



Deregulation and Contracting Out Act 1994

1994 CHAPTER 40

PART II

CONTRACTING OUT

Contracting out of functions

71 Functions excluded from sections 69 and 70.

- (1) Subject to subsections (2) and (3) below, a function is excluded from sections 69 and 70 above if—
- (a) its exercise would constitute the exercise of jurisdiction of any court or of any tribunal which exercises the judicial power of the State; or
 - (b) its exercise, or a failure to exercise it, would necessarily interfere with or otherwise affect the liberty of any individual; or
 - (c) it is a power or right of entry, search or seizure into or of any property; or
 - (d) it is a power or duty to make subordinate legislation.
- (2) Subsection (1)(b) and (c) above shall not exclude any function of the official receiver attached to any court.
- (3) Subsection (1)(c) above shall not exclude any function of a local authority under, or under regulations made under, any of the following enactments, namely—
- (a) section 247 of ^{M1} the Local Government (Scotland) Act 1947 (enforcement of non-domestic rates);
 - (b) Part VI of ^{M2} the General Rate Act 1967 (distress for general rates);
 - (c) paragraphs 7 and 7A of Schedule 2 and paragraph 11 of Schedule 5 to ^{M3} the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (enforcement of community charges and community water charges);

Changes to legislation: There are currently no known outstanding effects for the
Deregulation and Contracting Out Act 1994, Section 71. (See end of Document for details)

- (d) paragraphs 5 to 7 of Schedule 4 to ^{M4} the Local Government Finance Act 1988 (enforcement of community charge);
- (e) paragraph 3(2)(b) of Schedule 9 to that Act (enforcement of non-domestic rates);
- [^{F1}(ea) section 48 of the Local Government Act 2003 (administration etc of BID levy) if the function corresponds to any function falling within paragraph (e) above,.
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- (f) paragraphs 5 to 7 of Schedule 4 to ^{M5} the Local Government Finance Act 1992 (enforcement of council tax);
- (g) paragraphs 2 and 6 of Schedule 8 and paragraph 11 of Schedule 11 to that Act (enforcement of council tax and council water charge); ^{F2}...
- (h) paragraph 2 of Schedule 10 to the Local ^{M6}Government etc. (Scotland) Act 1994 (enforcement of water and sewerage charges); [^{F3} and
- (i) sections 217 and 218 of the Planning Act 2008 (Community Infrastructure Levy: collection and enforcement).]

Textual Amendments

- F1** S. 71(3)(ea) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), [Sch. 7 para. 59](#); [S.I. 2003/2938](#), art. 3(a) (with art. 8Sch.); [S.I. 2003/3034](#), art. 2, Sch. 1 Pt. I
- F2** Word in s. 71(3)(g) omitted (6.4.2010) by virtue of [Planning Act 2008 \(c. 29\)](#), [ss. 224\(3\)](#), 241(8) (with s. 226); [S.I. 2010/566](#), art. 2
- F3** S. 71(3)(i) and word inserted (6.4.2010) by [Planning Act 2008 \(c. 29\)](#), [ss. 224\(3\)](#), 241(8) (with s. 226); [S.I. 2010/566](#), art. 2

Marginal Citations

- M1** 1947 c.43.
- M2** 1967 c.9.
- M3** 1987 c.47.
- M4** 1988 c.41.
- M5** 1992 c.14.
- M6** 1994 c. 39.

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