair of the Assembly); and
  - (b) an office of Deputy Chair of the London Assembly (the Deputy Chair of the Assembly).
- (2) The Chair of the Assembly shall have—

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- (a) the function of chairing meetings of the Assembly; and
  - (b) such other functions as may be conferred or imposed upon him by or under this Act or any other enactment, whenever passed or made.
- (3) Subsection (2)(a) above is subject to any provision made by or under this Act or any other enactment, whenever passed or made, or by the standing orders of the Authority.
- (4) The Deputy Chair of the Assembly shall have—
- (a) the function of chairing meetings of the Assembly when authorised or required to do so by or under this Act or any other enactment, whenever passed or made, or in accordance with the standing orders of the Authority; and
  - (b) such other functions as may be conferred or imposed upon him by or under this Act or any other enactment, whenever passed or made.

## **51 Appointment.**

- (1) The Chair of the Assembly and the Deputy Chair of the Assembly shall each be elected at a meeting of the Assembly.
- (2) The Chair of the Assembly and the Deputy Chair of the Assembly must be elected from among the members of the Assembly.
- (3) A person must not hold the offices of Chair of the Assembly and Deputy Chair of the Assembly at the same time except as provided by subsection (7) below.
- (4) The Deputy Mayor is not eligible to be the Chair of the Assembly or the Deputy Chair of the Assembly.
- (5) If the Deputy Chair of the Assembly is elected to fill a vacancy in the office of Chair of the Assembly, a vacancy shall occur in the office of Deputy Chair of the Assembly.
- (6) If a vacancy occurs in the office of Chair of the Assembly or Deputy Chair of the Assembly, the first business at the next meeting of the Assembly shall be to fill the vacancy.
- (7) If a vacancy occurs in the office of Chair of the Assembly and there is a person who is the Deputy Chair of the Assembly, that person shall (subject to the other provisions of this Act or any other enactment) also be the Chair of the Assembly until such time as the vacancy is filled in accordance with subsection (6) above.
- (8) A person elected Chair of the Assembly or Deputy Chair of the Assembly shall not act in that office unless or until he has satisfied in respect of his office as an Assembly member the requirements of section 28(1) above.

### *Meetings and procedure of the Assembly*

## **52 Meetings of the whole Assembly.**

- (1) The Assembly may hold, in addition to any meetings required to be held by or under this section or any other enactment, such other meetings as it may determine.
- (2) Before the expiration of the period of ten days following the day of the poll at an ordinary election, there shall be a meeting of the Assembly to elect—
  - (a) the Chair of the Assembly; and

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- (b) the Deputy Chair of the Assembly.
- (3) On such ten occasions in each calendar year as the Assembly may determine, there shall be a meeting of the Assembly—
  - (a) to consider the written report submitted for the meeting by the Mayor under section 45 above,
  - (b) to enable Assembly members to put—
    - (i) oral or written questions to the Mayor, and
    - (ii) oral questions to any employees of the Authority who are required to attend such meetings and answer questions put to them by Assembly members; and
  - (c) to transact any other business on the agenda for the meeting.
- (4) The first meeting under subsection (3) above after an ordinary election shall be held not later than 25 days after the day of the poll at the election.
- (5) Notice of the time and place of any meeting of the Assembly—
  - (a) shall be given to the Mayor and the Assembly members, and
  - (b) shall be published,in accordance with the standing orders of the Authority.
- (6) In the case of a meeting of the Assembly under subsection (3) above, the notice required by subsection (5) above must be given and published—
  - (a) if the meeting is the first such meeting after an ordinary election, as soon as reasonably practicable after the day of the poll at that election; or
  - (b) in any other case, at least 28 clear days before the meeting.
- (7) If notice of a meeting to be held under subsection (3) above has been given pursuant to subsection (6) above, then, until that meeting has been held or the notice has been withdrawn, notice must not be given of another such meeting.
- (8) An extraordinary meeting of the Assembly may be called at any time by the Chair of the Assembly.
- (9) If—
  - (a) the Chair of the Assembly refuses to call an extraordinary meeting of the Assembly after a requisition for that purpose, signed by five Assembly members, has been presented to him, or
  - (b) if, without so refusing, the Chair of the Assembly does not call an extraordinary meeting within seven days after such a requisition has been presented to him,any five Assembly members may forthwith call an extraordinary meeting of the Assembly.
- (10) Section 54 below shall not apply in relation to any function of the Assembly under this section.

### **53 Assembly procedure.**

- (1) All questions coming before, or to be decided by, the Assembly shall be decided by a majority of the members of the Assembly present and voting at a meeting of the Assembly.

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- (2) In the case of an equality of votes, the person chairing the meeting of the Assembly shall have a second or casting vote.
- (3) Subsections (1) and (2) above are subject to any provision to the contrary contained in this or any other enactment.
- (4) The Assembly may determine its own procedure and that of its committees and sub-committees (including quorum).
- (5) Subsection (4) above is subject to—
  - (a) subsections (1) and (2) above;
  - (b) sections 50 to 52 above;
  - (c) section 56 below;
  - (d) Schedules 6 and 7 to this Act; and
  - (e) any other provision made by or under this Act or any other Act (whenever passed) which regulates, or provides for the regulation of, the procedure of the Assembly or committees of the Assembly.

#### **54 Discharge of functions by committees or single members.**

- (1) The Assembly may arrange for any of the functions exercisable by it to be discharged on its behalf—
  - (a) by a committee or sub-committee of the Assembly; or
  - (b) by a single member of the Assembly.
- (2) The Assembly may arrange for a member of staff of the Authority appointed under section 67(2) below to exercise on the Assembly's behalf any function exercisable by the Assembly under section 67(2) or 70(2) below.
- (3) Where by virtue of this section any functions exercisable by the Assembly may be discharged by a committee of the Assembly, then, unless the Assembly otherwise directs, the committee may arrange for the discharge of any of those functions by a sub-committee or by a single member of the Assembly.
- (4) Where by virtue of this section any functions exercisable by the Assembly may be discharged by a sub-committee of the Assembly, then, unless the Assembly or the committee concerned otherwise directs, the sub-committee may arrange for the discharge of any of those functions by a single member of the Assembly.
- (5) Any arrangements made under this section by the Assembly, or by a committee or sub-committee of the Assembly, for the discharge of any functions by—
  - (a) a committee or sub-committee of the Assembly,
  - (b) a member of the Assembly, or
  - (c) a member of staff of the Authority,
 shall not prevent the Assembly, or the committee or sub-committee by whom the arrangements are made, from exercising those functions.
- (6) Subsection (1)(b) above does not apply in relation to functions under or by virtue of section 20A of the <sup>M13</sup>Police Act 1996 (questions by Assembly members to representatives of the Metropolitan Police Authority).

