



# Local Government Act 2000

## 2000 CHAPTER 22

### PART II

[<sup>F1</sup>LOCAL AUTHORITIES IN WALES: ARRANGEMENTS] WITH RESPECT TO EXECUTIVES ETC.

*Provisions with respect to executive arrangements*

**14** [<sup>F1</sup>Discharge of functions: [<sup>F2</sup>mayor and cabinet executive]]

[<sup>F3</sup>(1) Subject to any provision made under section 18, 19 or 20, any functions which, under executive arrangements, are the responsibility [<sup>F4</sup>of a mayor and cabinet executive are to be discharged in accordance with this section]. ]

(2) The [<sup>F5</sup>elected mayor] —

- (a) may discharge any of those functions, or
- (b) may arrange for the discharge of any of those functions—
  - (i) by the executive,
  - (ii) by another member of the executive,
  - (iii) by a committee of the executive, or
  - (iv) by an officer of the authority.

(3) Where by virtue of this section any functions may be discharged by a local authority executive, then, unless the [<sup>F5</sup>elected mayor] otherwise directs, the executive may arrange for the discharge of any of those functions—

- (a) by a committee of the executive, or
- (b) by an officer of the authority.

(4) Where by virtue of this section any functions may be discharged by a member of a local authority executive, then, unless the [<sup>F5</sup>elected mayor] otherwise directs, [<sup>F6</sup>the member who may discharge the function] may arrange for the discharge of any of those functions by an officer of the authority.

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- (5) Where by virtue of this section any functions may be discharged by a committee of a local authority executive, then, unless the [<sup>F5</sup>elected mayor] otherwise directs, the committee may arrange for the discharge of any of those functions by an officer of the authority.
- (6) Any arrangements made by virtue of this section by [<sup>F7</sup>an elected mayor], executive, member or committee for the discharge of any functions by an executive, member, committee or officer are not to prevent [<sup>F8</sup>the elected mayor], executive, member or committee by whom the arrangements are made from exercising those functions.

<sup>F9</sup>(7) .....

#### Textual Amendments

- F1** Words in s. 14 title substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(2\), 245\(2\)](#)
- F2** Words in s. 14 heading substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 14\(2\)](#); S.I. 2012/1008, art. 4(b)
- F3** S. 14(1) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(3\), 245\(2\)](#)
- F4** Words in s. 14(1) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 14\(3\)](#); S.I. 2012/1008, art. 4(b)
- F5** Words in s. 14(2)-(5) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 14\(4\)](#); S.I. 2012/1008, art. 4(b)
- F6** Words in s. 14(4) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(5\)\(b\), 245\(2\)](#)
- F7** Words in s. 14(6) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 14\(5\)\(a\)](#); S.I. 2012/1008, art. 4(b)
- F8** Words in s. 14(6) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 14\(5\)\(b\)](#); S.I. 2012/1008, art. 4(b)
- F9** S. 14(7) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 14\(6\), Sch. 25 Pt. 4](#); S.I. 2012/1008, art. 4(b)(c)

#### Modifications etc. (not altering text)

- C1** Pt. II applied in part (with modifications) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\), arts. 1, 16\(7\)](#)
- C2** Ss. 14-18 restricted (W.) (1.4.2002) by S.I. 2002/808, [art. 23\(b\)](#)
- C3** S. 14 applied (with modifications) (temp. until 1/4/2009) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\), arts. 1, 7\(2\)\(3\)](#)
- C4** Ss. 14-16 applied (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 20\(6\)\(7\)\(9\), 324\(3\)](#); S.I. 2009/3345, art. 2, Sch. para. 2
- C5** S. 14 applied (with modifications) (temp.) (25.3.2010) by [The Norwich and Norfolk \(Structural Changes\) Order 2010 \(S.I. 2010/997\), arts. 1, 4\(2\)](#)
- C6** S. 14 modified (temp.) (25.3.2010) by [The Exeter and Devon \(Structural Changes\) Order 2010 \(S.I. 2010/998\), arts. 1, 4\(2\)](#)
- C7** S. 14(5) applied (with modifications) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\), arts. 1, 9\(2\)](#)
- C8** S. 14(5) modified (temp.) (with effect in accordance with art. 6(1) of the amending S.I.) by [The Exeter and Devon \(Structural Changes\) Order 2010 \(S.I. 2010/998\), arts. 1, 6\(2\)](#)
- C9** S. 14(5) modified (temp.) (25.3.2010) by [The Norwich and Norfolk \(Structural Changes\) Order 2010 \(S.I. 2010/997\), arts. 1, 6\(2\)](#)

