



2014 CHAPTER 8

PART 6

EXECUTIVE ARRANGEMENTS

Executive functions

Functions which are the responsibility of an executive

22.—(1) This section has effect for the purposes of determining which of the functions of a council that operates executive arrangements are the responsibility of an executive of the council under those arrangements.

(2) Subject to any provision made by this Act or by any statutory provision which is passed or made after the day on which this Act is passed, any function of the council which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the council under executive arrangements.

(3) Regulations may make provision for any function of a council specified in the regulations—

- (a) to be a function which is not to be the responsibility of an executive of the council under executive arrangements;
- (b) to be a function which may be the responsibility of such an executive under such arrangements; or
- (c) to be a function which—
 - (i) to the extent provided by the regulations, is to be the responsibility of such an executive under such arrangements, and
 - (ii) to the extent provided by the regulations, is not to be the responsibility of such an executive under such arrangements.

(4) Executive arrangements must make provision for any function of a council falling within subsection (3)(b)—

- (a) to be a function which is to be the responsibility of an executive of the council;
- (b) to be a function which is not to be the responsibility of such an executive; or
- (c) to be a function which—
 - (i) to the extent provided by the arrangements, is to be the responsibility of such an executive, and
 - (ii) to the extent provided by the arrangements, is not to be the responsibility of such executive.

(5) The power under subsection (3)(c) or (4)(c) includes power in relation to any function of a council that operates executive arrangements—

- (a) to designate any action in connection with the discharge of that function which is to be the responsibility of an executive of the council; and
- (b) to designate any action in connection with the discharge of that function which is not to be the responsibility of such an executive.

(6) Regulations may specify cases or circumstances in which any function of a council which, by virtue of the preceding provisions of this section, would otherwise be the responsibility of an executive of the council to any extent is not to be the responsibility of such an executive to that or any particular extent.

(7) A function of a council may, by virtue of this section, be the responsibility of an executive of the council to any extent notwithstanding that Part 4, or any provision of that Part, does not apply to that function.

(8) Any reference in this section to a function specified in regulations includes a reference to a function of a description specified in regulations.

(9) In this section—

“action” in relation to any function includes any action (of whatever nature and whether or not separately identified by any statutory provision) involving—

- (a) the taking of any step in the course of, or otherwise for the purposes of or in connection with, the discharge of the function,
- (b) the doing of anything incidental or conducive to the discharge of the function, or
- (c) the doing of anything expedient in connection with the discharge of the function or any action falling within paragraph (a) or (b),

“function” means a function of any nature, whether conferred or otherwise arising before, on or after the passing of this Act.

Functions of an executive: further provision

23.—(1) Any reference in the following provisions of this Part to any functions which are, or are not, the responsibility of an executive of a council under executive arrangements is a reference to the functions of the council to the extent to which they are or (as the case may be) are not, by virtue of section 22, the responsibility of the executive under such arrangements.

(2) Any function which is the responsibility of an executive of a council under executive arrangements—

- (a) is to be regarded as exercisable by the executive on behalf of the council; and
- (b) may be discharged only in accordance with any provisions made by or under this Part which apply to the discharge of any such function by that form of executive.

(3) Accordingly, any function which is the responsibility of an executive of a council under executive arrangements—

- (a) may not be discharged by the council;
- (b) is not to be a function to which section 7(1) applies; and
- (c) may be the subject of arrangements made under section 9 only if permitted by any provision made under section 26.

(4) Subject to any provision made under subsection (5), any function of a council that operates executive arrangements which, under those arrangements, is not the responsibility of the executive of the council is to be discharged in any way which would be permitted or required apart from the provisions made by or under this Part.

(5) Regulations may make provision with respect to the discharge of any function of a council that operates executive arrangements which, under those arrangements, is not the responsibility of the executive of the council (including provision disapplying Part 4 (discharge of functions) or any provision of that Part).

(6) In this section “function” has the same meaning as in section 22.