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- (7) Subsections (1) to (3) of section 53 above shall apply in relation to a meeting of a committee or sub-committee of the Assembly as they apply in relation to a meeting of the Assembly.
- (8) Subsections (1) to (5) above are subject to any express provision contained in this Act or any Act passed after this Act.

**Modifications etc. (not altering text)**

- C2** S. 54 excluded (*prosp.*) by 1999 c. 29, ss. 73(12), 425(2) (with **Sch. 12 para. 9(1)**)  
S. 54 excluded (8.5.2000 for specified purposes and 3.7.2000 otherwise) by 1988 c. 41, s. 115A(10)  
(as inserted (8.5.2000 for specified purposes and 3.7.2000 otherwise) by 1999 c. 29, s. 131(9) (with **Sch. 12 para. 9(1)**); S.I. 1999/3434, arts. 3, 4  
S. 54 excluded (8.5.2000 for specified purposes and 3.7.2000 otherwise) by 1998 c. 18, s. 11A(12) (as inserted (8.5.2000 for specified purposes and 3.7.2000 otherwise) by 1999 c. 29, s. 133(2), Sch. 8 para. 4 (with **Sch. 12 para. 9(1)**); S.I. 1999/3434, arts. 3, 4

**Marginal Citations**

- M13** 1996 c. 16.

**55 Assembly committees and sub-committees.**

- (1) For the purpose of discharging, in pursuance of arrangements under section 54(1)(a) above, any functions exercisable by the Assembly—
- (a) the Assembly may appoint a committee of the Assembly (an ordinary committee); and
  - (b) an ordinary committee may appoint one or more sub-committees (ordinary sub-committees).
- (2) Subject to the provisions of this section—
- (a) the number of members, and
  - (b) their term of office,
- shall be fixed in the case of an ordinary committee by the Assembly or, in the case of an ordinary sub-committee, by the appointing committee.
- (3) An ordinary committee or sub-committee must not include any person who is not an Assembly member.
- (4) The Assembly may appoint one or more committees (advisory committees) to advise it on any matter relating to the discharge of its functions.
- (5) An advisory committee—
- (a) may consist of such persons (whether Assembly members or not) appointed for such term as may be determined by the Assembly; and
  - (b) may appoint one or more sub-committees (advisory sub-committees) to advise the committee with respect to any matter on which the committee has been appointed to advise.

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## 56 Minutes.

- (1) Minutes of the proceedings of a meeting of the Assembly, or of any committee or sub-committee of the Assembly, shall be kept in such form as the Assembly may determine.
- (2) Any such minutes shall be signed at the same or next suitable meeting of the Assembly, committee or sub-committee by the person presiding at that meeting.
- (3) Any minute purporting to be signed as mentioned in subsection (2) above shall be received in evidence without further proof.
- (4) For the purposes of subsection (2) above, the next suitable meeting of the Assembly, or of a committee or sub-committee of the Assembly, is their next following meeting or, where standing orders of the Authority provide for another meeting to be regarded as suitable, either the next following meeting or that other meeting.
- (5) In the application of this section in the case of a meeting of the Assembly under section 52(3) above, minutes includes—
  - (a) the text of any question put pursuant to section 52(3) above at the meeting, and
  - (b) the text of the answer given to any such question,
 whether the question was put, or the answer given, orally or in writing.

## 57 Political composition of Assembly committees.

- (1) Sections 15 to 17 of, and Schedule 1 to, the <sup>M14</sup>Local Government and Housing Act 1989 (political balance on committees etc) shall have effect in relation to the Assembly, so far as relating to the appointment of members of its committees, as if the Assembly were a relevant authority and its ordinary committees and advisory committees were ordinary or, as the case may be, advisory committees within the meaning of those provisions (and accordingly bodies to which section 15 of that Act applies).
- (2) In the case of any committee of the Assembly, the first appointment of members of the committee shall be an occasion on which the duty imposed by subsection (1) of section 15 of that Act arises in relation to the committee.

### Marginal Citations

M14 1989 c. 42.

## 58 Openness.

- (1) Part VA of the <sup>M15</sup>Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees) shall have effect as if—
  - (a) the Assembly were a principal council, and
  - (b) any committee or sub-committee of the Assembly were a committee or sub-committee of a principal council, within the meaning of that Part,
 but with the following modifications.
- (2) In the application of Part VA of that Act by subsection (1) above—
  - (a) any information furnished to the Authority and available to the Assembly shall be treated as information furnished to the Assembly;

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- (b) any offices of, or belonging to, the Authority shall be treated as also being offices of or belonging to the Assembly; and
  - (c) the proper officer of the Authority shall be taken to be the proper officer in relation to the Assembly.
- (3) In the following provisions of that Act, namely—
  - (a) section 100A(2) (which requires the exclusion of the public from meetings and makes other provision to prevent disclosure of confidential information in breach of the obligation of confidence), and
  - (b) section 100D(4) (which prevents the inclusion in a list of documents of any document which would so disclose such information),any reference to the disclosure (or likelihood of disclosure) of confidential information in breach of the obligation of confidence includes a reference to the disclosure of information of any of the descriptions specified in subsection (4) below without the consent of the relevant body concerned.
- (4) The descriptions are—
  - (a) any information relating to the financial or business affairs of any particular person which was acquired in consequence of a relationship between that person and a relevant body;
  - (b) the amount of any expenditure proposed to be incurred by a relevant body under any particular contract, if and so long as disclosure would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the relevant body, whether the advantage would arise against the relevant body or another such person;
  - (c) any terms proposed or to be proposed by or to a relevant body in the course of negotiations for any particular contract, if and so long as disclosure would prejudice the relevant body in those or any other negotiations concerning the subject matter of the contract;
  - (d) the identity of any person as the person offering any particular tender for a contract for the supply of goods or services to a relevant body;and in this subsection relevant body means Transport for London or the London Development Agency.
- (5) In section 100C of that Act (inspection of minutes and other documents after meetings) any reference to the minutes of a meeting shall, in the case of a meeting of the Assembly under section 52(3) above, be taken to include a reference to—
  - (a) the text of any question put pursuant to section 52(3) above at the meeting, and
  - (b) the text of the answer given to any such question,whether the question was put, or the answer given, orally or in writing.
- (6) Nothing in section 100D of that Act (inspection of background papers) requires or authorises the inclusion in any such list as is referred to in subsection (1) of that section of any document which discloses anything which, by virtue of subsection (6) of section 45 above, is not required to be disclosed under subsection (3) or (4) of that section.
- (7) In section 100E of that Act (application to committees and sub-committees) subsection (3)(a) shall have effect as if section 55 above were included among the enactments specified in section 101(9) of that Act.