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- C10** S. 14(6) applied (with modifications) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), arts. 1, **9(3)**
- C11** S. 14(6) modified (temp.) (25.3.2010) by [The Norwich and Norfolk \(Structural Changes\) Order 2010 \(S.I. 2010/997\)](#), arts. 1, **6(3)**
- C12** S. 14(6) modified (temp.) (with effect in accordance with art. 6(1) of the amending S.I.) by [The Exeter and Devon \(Structural Changes\) Order 2010 \(S.I. 2010/998\)](#), arts. 1, **6(3)**

#### Commencement Information

- II** S. 14 wholly in force at 28.7.2001; s. 14 not in force at Royal Assent see s. 108; s. 14 in force at 26.10.2000 in relation to England only by [S.I. 2000/2849](#), arts. **1(3)**, **2(a)**; s. 14 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

## 15 <sup>[F10]</sup>Discharge of functions: leader and cabinet executive (Wales)

- (1) Subject to any provision made under section 18, 19 or 20, any functions which, under executive arrangements, are the responsibility of a <sup>[F11]</sup>leader and cabinet executive (Wales) are to be discharged in accordance with this section.
- (2) The executive arrangements may make provision with respect to the allocation of any functions which are the responsibility of the executive among the following persons—
  - (a) the executive,
  - (b) any members of the executive,
  - (c) any committees of the executive, and
  - (d) any officers of the authority.
- (3) If the executive arrangements make such provision as is mentioned in subsection (2), any person to whom a function is allocated in accordance with that provision may discharge the function.
- (4) If or to the extent that the functions which are the responsibility of the executive are not allocated in accordance with such provision as is mentioned in subsection (2), the executive leader—
  - (a) may discharge any of those functions, or
  - (b) may arrange for the discharge of any of those functions—
    - (i) by the executive,
    - (ii) by another member of the executive,
    - (iii) by a committee of the executive, or
    - (iv) by an officer of the authority.
- (5) Where by virtue of this section any functions may be discharged by a local authority executive, the executive may arrange for the discharge of any of those functions—
  - (a) by a committee of the executive, or
  - (b) by an officer of the authority.
- (6) Where by virtue of this section any functions may be discharged by a member of a local authority executive, that member may arrange for the discharge of any of those functions by an officer of the authority.
- (7) Where by virtue of this section any functions may be discharged by a committee of a local authority executive, the committee may arrange for the discharge of any of those functions by an officer of the authority.

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- (8) Where the executive leader makes or has made any arrangements under subsection (4) (b)(i), (ii) or (iii), he may direct that subsection (5), (6) or (7) (as the case may be) is not to apply to any of the functions which are the subject of those arrangements or is not to apply to any of those functions in such cases or circumstances as he may direct.
- (9) Any arrangements made by virtue of this section by an executive leader, executive, member or committee for the discharge of any functions by an executive, member, committee or officer are not to prevent the executive leader, executive, member or committee by whom the arrangements are made from exercising those functions.
- (10) The reference in subsection (2)(b) to the members of the executive includes a reference to the executive leader, and subsection (6) in its application for the purposes of subsection (2)(b) is to be construed accordingly.

#### Textual Amendments

- F10** S. 15 title substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 63\(9\)\(a\)](#), 245(2)
- F11** Words in s. 15(1) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 63\(9\)\(b\)](#), 245(2)

