



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART V

INTERNAL ORGANISATION

Discharge of functions

56 Arrangements for discharge of functions by local authorities.

- (1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions by a committee of the authority, a sub-committee, an officer of the authority or by any other local authority in Scotland.
- [^{F1}(2) Where by virtue of this section any function of a local authority may be discharged by any committee or sub-committee of theirs, then, unless the local authority otherwise direct—
 - (a) the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the authority; and
 - (b) the sub-committee, whether assigned the discharge of functions by the authority or by a committee, may arrange for the discharge of any such functions by an officer of the authority.]
- (3) Where by virtue of this section any functions of a local authority may be discharged by another local authority, subsections (1) and (2) above shall apply in relation to those functions as they apply in relation to the functions of that other authority, except that—
 - (a) the foregoing provision shall have effect subject to the terms of the arrangement relating to the functions; and
 - (b) that other authority shall not, by virtue of this subsection, arrange for the discharge of those functions by some other local authority.
- (4) Any arrangement made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority

Status: Point in time view as at 01/04/2013. This version of this provision has been superseded.

Changes to legislation: Local Government (Scotland) Act 1973, Section 56 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

shall not prevent the authority or committee by whom the arrangement is made from exercising those functions.

(5) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so,—

- (a) they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them, and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities; and
- (b) any enactment relating to those functions or the authorities by whom or the areas in respect of which they are to be discharged shall have effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.

[^{F2}(6) A local authority's functions with respect to—

- ^{F3}(a)
- (b) setting an amount of council tax in accordance with section 93(1) of the Local Government Finance Act 1992, or setting a reduced amount of council tax under section 94 of that Act or paragraph 3 of Schedule 7 to that Act;
- ^{F3}(c)
- (d) borrowing money,
- [approval of any annual investment strategy or annual investment report
- ^{F4}(e) required by any consent issued by the Scottish Ministers by virtue of section 40 of the Local Government in Scotland Act 2003 (asp 1),]

shall be discharged only by the authority.]

[^{F5}(6A) A local authority's function of determining an application for planning permission for a development of a class mentioned in section 38A(1) of the Town and Country Planning (Scotland) Act 1997 (c. 8) shall be discharged only by the authority.]

(7) A local authority shall not make arrangements under this section for the discharge of any of their functions under [^{F6}the ^{M1}Animal Health Act 1981] by any other local authority.

(8) Any enactment, except one mentioned in subsection (9) below, which contains any provision—

- (a) which empowers or requires local authorities or any class of local authorities to establish committees (including joint committees) for any purpose or enables a Minister to make an instrument establishing committees of local authorities for any purpose, or empowering or requiring a local authority or any class of local authorities to establish committees for any purpose; or
- (b) which empowers or requires local authorities or any class of local authorities to arrange or to join with other authorities in arranging for the exercise by committees so established or by officers of theirs of any of their functions or provides that any specified functions of theirs shall be discharged by such committees or officers, or enables any Minister to make an instrument conferring such a power, imposing such a requirement or containing such a provision;

shall, to the extent that it makes any such provision, cease to have effect.

(9) The following enactments are exempted from subsection (8) above—

Status: Point in time view as at 01/04/2013. This version of this provision has been superseded.

Changes to legislation: Local Government (Scotland) Act 1973, Section 56 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) ^{F7}
 - ^{F8}(b)
 - ^{F9}(c)
 - [^{F10}(d) paragraphs 3 and 8 of Schedule 1 to the Children (Scotland) Act 1995 (Children’s Panel Advisory Committees and joint advisory committees);]
 - (e) section 7 of the ^{M2}Superannuation Act 1972 (superannuation of persons employed in local government service, etc.);
 - (f) section 9 of the said Act of 1972 (superannuation of teachers).
- (10) This section shall not authorise a local authority to arrange for the discharge by any committee, sub-committee or local authority of any functions which, by any enactment mention in subsection (9) above, are required or authorised to be discharged by a specified committee, but the foregoing provision shall not prevent a local authority who are required by or under any such enactment to establish, or delegate functions to, a committee established by or under any such enactment from arranging under this section for the discharge of their functions by an officer of the local authority or committee, as the case may be.
- ^{F11}(11)
- (14) References in this section and section 57 below to the discharge of any of the functions of a local authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.
- (15) Nothing in this section affects the operation of the ^{M3}Local Authorities (Goods and Services) Act 1970.