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- (8) For the purposes of section 100F of that Act (additional rights of access to documents for members of principal councils) any document which is in the possession or under the control of the Authority and which is available to the Assembly shall be treated as a document which is in the possession or under the control of the Assembly.
- (9) In the case of the Assembly, the register of members required to be maintained under section 100G(1) of that Act shall, instead of stating the ward or division which a member represents, state—
- (a) whether the member is a London member or a constituency member; and
  - (b) if he is a constituency member, the Assembly constituency for which he is the member.
- (10) For the purposes of section 100H(3) of that Act (acts which infringe copyright) the Authority shall be treated as a principal council.
- (11) In the application in relation to the Assembly of Schedule 12A to that Act (access to information: exempt information) any reference to the authority includes a reference to the Authority.

#### Marginal Citations

M15 1972 c. 70.

### *General functions of the Assembly*

#### **59 Review and investigation.**

- (1) The Assembly shall keep under review the exercise by the Mayor of the statutory functions exercisable by him.
- (2) For the purposes of subsection (1) above, the powers of the Assembly include in particular power to investigate, and prepare reports about,—
- (a) any actions and decisions of the Mayor,
  - (b) any actions and decisions of any member of staff of the Authority,
  - (c) matters relating to the principal purposes of the Authority,
  - (d) matters in relation to which statutory functions are exercisable by the Mayor, or
  - (e) any other matters which the Assembly considers to be of importance to Greater London.

#### **60 Proposals to the Mayor.**

- (1) Where the Assembly decides to do so, the Assembly may submit a proposal to the Mayor.
- (2) Section 54 above shall not apply in relation to the function of the Assembly under subsection (1) above.



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### *Attendance of witnesses and production of documents*

#### **61 Power to require attendance at Assembly meetings.**

- (1) Subject to section 63 below, the Assembly may require any person to whom subsection (2), (3), (4) or (5) below applies—
  - (a) to attend proceedings of the Assembly for the purpose of giving evidence, or
  - (b) to produce to the Assembly documents in his possession or under his control.
- (2) This subsection applies to—
  - (a) any person who is a member of staff of the Authority, or of any functional body, to whom sections 1 to 3 of the <sup>M16</sup>Local Government and Housing Act 1989 apply,
  - (b) any person who is the chairman of, or a member of, any functional body, and
  - (c) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above been the chairman of, or a member of, any functional body.
- (3) This subsection applies to—
  - (a) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above had a contractual relationship with the Authority, and
  - (b) any person who is a member of, or a member of staff of, a body which has within the three years prior to the date of the requirement to be imposed under subsection (1) above had such a relationship.
- (4) This subsection applies to—
  - (a) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above received a grant from the Authority, and
  - (b) any person who is a member of, or a member of staff of, a body which has within the three years prior to the date of the requirement to be imposed under subsection (1) above received such a grant.
- (5) This subsection applies to—
  - (a) any person who is an Assembly member,
  - (b) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above been an Assembly member, and
  - (c) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above been the Mayor.
- (6) A requirement imposed under subsection (1) above on a person falling within subsection (2) above—
  - (a) if imposed under paragraph (a) of subsection (1) above, is to attend to give evidence in connection with matters in relation to which statutory functions are exercisable by the Authority or any functional body, and
  - (b) if imposed under paragraph (b) of subsection (1) above, is to produce documents which relate to those matters.
- (7) A requirement imposed under subsection (1) above on a person falling within subsection (3) above—

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- (a) if imposed under paragraph (a) of subsection (1) above, is to attend to give evidence in connection with the contractual relationship with the Authority, and
  - (b) if imposed under paragraph (b) of subsection (1) above, is to produce documents which relate to that contractual relationship.
- (8) A requirement imposed under subsection (1) above on a person falling within subsection (4) above—
  - (a) if imposed under paragraph (a) of subsection (1) above, is to attend to give evidence in connection with the grant received from the Authority, and
  - (b) if imposed under paragraph (b) of subsection (1) above, is to produce documents which relate to that grant.
- (9) A requirement imposed under subsection (1) above on a person falling within subsection (5) above—
  - (a) if imposed under paragraph (a) of subsection (1) above, is to attend to give evidence in connection with the exercise by the person attending of the functions of the Authority, and
  - (b) if imposed under paragraph (b) of subsection (1) above, is to produce documents which relate to the exercise of those functions by that person.
- (10) Nothing in this section shall require a person appointed under section 67(1) or (2) below to—
  - (a) give any evidence, or
  - (b) produce any documents,which disclose advice given by that person to the Mayor.
- (11) Nothing in this section shall require a person who is—
  - (a) a member of a functional body, or
  - (b) a member of staff of a functional body,to give any evidence, or produce any document, which discloses advice given to the Mayor by that person or, except as provided by subsection (12) below, by that functional body.
- (12) Subsection (11) above does not relieve a person from a requirement to give any evidence, or produce any document, which discloses advice given to the Mayor by—
  - (a) the Metropolitan Police Authority, or
  - (b) the London Fire and Emergency Planning Authority,if or to the extent that the advice falls within subsection (13) below.
- (13) Advice given to the Mayor by a functional body falls within this subsection if it has been disclosed—
  - (a) at a meeting of, or of a committee or sub-committee of, the functional body at a time when the meeting was open to members of the public by virtue of Part VA of the<sup>M17</sup>Local Government Act 1972 (access to meetings and documents); or
  - (b) in a document which has been open to inspection by members of the public by virtue of that Part of that Act.
- (14) For the purposes of this section and sections 62 to 65 below—
  - (a) document means anything in which information is recorded in any form (and references to producing a document are to the production of the information

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- in it in a visible and legible form, including the production of a copy of the document or an extract of the relevant part of the document),
- (b) any reference to a member of staff of a body includes a reference to an officer or employee of that body, and
  - (c) any reference to proceedings is a reference to proceedings at a meeting.