#### Modifications etc. (not altering text)

- C4** Ss. 14-16 applied (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [s. 20\(6\)\(7\)\(9\)](#), 324(3); [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 2](#)
- C13** Ss. 14-18 restricted (W.) (1.4.2002) by [S.I. 2002/808](#), [art. 23\(b\)](#)
- C14** S. 15 modified (26.2.2008) by [The Wiltshire \(Structural Change\) Order 2008 \(S.I. 2008/490\)](#), [arts. 1, 6\(2\)](#)
- C15** S. 15 modified (26.2.2008) by [The Shropshire \(Structural Change\) Order 2008 \(S.I. 2008/492\)](#), [arts. 1, 6\(2\)](#)
- C16** S. 15 modified (temp.) (26.2.2008) by [The County Durham \(Structural Change\) Order 2008 \(S.I. 2008/493\)](#), [arts. 1, 6\(2\)](#)
- C17** S. 15 modified (temp.) (26.2.2008) by [The Northumberland \(Structural Change\) Order 2008 \(S.I. 2008/494\)](#), [arts. 1, 6\(2\)](#)
- C18** S. 15 modified (26.2.2008) by [The Cornwall \(Structural Change\) Order 2008 \(S.I. 2008/491\)](#), [arts. 1, 6\(2\)](#)
- C19** S. 15(7)(9) modified (temp.) (26.2.2008) by [The County Durham \(Structural Change\) Order 2008 \(S.I. 2008/493\)](#), [arts. 1, 8\(2\)\(3\)](#)
- C20** S. 15(7)(9) modified (26.2.2008) by [The Cornwall \(Structural Change\) Order 2008 \(S.I. 2008/491\)](#), [arts. 1, 8\(2\)\(3\)](#)
- C21** S. 15(7) modified (temp.) (26.2.2008) by [The County Durham \(Structural Change\) Order 2008 \(S.I. 2008/493\)](#), [arts. 1, 11\(3\)](#)
- C22** S. 15(7)(9) modified (temp.) (26.2.2008) by [The Northumberland \(Structural Change\) Order 2008 \(S.I. 2008/494\)](#), [arts. 1, 8\(2\)\(3\)](#)
- C23** S. 15(7)(9) modified (26.2.2008) by [The Wiltshire \(Structural Change\) Order 2008 \(S.I. 2008/490\)](#), [arts. 1, 8\(2\)\(3\)](#)
- C24** S. 15(7)(9) modified (26.2.2008) by [The Shropshire \(Structural Change\) Order 2008 \(S.I. 2008/492\)](#), [arts. 1, 8\(2\)\(3\)](#)
- C25** S. 15(7) modified (temp.) (26.2.2008) by [The Northumberland \(Structural Change\) Order 2008 \(S.I. 2008/494\)](#), [arts. 1, 11\(3\)](#)
- C26** S. 15(8) extended (16.11.2000 with application to local authorities in England only) by [S.I. 2000/2851](#), [regs. 1\(2\)](#), 4(2)

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### Commencement Information

- I2** S. 15 wholly in force at 28.7.2001; s. 15 not in force at Royal Assent see s. 108; s. 15 in force at 26.10.2000 in relation to England only by [S.I. 2000/2849](#), [arts. 1\(3\), 2\(a\)](#); s. 15 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

## 16 Discharge of functions: mayor and council manager executive.

[<sup>F12</sup>(1) Subject to any provision made under section 18, 19 or 20, the functions which, under executive arrangements, are the responsibility of a mayor and council manager executive are to be discharged in accordance with this section.

(2) The council manager—

- (a) may discharge any of those functions, or
- (b) may arrange for the discharge of any of those functions—
  - (i) by the executive, or
  - (ii) by an officer of the authority.

(3) In deciding—

- (a) whether or how to discharge any functions, or
- (b) whether to arrange for any functions to be discharged by the executive or an officer of the authority,

the council manager must have regard to any advice given by the elected mayor.

(4) Where by virtue of this section any functions may be discharged by the executive of a local authority, the executive may arrange for the discharge of any of those functions by an officer of the authority.

(5) Any arrangements made by virtue of this section by a council manager or executive for the discharge of any functions by an executive or officer are not to prevent the council manager or executive by whom the arrangements are made from exercising those functions.]

### Textual Amendments

- F12** S. 16 repealed (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 34(3), 178(2), [Sch. 4 Pt. B](#)

### Modifications etc. (not altering text)

- C4** Ss. 14-16 applied (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. [20\(6\)\(7\)\(9\)](#), 324(3); [S.I. 2009/3345](#), art. 2, Sch. para. 2
- C27** Ss. 14-18 restricted (W.) (1.4.2002) by [S.I. 2002/808](#), [art. 23\(b\)](#)

### Commencement Information

- I3** S. 16 wholly in force at 28.7.2001; s. 16 not in force at Royal Assent see s. 108; s. 16 in force at 26.10.2000 in relation to England only by [S.I. 2000/2849](#), [arts. 1\(3\), 2\(a\)](#); s. 16 in force at 28.7.2001 in so far as not already in force see. 108(4)-(6)

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## 17 Discharge of functions: s. 11(5) executive.

- (1) The [<sup>F13</sup>Welsh Ministers] may by regulations make provision with respect to the ways in which any functions which, under executive arrangements, are the responsibility of an executive which takes a form prescribed in regulations under section 11(5) are to be discharged.
- (2) The provision which may be made by regulations under this section includes provision which applies or reproduces (with or without modifications) any provisions of section 14, 15 or 16.
- (3) Nothing in subsection (2) affects the generality of the power under subsection (1).
- (4) Any provision made by regulations under this section is subject to any provision made under section 18, 19 or 20.

