



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 the Local Government (Scotland) Act 1947 (enforcement of non-domestic rates);
 - (b) Part VI of the General Rate Act 1967 (distress for general rates);
 - (c) paragraphs 7 and 7A of Schedule 2 and paragraph 11 of Schedule 5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (enforcement of community charges and community water charges);

Status: This is the original version (as it was originally enacted).

- (d) paragraphs 5 to 7 of Schedule 4 to 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);
- (f) paragraphs 5 to 7 of Schedule 4 to 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); and
- (h) paragraph 2 of Schedule 10 to the Local Government etc. (Scotland) Act 1994 (enforcement of water and sewerage charges).