#### **Marginal Citations**

**M16** 1989 c. 42.

**M17** 1972 c. 70.

## **62 Procedure for requiring attendance.**

- (1) The powers of the Assembly under section 61(1) above may be exercised by and for the purposes of an ordinary committee of the Assembly, if the committee is expressly authorised to exercise those powers by the standing orders or by the Assembly, but may not be exercised by any individual Assembly member or by any member of staff of the Authority.
- (2) Except in the case of a committee which is authorised by standing orders to exercise the powers of the Assembly under section 61(1) above, section 54 above shall not apply in relation to—
  - (a) the Assembly’s function of deciding to exercise its powers under section 61(1) above; or
  - (b) the Assembly’s function under subsection (1) above of authorising a committee to exercise those powers.
- (3) In order to impose a requirement on a person under section 61(1) above the head of the Authority’s paid service must give him notice specifying—
  - (a) the time and place at which he is to attend and the matters about which he is to be required to give evidence, or
  - (b) the documents, or types of documents, which he is to produce, the date by which he is to produce them and the matters to which the document or documents relate.
- (4) Where a requirement under section 61(1) above is imposed on a person to attend proceedings or produce documents on behalf of a body, the notice required to be given to him under subsection (3) above must also specify that body.
- (5) A notice required by subsection (3) above to be given to a person must be given at least two weeks before the day on which the proceedings are to take place, or by which the documents are to be produced, unless he waives this right.
- (6) A notice required by subsection (3) above to be given to a person shall be taken to have been given to him if it is sent by registered post or the recorded delivery service and—
  - (a) if he is a member of staff of the Authority or the chairman of, a member of, or a member of staff of a functional body, it is sent to his normal place of work,
  - (b) if he is a person required to attend proceedings or produce documents on behalf of a body, it is sent to the registered or principal office of the body,
  - (c) if he is any other individual, it is sent to his usual or last known address, or
  - (d) in the case of any person, where that person has given an address for service of the notice, it is sent to that address.

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### 63 Restriction of information.

The Secretary of State may by order—

- (a) prescribe categories of information which a person who is required under subsection (1)(a) of section 61 above to attend proceedings of the Assembly may refuse to give, or
- (b) prescribe categories of documents which a person who is required under subsection (1)(b) of that section to produce documents may refuse to produce.

#### Commencement Information

**I3** [S.63](#) partly in force: s.63 in force at Royal Assent (11.11.1999) for certain purposes, see [s.425\(2\)](#)

### 64 Failure to attend proceedings etc.

- (1) A person to whom a notice under section 62(3) above has been given is guilty of an offence if he—
  - (a) refuses or fails, without reasonable excuse, to attend proceedings as required by the notice,
  - (b) refuses to answer any question which is properly put to him when attending any proceedings as required by the notice,
  - (c) refuses or fails, without reasonable excuse, to produce any document required by the notice to be produced by him, or
  - (d) intentionally alters, suppresses, conceals or destroys any document required by the notice to be produced by him.
- (2) A person guilty of an offence under subsection (1) above is liable on summary conviction to—
  - (a) a fine not exceeding level 5 on the standard scale, or
  - (b) imprisonment for a term not exceeding three months.
- (3) A person is not obliged by section 61 above to answer any question or produce any document which he would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.

### 65 Proceedings under section 61(1): openness.

- (1) In its application by virtue of section 58 above, Part VA of the <sup>M18</sup>Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees), so far as relating to any proceedings under section 61(1) above (the evidentiary proceedings), shall have effect with the following additional modifications.
- (2) In section 100B (access to agenda and connected reports) any reference to a report for a meeting includes a reference to any document (other than the agenda) supplied before, and for the purposes of, the evidentiary proceedings (a relevant document).
- (3) If a report or relevant document is supplied less than three clear days before the evidentiary proceedings, copies of the report or document shall be open to inspection by the public under subsection (1) of that section from the time such copies are available to Assembly members, notwithstanding anything in subsection (3) of section 100B.

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- (4) In section 100C (inspection of minutes and other documents after meetings)—
- (a) any reference to the minutes of a meeting shall be taken to include a reference to a transcript or other record of evidence given in the course of the evidentiary proceedings; and
  - (b) any reference to a report for the meeting includes a reference to a relevant document.
- (5) In section 100D (inspection of background papers) any reference in subsections (1) to (4) to background papers for a report (or part of a report) shall be taken as a reference to any additional documents supplied by a witness.
- (6) In this section, additional documents supplied by a witness means documents supplied, whether before, during or after the evidentiary proceedings,—
- (a) by a person attending to give evidence at the proceedings, and
  - (b) for the use of Assembly members in connection with the proceedings,
- but does not include any document which is a relevant document.
- (7) In section 100F (additional rights of access for members) subsections (2) to (4) shall not have effect in relation to documents which contain material relating to any business to be transacted at the evidentiary proceedings.
- (8) In section 100H (supplemental provisions and offences) in subsection (6), in the definition of accessible documents—
- (a) the reference in paragraph (d) to a report for the meeting includes a reference to a relevant document; and
  - (b) the reference in paragraph (e) to background papers for a report for a meeting shall be taken as a reference to any additional documents supplied by a witness.

**Marginal Citations**

M18 1972 c. 70.

*Ethical standards*

**66 The Secretary of State's guidance on ethical standards.**

- (1) The Secretary of State may issue guidance to the Authority with respect to ethical standards for—
- (a) the Mayor;
  - (b) the Assembly members;
  - (c) members of the Authority's staff; and
  - (d) persons not falling within paragraphs (a) to (c) above who are members of advisory committees or sub-committees of the Assembly.
- (2) The matters which may be dealt with in any such guidance include—
- (a) disclosure and registration of interests;
  - (b) the exercise of functions by or on behalf of the Mayor, the Deputy Mayor, any member of the Assembly, any member of the Authority's staff or any committee or sub-committee in cases where the Mayor, Deputy Mayor,

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- member of the Assembly or member of staff, or a member of the committee or sub-committee, has an interest in the matter in question;
- (c) voting in cases where an Assembly member, or any other person who is a member of an advisory committee or sub-committee, has an interest in the matter in question;
  - (d) the establishment and functions of one or more committees concerned with ethical standards;
  - (e) the prescription of model codes of conduct.
- (3) In exercising any functions conferred or imposed on him, or made exercisable by him, the Mayor and every Assembly member shall have regard to any guidance issued under this section.

