



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.