
STATUTORY INSTRUMENTS

1991 No. 445

**The Common Council and New Successor
Bodies (Chief Finance Officer) Regulations 1991**

Authority's duties as regards reports

5.—(1) This regulation applies where copies of a report under regulation 4 have been sent under paragraph (5) of that regulation.

(2) The authority shall consider the report at a meeting where it shall decide whether it agrees or disagrees with the views contained in the report and what action (if any) it proposes to take in consequence of it.

(3) The meeting must be held not later than the end of the period of 21 days beginning with the day on which copies of the report are sent.

(4) Section 101 of the Local Government Act 1972⁽¹⁾ (delegation) shall not apply to the duty under paragraph (2) where the authority is one to which that section would apply apart from this paragraph.

(5) If the report was made under paragraph (2) of regulation 4, during the prohibition period the course of conduct which led to the report being made shall not be pursued.

(6) If the report was made under paragraph (3) of that regulation, during the prohibition period the authority shall not enter into any new agreement which may involve the incurring of expenditure (at any time) by the authority.

(7) If paragraph (5) is not complied with, and the authority makes any payment in the prohibition period as a result of the course of conduct being pursued, it shall be taken not to have had power to make the payment (notwithstanding any obligation to make it under contract or otherwise).

(8) If paragraph (6) is not complied with, the authority shall be taken not to have had power to enter into the agreement (notwithstanding any option to do so under contract or otherwise).

(9) For the purposes of this regulation “the prohibition period” means the period—

(a) beginning with the day on which copies of the report are sent; and

(b) ending with the first business day to fall after the day (if any) on which the authority's consideration of the report under paragraph (2) is concluded.

(10) If paragraph (3) is not complied with, it is immaterial for the purposes of paragraph (9)(b).

(11) The nature of the decisions made at the meeting is immaterial for the purposes of paragraph (9)(b).

(12) In paragraph (9)(b) “business day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England.

(1) 1972 c. 70; section 101 is applied to the South Yorkshire Pensions Authority by virtue of paragraph 3(i) of Schedule 1 to S.I.1987/2110 and to the Common Council by section 101(13) of the 1972 Act.