### *Staff*

## **67 Appointment.**

- (1) The Mayor may appoint—
  - (a) not more than two persons as his political advisers; and
  - (b) not more than ten other members of staff.
- (2) The Assembly, after consultation with the Mayor and taking into account, in particular, —
  - (a) the manner in which, and the extent to which, the Mayor has exercised, or proposes to exercise, the powers conferred by subsection (1) above, and
  - (b) any views of the Mayor as to the exercise of the Assembly's powers under this subsection,

may appoint such staff as it considers necessary for the proper discharge of such functions of the Authority as are respectively exercisable by the Mayor, the Assembly, and the Mayor and Assembly acting jointly.
- (3) Any appointment under subsection (1) or (2) above is an appointment as an employee of the Authority.
- (4) No appointment under subsection (1) above shall be such as to extend beyond the term of office for which the Mayor was elected.
- (5) Where the Mayor makes an appointment under subsection (1) above, he shall report to the Assembly in writing—
  - (a) the name of the person appointed,
  - (b) the post to which the person has been appointed, and
  - (c) the terms and conditions on which the person has been appointed.
- (6) Section 7 of the <sup>MI9</sup>Local Government and Housing Act 1989 (staff to be appointed on merit) shall apply in relation to any appointment under subsection (1)(b) or (2) above as if the Authority were a local authority.
- (7) Section 8 of that Act (duty to adopt standing orders with respect to staff) shall apply in relation to staff appointed under subsection (1) or (2) above as if the Authority were a relevant authority.
- (8) Section 9(1), (9) and (11) of that Act (assistants for political groups) shall apply in relation to any appointment under subsection (1)(a) above as if—

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- (a) the Authority were a relevant authority; and
- (b) any appointment to either of the posts in question were the appointment of a person in pursuance of that section.

#### Marginal Citations

M19 1989 c. 42.

### 68 Disqualification and political restriction.

- (1) The following provisions of the <sup>M20</sup>Local Government and Housing Act 1989, namely—
- (a) section 1 (disqualification and political restriction of certain officers and staff), and
  - (b) sections 2 and 3 (politically restricted posts and exemptions from restriction) so far as they have effect for the purposes of that section,
- shall have effect as if each of the bodies specified in subsection (2) below were a local authority.
- (2) The bodies are—
- (a) the Authority;
  - (b) Transport for London;
  - (c) the London Development Agency.
- (3) A person employed by the Authority by virtue of his appointment under section 67(1)(b) above shall not, by virtue only of subsections (1) and (2) above, be disqualified from being or becoming an unpaid member of Transport for London or the London Development Agency.
- (4) For the purposes of subsection (3) above, the unpaid members of any body are those members of the body who do not receive any remuneration (whether from the body, the Authority or any other source) which they would not receive if they were not members of the body.
- (5) In section 2(3) of that Act, as it has effect in relation to the Authority by virtue of subsections (1) and (2)(a) above, any reference to the authority shall be taken to include a reference to the Mayor and a reference to the Assembly.
- (6) In section 2 of that Act, so far as it has effect for the purposes of section 1 of that Act, the expression the statutory chief officers shall be taken to include a reference to the chief finance officer, within the meaning of section 127 below,—
- (a) of Transport for London, and
  - (b) of the London Development Agency,
- whether he is an officer, employee, member of staff or member of Transport for London or, as the case may be, the London Development Agency.
- (7) In the application of section 2 of that Act in relation to the London Development Agency by virtue of subsections (1) and (2)(c) above, any reference to the person designated under section 4 of that Act as its head of paid service shall be taken as a reference to the chief executive of the London Development Agency appointed under paragraph 4(2) of Schedule 2 to the <sup>M21</sup>Regional Development Agencies Act 1998.

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#### Marginal Citations

M20 1989 c. 42.

M21 1998 c. 45.

### 69 Disqualification for membership of London borough councils.

In section 80 of the <sup>M22</sup>Local Government Act 1972 (disqualification for election and holding office as member of a local authority) after subsection (2) there shall be inserted—

“(2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes—

- (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
- (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.”

#### Marginal Citations

M22 1972 c. 70.

### 70 Terms and conditions of employment.

- (1) A person appointed under section 67(1) above shall be employed on such terms and conditions (including conditions as to remuneration) as the Mayor thinks fit, within the financial resources available to the Authority.
- (2) A person appointed under section 67(2) above shall be employed on such terms and conditions (including conditions as to remuneration) as the Assembly, after consultation with the Mayor, thinks fit.
- (3) A person appointed under section 67(1) above shall not be required to perform any work or services for the Assembly or any member of the Assembly, except in accordance with subsection (4) below.
- (4) It shall be a condition of the employment of—
  - (a) any person appointed under section 67(1)(b) above, and
  - (b) any person holding a politically restricted post under the Authority, other than a person appointed under section 67(1)(a) above,
 that he comply with the requirements of subsection (5) below.
- (5) Those requirements are that the person—
  - (a) attends every meeting of the Assembly held pursuant to section 52(3) above which he is requested by the Assembly to attend; and
  - (b) answers any questions put to him by Assembly members at any such meeting.
- (6) The requirement of subsection (5)(b) above is that the person shall—



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- (a) so far as reasonably practicable, answer any such question orally at the meeting at which it is put; or
  - (b) if for any reason it is not reasonably practicable to do that, provide a written answer before the end of the third working day following the day on which the question was first asked at the meeting.
- (7) For the purposes of subsection (4)(b) above, any question whether a person holds a politically restricted post under the Authority shall be determined in accordance with sections 2 and 3 of the <sup>M23</sup>Local Government and Housing Act 1989 (politically restricted posts) as those sections have effect for the purposes of section 1 of that Act by virtue of section 68(1) above.
- (8) In this section working day has the same meaning as in section 45 above.

**Modifications etc. (not altering text)**

- C3** Ss. 70, 71, 73-75 applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52J (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, **Sch. 1 para. 1**)
- C4** Ss. 70-75 restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52U(2)-(11) (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, **Sch. 1 para. 1**)

**Marginal Citations**

**M23** 1989 c. 42.

**71 Disclosure by employees of interests in contracts.**

Section 117 of the <sup>M24</sup>Local Government Act 1972 (disclosure by officers of interests in contracts) shall apply in relation to employees of the Authority as if the Authority were a local authority and its employees were officers employed by that local authority.

**Modifications etc. (not altering text)**

- C5** Ss. 70, 71, 73-75 applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52J (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, **Sch. 1 para. 1**)
- C6** Ss. 70-75 restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52U(2)-(11) (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, **Sch. 1 para. 1**)

**Marginal Citations**

**M24** 1972 c. 70.

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## 72 Head of paid service.

