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STATUTORY INSTRUMENTS

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**2004 No. 2748**

**LOCAL GOVERNMENT, ENGLAND**

**The Local Authorities (Functions and Responsibilities)  
(Amendment No. 3) (England) Regulations 2004**

<i>Made</i>	- - - -	<i>22nd October 2004</i>
<i>Laid before Parliament</i>		<i>2nd November 2004</i>
<i>Coming into force</i>	- -	<i>23rd November 2004</i>

The First Secretary of State, in exercise of the powers conferred on him by sections 13 and 105 of the Local Government Act 2000(1), and in exercise of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004 and shall come into force on 23rd November 2004.

(2) These Regulations apply in relation to local authorities in England.

**Amendment of Regulations**

2. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000(2) are amended—

- (a) in Schedule 1 (functions not to be the responsibility of an authority's executive), in accordance with Part 1 of the Schedule to these Regulations; and
- (b) in Schedule 2 (functions which may be (but need not be) the responsibility of an authority's executive), in accordance with Part 2 of the Schedule to these Regulations.

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(1) 2000 c. 22.

(2) S.I. 2000/2853, to which relevant amendments have been made by S.I. 2001/2212.

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Signed by authority of the First Secretary of State

22nd October 2004

*Nick Raynsford*  
Minister of State,  
Office of the Deputy Prime Minister

## SCHEDULE

Regulation 2

### PART 1

#### SCHEDULE 1 AMENDMENTS

1. In paragraph B (licensing and registration functions), insert—
  - (1) after item 14—
    - (a) in column (1)—

“**14A.** Functions relating to licensing.”; and
    - (b) in column (2), in relation to the entry in column (1) for item 14A—

“Sections 5 to 8 of the Licensing Act 2003 (c. 17).”.
  - (2) after item 46—
    - (a) in column (1)—

“**46A.** Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.

**47A.** Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.”; and
    - (b) in column (2)—
      - (i) in relation to the entry in column (1) for item 46A—

“Sections 115E, 115F and 115K of the Highways Act 1980.”; and
      - (ii) in column (2), in relation to the entry in column (1) for item 47A—

“Section 115G of the Highways Act 1980(3).”.
2. In paragraph I (miscellaneous functions)(4), insert—
  - (1) after item 30—
    - (a) in column (1)—

“**30A.** Power to authorise stopping up or diversion of highway.”; and
    - (b) in column (2), in relation to the entry in column (1) for item 30A—

“Section 247 of the Town and Country Planning Act 1990 (c. 8).”.
  - (2) after item 44—
    - (a) in column (1)—

“**44A.** Duty to provide staff, etc to person nominated by monitoring officer.

**44B.** Powers relating to overview and scrutiny committees (voting rights of co-opted members).”; and
    - (b) in column (2)—
      - (i) in relation to the entry in column (1) for item 44A—

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(3) Sections 115E, 115F, 115G and 115K were inserted into the Highways Act 1980 (c. 66) by the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), section 20, Schedule 5, Part I, paragraph 1.

(4) Paragraph I was substituted by regulations 2(b) of and paragraph 2 of Part I of the Schedule to, S.I. 2001/2212.

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“Sections 82A(4) and (5) of the Local Government Act 2000(5).”; and  
(ii) in relation to the entry in column (1) for item 44B—

“Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.”.

## PART 2

### SCHEDULE 2 AMENDMENTS

For paragraphs 4 to 6, substitute the following—

**4.** The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools(6).

**5.** The making of arrangements pursuant to sections 94(1), (1A) and (4) of the 1998 Act (admissions appeals)(7).

**6.** The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies)(8).”.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the 2000 Regulations”).

Parts 1 and 2 of the Schedule to these Regulations (which are introduced by regulation 2) set out amendments to Schedules 1 and 2, respectively, to the 2000 Regulations.

Part 1 adds further functions to those that are already listed in Schedule 1 (functions not to be the responsibility of the authority’s executive). These further functions are concerned with licensing under the Licensing Act 2003, certain powers and duties under the Highways Act 1980, and miscellaneous functions under the Local Government Act 2000.

The effect of Part 2 is to replace paragraphs 4 to 6 in Schedule 2 (functions which may be (but need not be) the responsibility of an authority’s executive) to the 2000 Regulations. The new paragraphs are concerned with functions relating to provisions of the School Standards and Framework Act 1998, as inserted by the Education Act 2002, and provisions of the Education Act 2002 and subordinate legislation made under that Act which replace certain repealed provisions of the School Standards Framework Act 1998.

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(5) Sections 82A(4) and (5) of the Local Government Act 2000 (c. 22) were inserted by section 113 of the Local Government Act 2003 (c. 26).

(6) See, in particular, section 52 of the Education Act 2002 (c. 32) and the subordinate legislation made under that section which replace section 67 of, and Schedule 18 to, the School Standards and Framework Act 1998 (c. 31) which have been repealed.

(7) Section 94(1A) of the School Standards and Framework Act 1998 (“the SSFA 1998”) was inserted by the Education Act 2002. See also subordinate legislation made under section 94(5) of the SSFA 1998, as substituted by the Education Act 2002, which replaces Schedule 24 to the SSFA 1998.

(8) See, in particular, subordinate legislation made under section 95(3A) of the School Standards and Framework Act 1998, as inserted by the Education Act 2002, which replaces Schedule 25 to the School Standards and Framework Act 1998 which has been repealed.

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A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities, voluntary bodies or the public sector.