Textual Amendments

- F1** S. 56(2) substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 32](#)
- F2** S. 41(6) substituted (1.10.1992) by [Local Government Finance Act 1992 \(c. 14\), s. 117\(1\), Sch. 13 para. 36; S.I. 1992/2183, art. 2\(c\)](#) (with art. 3).
- F3** S. 56(6)(a)(c) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(14)(a), [Sch. 14](#); S.I. 1996/323, art. 4(1)(c)(d), [Sch. 2](#)
- F4** S. 56(6)(e) inserted (1.4.2010) by [The Local Government Investments \(Scotland\) Regulations 2010 \(S.S.I. 2010/122\), reg. 5](#)
- F5** S. 56(6A) inserted (12.12.2008 for certain purposes, otherwise 3.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\), ss. 14\(2\), 59; S.S.I. 2008/411, arts. 2\(2\)\(3\)\(a\); S.S.I. 2009/219, art. 2, Sch.](#)
- F6** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)
- F7** S. 56(9)(a) repealed (2.8.2005) by [Fire \(Scotland\) Act 2005 \(asp 5\), ss. 89\(2\), 90, Sch. 4](#) (with s. 77); S.S.I. 2005/392, [art. 2\(k\)](#)
- F8** S. 56(9)(b) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\), s. 129\(2\), sch. 8 Pt. 1; S.S.I. 2013/51, art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)
- F9** S. 56(9)(c) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(14)(b)(ii), [Sch. 14](#); S.I. 1996/323, art. 4(1)(c)(d), [Sch. 2](#)
- F10** S. 56(9)(d) substituted (1.4.1997) by 1995 c. 36, s. 105(4), [Sch. 4 para. 22\(2\)](#) (with s. 103(1)); S.I. 1996/3201, [art. 3\(7\)](#)
- F11** S. 56(11)–(13) repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\), Sch. 1 Pt. VII](#)

Modifications etc. (not altering text)

- C1** S. 56 excluded by [Lotteries and Amusements Act 1976 \(c. 32\), s. 6\(3\)](#).
- C2** S. 56 excluded by [Local Government and Housing Act \(c. 42, SIF: 81:1, 2\), ss. 4\(5\), 5\(5\)](#)

Status: Point in time view as at 01/04/2013. This version of this provision has been superseded.

Changes to legislation: *Local Government (Scotland) Act 1973, Section 56 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- C3** S. 56 restricted (16.1.1990 to the extent mentioned in S.I. 1989/2445, **art. 4** and 1.8.1990 to the extent mentioned in S.I. 1990/1552, **art. 3** and otherwise prosp.) by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), **ss. 9(8)(b)(10)**, 195(2)
- C4** S. 56 modified (1.4.1996) by 1967 c. 77, **s. 9** (as inserted (1.4.1996) by 1994 c. 29, **s. 49**; S.I. 1995/492, art. 3, **Sch. 2**)
- C5** S. 56(1) extended by Local Government (Scotland) Act 1975 (c. 30), **s. 23(1)**; excluded by Civic Government (Scotland) Act 1982 (c. 45), **s. 117(6)**
- C6** S. 56(5): Power to direct conferred (1.2.1996) by 1995 c. 25, s. 90, **Sch. 11 para. 3(1)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**
S. 56(5): Power to restrict conferred (1.2.1996) by 1995 c. 25, s. 90, **Sch. 11 para. 3(2)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**

Marginal Citations

- M1** 1981 c. 22.
M2 1972 c. 11.
M3 1970 c. 39.

Status:

Point in time view as at 01/04/2013. This version of this provision has been superseded.

Changes to legislation:

Local Government (Scotland) Act 1973, Section 56 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.