- (1) Section 4 of the <sup>M25</sup>Local Government and Housing Act 1989 (designation and reports of head of paid service) shall apply in relation to the Authority as if—
  - (a) the Authority were a relevant authority for the purposes of that section; and
  - (b) the Mayor and Assembly members were the members of that authority.
- (2) The person who, by virtue of subsection (1) above, is designated under section 4(1)(a) of the <sup>M26</sup>Local Government and Housing Act 1989 as the head of the Authority's paid service must be a member of staff appointed under section 67(2) above.
- (3) In the application of section 4 of the <sup>M27</sup>Local Government and Housing Act 1989 in relation to the Authority by virtue of subsection (1) above, the following provisions shall have effect.
- (4) The duty imposed by subsection (1)(a) (appointment of head of paid service) shall be discharged by the Assembly after consultation with the Mayor.
- (5) The duty imposed by subsection (1)(b) (provision of staff, accommodation etc for the head of paid service)—
  - (a) so far as relating to the provision of staff, shall be discharged by the Assembly; and
  - (b) so far as relating to the provision of accommodation or other resources, shall be discharged by the Mayor.
- (6) Any report prepared under subsection (2) (report by head of paid service) shall be a report to the Mayor and the Assembly.
- (7) The references to functions in paragraphs (a) and (b) of subsection (3) (matters concerning which proposals may be made in a report under subsection (2)) shall be taken as references to the functions of the Authority, whether exercisable by the Mayor, the Assembly, or the Mayor and Assembly acting jointly.
- (8) It shall be the duty of the Mayor personally to consider any report to the Mayor and Assembly under subsection (2).
- (9) The meeting required by subsection (5) to be held to consider any such report shall be a meeting of the Assembly which must not be held until—
  - (a) the Mayor has submitted to the Chair of the Assembly a written statement of his views on the report; or
  - (b) the period of one month has elapsed since copies of the report were first sent to members of the Assembly without the Mayor having submitted any such statement;
 and the reference in that subsection to section 101 of the <sup>M28</sup>Local Government Act 1972 (delegation) shall be taken as a reference to section 54 above.
- (10) In considering any such report at any such meeting, the Assembly shall take account of any views on the report which have been expressed by the Mayor in a statement submitted under subsection (9)(a) above.

### Modifications etc. (not altering text)

- C7** Ss. 70-75 restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s.

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**52U(2)-(11)** (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, Sch. 1 para. 1)

#### Marginal Citations

- M25** 1989 c. 42.  
**M26** 1989 c. 42.  
**M27** 1989 c. 42.  
**M28** 1972 c. 70.

### 73 Monitoring officer.

- (1) Section 5 of the <sup>M29</sup>Local Government and Housing Act 1989 (designation and reports of monitoring officer) shall apply in relation to the Authority as if—
  - (a) the Authority were a relevant authority for the purposes of that section; and
  - (b) the Mayor and Assembly members were the members of that authority.
- (2) The person who, by virtue of subsection (1) above, is designated under section 5(1) (a) of the <sup>M30</sup>Local Government and Housing Act 1989 as the Authority’s monitoring officer must be a member of staff appointed under section 67(2) above.
- (3) In the application of section 5 of the <sup>M31</sup>Local Government and Housing Act 1989 in relation to the Authority by virtue of subsection (1) above, the following provisions shall have effect.
- (4) The duty imposed by subsection (1)(a) (appointment of monitoring officer) shall be discharged by the Assembly after consultation with the Mayor.
- (5) The duty imposed by subsection (1)(b) (provision of staff, accommodation etc for the monitoring officer)—
  - (a) so far as relating to the provision of staff, shall be discharged by the Assembly; and
  - (b) so far as relating to the provision of accommodation or other resources, shall be discharged by the Mayor.
- (6) For subsection (2) there shall be substituted—

“(2) It shall be the duty of the Greater London Authority’s monitoring officer, if at any time it appears to him that any proposal, decision or omission of a GLA body or person has given rise to, or is likely to or would give rise to—

  - (a) a contravention by that or any other GLA body or person of any enactment or rule of law or of any code of practice made or approved by or under any enactment, or
  - (b) any such maladministration or injustice as is mentioned in Part III of the <sup>M32</sup>Local Government Act 1974 (Local Commissioners),

to prepare a report to the Mayor and the Assembly with respect to that proposal, decision or omission.

In this subsection GLA body or person means—

  - (a) the Greater London Authority;
  - (b) Transport for London, when exercising any function of the Greater London Authority by virtue of section 38 of the Greater London Authority Act 1999;

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- (c) the London Development Agency, when exercising any function of the Greater London Authority by virtue of section 38 [<sup>F9</sup>or 380]of the Greater London Authority Act 1999;
- (d) the Mayor of London;
- (e) the London Assembly;
- (f) any committee or sub-committee of the London Assembly;
- (g) any committee or sub-committee of Transport for London or the London Development Agency, when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 [<sup>F10</sup>(or in the case of the London Development Agency section 380)]of the Greater London Authority Act 1999;
- (h) any joint committee to which the Mayor of London has power to appoint members (whether or not the power is the subject of an authorisation under section 38(1) of the Greater London Authority Act 1999);
- (j) the Deputy Mayor of London;
- (k) any member of the London Assembly;
- (l) any member of staff of the Greater London Authority;
- (m) any member, or member of staff, of Transport for London or the London Development Agency, when exercising, or acting in the exercise of, any function of the Greater London Authority in consequence of an authorisation under section 38 [<sup>F11</sup>(or, in the case of a member or member of staff of the London Development Agency, section 380)]of the Greater London Authority Act 1999;

and in the above definition of GLA body or person any reference to a member of staff of a body includes a reference to an officer or employee of that body.”

- (7) The duties imposed on the Authority by subsection (5) (to consider any report and to ensure that during the period of suspension no step is taken for giving effect to any proposal or decision to which the report relates)—
- (a) so far as relating to a proposal, decision or omission of a GLA body or person in the case of a function of the Authority exercisable by the Mayor (or, by virtue of an authorisation under section 38(1) above [<sup>F12</sup>or section 380 below], by a GLA body or person), shall be discharged by the Mayor;
  - (b) so far as relating to a proposal, decision or omission of a GLA body or person in the case of a function of the Authority exercisable by the Assembly (or, by virtue of arrangements under section 54 above, by a GLA body or person), shall be discharged by the Assembly; and
  - (c) so far as relating to a proposal, decision or omission of a GLA body or person in the case of a function of the Authority exercisable by the Mayor and the Assembly acting jointly, shall be discharged separately—
    - (i) by the Mayor, as if the case fell within paragraph (a) above, and
    - (ii) by the Assembly, as if the case fell within paragraph (b) above.
- (8) Accordingly—
- (a) in its application in relation to the Mayor by virtue of subsection (7)(a) or (c)(i) above, paragraph (a) of subsection (5) shall have effect with the substitution for the words “ at a meeting held not more than ” of within; and
  - (b) in the application of that paragraph by virtue of subsection (7)(b) or (c)(ii) above, the meeting required to be held shall be a meeting of the Assembly.

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- (9) In paragraph (b) of subsection (5), the reference to section 115 of the <sup>M33</sup>Local Government and Housing Act 1989 (duties in respect of conduct involving contraventions of financial obligations) shall include a reference to section 115A of that Act (which is inserted by section 131(9) below and makes provision in relation to the Mayor and the Assembly).
- (10) Where by virtue of subsection (7) above the Mayor or the Assembly is under a duty to consider a report, the Mayor or the Assembly in discharging that duty shall take account of any views on the report which have been expressed by the other of them in a statement submitted—
- (a) by the Assembly to the Mayor; or
  - (b) by the Mayor to the Chair of the Assembly.
- (11) Standing orders of the Authority shall make provision for or in connection with—
- (a) the period within which any statement by virtue of subsection (10) above must be submitted;
  - (b) the consideration of any such statement by the Mayor or, as the case may be, the Assembly;
  - (c) the period within which any meeting of the Assembly required by subsection (5) by virtue of subsection (7)(b) or (c)(ii) above must, or must not, be held.
- (12) Neither section 38 above [<sup>F13</sup>, section 54 above nor section 380 below] shall apply in relation to the duty imposed on the Mayor or the Assembly by virtue of subsection (7) above to consider a report.

#### Textual Amendments

- F9** S. 73(6): In the substituted 1989 c. 42 in s. 5(2)(c) words inserted (27.5.2000) by S.I. 2000/1435, art. 2, **Sch. Pt. 1 para. 5(1)(2)(a)**
- F10** S. 73(6): In the substituted 1989 c. 42 in s. 5(2)(g) words inserted (27.5.2000) by S.I. 2000/1345, art. 2, **Sch. Pt. 1 para. 5(1)(2)(b)**
- F11** S. 73(6): In the substituted 1989 c. 42 in s. 5(2)(m) words inserted (27.5.2000) by S.I. 2000/1345, art. 2, **Sch. Pt. 1 para. 5(1)(2)(c)**
- F12** Words in s. 73(7)(a) inserted (27.5.2000) by S.I. 2000/1435, art. 2, **Sch. Pt. 1 para. 5(1)(3)**
- F13** Words in s. 73(12) substituted (27.5.2000) by S.I. 2000/1435, art. 2, **Sch. Pt. 1 para. 5(1)(4)**

#### Modifications etc. (not altering text)

- C8** Ss. 70, 71, 73-75 applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52J (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, **Sch. 1 para. 1**)
- C9** Ss. 70-75 restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52U(2)-(11) (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, **Sch. 1 para. 1**)

#### Marginal Citations

- M29** 1989 c. 42.  
**M30** 1989 c. 42.  
**M31** 1989 c. 42.  
**M32** 1974 c. 7.

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**M33** 1989 c. 42.

*General local authority provisions*

**74 Investigation by Commission for Local Administration.**

- (1) Part III of the <sup>M34</sup>Local Government Act 1974 (local government administration) shall be amended as follows.
- (2) In section 25(1) (authorities to which the Part applies) after paragraph (a) there shall be inserted—
  - “(aaa) the Greater London Authority;”.
- (3) In section 25, after subsection (4) (which extends references to certain authorities to include their members, committees, etc) there shall be inserted—
  - “(4A) Any reference to an authority to which this Part of this Act applies also includes, in the case of the Greater London Authority, a reference to each of the following—
    - (a) the London Assembly;
    - (b) any committee of the London Assembly;
    - (c) any body or person exercising functions on behalf of the Greater London Authority.”
- (4) In section 30 (reports on investigations) after subsection (2) there shall be inserted—
  - “(2AA) If the authority concerned is the Greater London Authority—
    - (a) the duty imposed by subsection (1)(c) above shall be discharged by sending the report or statement to both the Mayor of London and the London Assembly; and
    - (b) in a case falling within subsection (2) above, the duty imposed by that subsection shall be discharged by sending the report or statement to both the Mayor of London and the London Assembly.”
- (5) After subsection (3) of that section (which restricts the naming or identification of persons) there shall be inserted—
  - “(3AA) Nothing in subsection (3) above prevents a report—
    - (a) mentioning the name of, or
    - (b) containing particulars likely to identify,
 the Mayor of London or any member of the London Assembly.”
- (6) After subsection (7) of that section there shall be added—
  - “(8) Where the authority concerned is the Greater London Authority, any functions exercisable under this section by or in relation to the Authority (other than functions exercisable by or in relation to the proper officer of the Authority) shall be exercisable by or in relation to the Mayor and the Assembly acting jointly on behalf of the Authority, and references to the authority concerned (other than references to the proper officer or a member of the authority concerned) shall be construed accordingly.”

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(7) In section 31 (reports on investigations: further provisions) after subsection (3) there shall be added—

“(4) Where the authority concerned is the Greater London Authority, any functions exercisable under this section by or in relation to the Authority shall be exercisable by or in relation to the Mayor and the Assembly acting jointly on behalf of the Authority, and references to the authority concerned (other than references to a member of the authority concerned) shall be construed accordingly.”

(8) In section 31A (consideration of adverse reports) in subsection (6) (which provides that section 25(4) and (5) do not apply) after 25(4) there shall be inserted “, (4A) ”.

(9) After subsection (6) of that section there shall be inserted—

“(7) Where the authority concerned is the Greater London Authority, any functions exercisable under this section by or in relation to the Authority shall be exercisable by or in relation to the Mayor and the Assembly acting jointly on behalf of the Authority, and references to the authority concerned (other than references to a member of the authority concerned) shall be construed accordingly.”

(10) In section 34(1) (interpretation of Part III) in the definition of member, after the word member, there shall be inserted—

“(a) in relation to the Greater London Authority, means—

- (i) the Mayor of London,
- (ii) the Deputy Mayor, or
- (iii) a member of the London Assembly;

(b)”;

and before the words in relation to a National Park Authority there shall be inserted “ (c) ”.

#### **Modifications etc. (not altering text)**

**C10** *Ss. 70, 71, 73-75* applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by *1992 c. 14, s. 52J* (as inserted (27.7.1999 with application as mentioned above) by *1999 c. 27, s. 30, Sch. 1 para. 1*)

**C11** *Ss. 70-75* restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by *1992 c. 14, s. 52U(2)-(11)* (as inserted (27.7.1999 with application as mentioned above) by *1999 c. 27, s. 30, Sch. 1 para. 1*)

#### **Marginal Citations**

**M34** *1974 c. 7.*

## **75 Provisions of 1972 Act relating to documents, notices etc.**

(1) For the purposes of the provisions of the <sup>M35</sup>Local Government Act 1972 specified in subsection (2) below, the Authority shall be treated as if it were a local authority

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which is a principal council and the Mayor shall be treated as if he were the chairman of such an authority.

(2) The provisions are—

- (a) section 224 (arrangements by principal councils for custody of documents);
- (b) section 225 (deposit of documents with proper officer of authority etc);
- (c) section 228 (inspection of documents);
- (d) section 229 (photographic copies of documents);
- (e) section 230 (reports and returns);
- (f) section 231 (service of notices on local authorities etc);
- (g) section 232 (public notices);
- (h) section 233 (service of notices by local authorities);
- (i) section 234 (authentication of documents).

(3) In the application of any enactment in relation to the Authority by virtue of subsection (1) above, any reference to the proper officer shall be taken as a reference to the proper officer of the Authority, within the meaning of this Act.

#### **Modifications etc. (not altering text)**

- C12** Ss. 70, 71, 73-75 applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52J (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, Sch. 1 para. 1)
- C13** Ss. 70-75 restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52U(2)-(11) (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, Sch. 1 para. 1)

#### **Marginal Citations**

**M35** 1972 c. 70.

## **76 Byelaws.**

- (1) Section 236 of the <sup>M36</sup>Local Government Act 1972 (procedure for byelaws) shall be amended as follows.
- (2) In subsection (1) after “and to byelaws made by a local authority,” there shall be inserted “ the Greater London Authority ”.
- (3) After subsection (10A) there shall be inserted—

“(10B) The Greater London Authority shall send a copy of every byelaw made by the Authority, and confirmed, to each London borough council and the Common Council.”

#### **Marginal Citations**

**M36** 1972 c. 70.



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### *Bills in Parliament*

#### **77 Power of Authority to promote or oppose Bills in Parliament.**

- (1) The Authority may—
  - (a) promote a local Bill in Parliament for any purpose which is for the public benefit of the inhabitants of, or of any part of, Greater London; or
  - (b) oppose any local Bill in Parliament which affects any such inhabitants.
- (2) Section 70 of the <sup>M37</sup>Local Government Act 1972 (prohibition on promoting Bills for changing local government areas etc) shall have effect in relation to the Authority as it has effect in relation to a local authority.
- (3) The functions conferred on the Authority by subsection (1) above shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.
- (4) The functions conferred on the Authority by subsection (1)(a) above are exercisable subject to, and in accordance with, the provisions of Schedule 5 to this Act.
- (5) Before exercising the functions conferred on the Authority by subsection (1)(b) above, the Mayor shall consult the Assembly.
- (6) No payment shall be made by the Authority (whether acting by the Mayor, the Assembly or the Mayor and Assembly acting jointly) to the Mayor or an Assembly member for acting as counsel or agent in promoting or opposing a Bill under this section.
- (7) A London borough council or the Common Council may contribute towards the expenses of the Authority in promoting a local Bill in Parliament.

#### **Marginal Citations**

**M37** 1972 c. 70.

#### **78 Power to request provisions in Bills promoted by London local authorities.**

- (1) A local Bill promoted in Parliament by a London local authority may include provisions requested by the Authority.
- (2) Subsection (1) above applies only if the Authority confirms the request in writing as soon as practicable after the expiration of 14 days after the Bill has been deposited in Parliament.
- (3) If the Authority does not confirm the request as required by subsection (2) above, it shall give notice of that fact to the London local authority promoting the Bill.
- (4) Where notice under subsection (3) above is given to a London local authority, that authority shall take all necessary steps for the omission from the Bill of the provisions in question or, if those provisions were requested also by other London local authorities under section 87 of the <sup>M38</sup>Local Government Act 1985, of those provisions so far as relating to the Authority.
- (5) The functions conferred or imposed on the Authority by subsections (1) to (3) above shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.

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- (6) Before exercising the functions conferred on the Authority by subsection (1) or (2) above, the Mayor shall consult the Assembly.
- (7) If, in accordance with this section, the Authority requests the inclusion of provisions in a Bill promoted by a London local authority, the Authority may contribute towards the expenses of the London local authority in connection with the Bill.
- (8) In consequence of the other provisions of this section, in section 87(3) of the <sup>M39</sup>Local Government Act 1985 (consequences of non-confirmation of requests by London local authorities for inclusion of provisions in Bills promoted by others) after other councils there shall be inserted “ , or by the Greater London Authority under section 78 of the Greater London Authority Act 1999, ”.
- (9) In this section London local authority means—
  - (a) a London borough council; or
  - (b) the Common Council.

#### Marginal Citations

**M38** 1985 c. 51.

**M39** 1985 c. 51.

## 79 Authority’s consent to inclusion of certain provisions in local Bills.

- (1) A local Bill promoted in Parliament by a London local authority may include provisions which affect the exercise of statutory functions by the Authority or any of the functional bodies.
- (2) Subsection (1) above applies only if the Authority—
  - (a) gives its written consent; and
  - (b) confirms that consent in writing as soon as practicable after the expiration of 14 days after the Bill has been deposited in Parliament.
- (3) If the Authority does not confirm the consent as required by subsection (2)(b) above, the Authority shall give notice of that fact to the London local authority promoting the Bill.
- (4) Where notice under subsection (3) above is given to a London local authority, that authority shall take all necessary steps for the omission from the Bill of the provisions in question or, if those provisions were requested by other London local authorities under section 87 of the <sup>M40</sup>Local Government Act 1985, of those provisions so far as relating to the Authority or the functional body concerned.
- (5) The functions conferred or imposed on the Authority by subsections (2) and (3) above shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.
- (6) Before exercising the functions conferred on the Authority by subsection (2)(a) or (b) above, the Mayor shall consult the Assembly.
- (7) Nothing in this section applies in relation to provisions requested under section 78 above.
- (8) In this section London local authority means—

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- (a) a London borough council; or
- (b) the Common Council.

**Marginal Citations**

**M40** 1985 c. 51.

*Contracts*

**80 Public supply or works contracts.**

In Schedule 2 to the <sup>M41</sup>Local Government Act 1988 (which specifies the public authorities to which section 17 of that Act applies) after the entry A local authority there shall be inserted—

“The Greater London Authority.”

**Marginal Citations**

**M41** 1988 c. 9.

**Status:**

Point in time view as at 11/07/2001.

**Changes to legislation:**

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