### Textual Amendments

**F13** Words in s. 17(1) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 15; S.I. 2012/1008, art. 4\(b\)](#)

### Modifications etc. (not altering text)

**C28** Ss. 14-18 restricted (W.) (1.4.2002) by [S.I. 2002/808, art. 23\(b\)](#)

### Commencement Information

**I4** S. 17 wholly in force at 1.11.2000; s. 17 not in force at Royal Assent see s. 108; s. 17 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187, arts. 1\(3\), 2\(a\)](#); s. 17 in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948, art. 2](#)

## 18 Discharge of functions by area committees.

- (1) The [<sup>F14</sup>Welsh Ministers] may by regulations make provision for or in connection with enabling an executive of a local authority, or a committee or specified member of such an executive, to arrange for the discharge of any functions which, under executive arrangements, are the responsibility of the executive by an area committee of that authority.
- (2) Regulations under this section may impose limitations or restrictions on the arrangements which may be made by virtue of the regulations (including limitations or restrictions on the functions which may be the subject of such arrangements).
- (3) In this section—
 

<sup>F15</sup>“area committee” [<sup>F16</sup>means] a committee or sub-committee of the authority which satisfies the conditions in subsection (6);]

“specified” means specified in regulations under this section.
- <sup>F17</sup>(4) .....
- <sup>F17</sup>(5) .....
- <sup>F18</sup>(6) A committee or sub-committee of a local authority <sup>F19</sup>... satisfies the conditions in this subsection if—
  - (a) the committee or sub-committee is established to discharge functions in respect of part of the area of the authority,

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- (b) that part consists of the whole of one or more electoral divisions of the authority,
  - (c) all the members of the authority who are elected for that electoral division, or those electoral divisions, are entitled to be members of the committee or sub-committee,
  - (d) no members of the authority, other than those mentioned in paragraph (c), may be members of the committee or sub-committee, and
  - (e) either or both of the conditions in subsection (7) are satisfied in relation to that part.
- (7) Those conditions are—
- (a) that the area of that part does not exceed one-half of the total area of the authority;
  - (b) that the population of that part, as estimated by the authority, does not exceed one-half of the total population of the area of the authority as so estimated.]

#### Textual Amendments

- F14** Words in s. 18(1) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 16\(2\)](#); [S.I. 2012/1008](#), art. 4(b)
- F15** Words in s. 18(3) substituted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [ss. 55\(2\)](#), [178\(2\)](#)
- F16** Word in s. 18(3) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 16\(3\)](#); [S.I. 2012/1008](#), art. 4(b)
- F17** S. 18(4)(5) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 16\(4\)](#), [Sch. 25 Pt. 4](#); [S.I. 2012/1008](#), art. 4(b)(c)
- F18** S. 18(6)(7) inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [ss. 55\(4\)](#), [178\(2\)](#)
- F19** Words in s. 18(6) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 16\(5\)](#), [Sch. 25 Pt. 4](#); [S.I. 2012/1008](#), art. 4(b)(c)

#### Modifications etc. (not altering text)

- C29** Ss. 14-18 restricted (W.) (1.4.2002) by [S.I. 2002/808](#), [art. 23\(b\)](#)

#### Commencement Information

- I5** S. 18 wholly in force at 1.11.2000; s. 18 not in force at Royal Assent see s. 108; s. 18 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\)](#), [2\(a\)](#); s. 18 in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#)

## 19 Discharge of functions of and by another local authority.

- (1) The [<sup>F20</sup>Welsh Ministers] may by regulations make provision for or in connection with enabling an executive of a local authority <sup>F21</sup>..., or a committee or specified member of such an executive, to arrange for the discharge of any functions which, under executive arrangements, are the responsibility of the executive—
- [<sup>F22</sup>(a) by a relevant authority (other than the local authority), or]
  - (b) by [<sup>F23</sup>a relevant executive (other than an executive of the local authority)] or a committee or specified member of such an executive.
- (2) The [<sup>F24</sup>Welsh Ministers] may by regulations make provision for or in connection with enabling a [<sup>F25</sup>relevant authority in Wales] to arrange for the discharge of any of their

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- functions by <sup>F26</sup>a relevant executive (other than an executive of the relevant authority)] or a committee or specified member of such an executive.
- (3) The reference in subsection (2) to the functions of a <sup>F27</sup>relevant authority in Wales], in a case where the authority are operating executive arrangements, is a reference to the functions which, under those arrangements, are not the responsibility of the authority's executive.
- (4) Regulations under subsection (1) or (2) may include provision—
- (a) requiring, in the case of arrangements for the discharge of any functions by <sup>F28</sup>a relevant executive] or a committee or member of such an executive, the approval of the authority <sup>F29</sup>of which the executive is part] to such arrangements,
  - (b) which, in the case of arrangements for the discharge of any functions by a <sup>F30</sup>relevant authority], enables any of those functions to be delegated,
  - (c) which, in the case of arrangements for the discharge of any functions by <sup>F31</sup>a relevant executive] or a committee or member of such an executive, enables any of those functions to be delegated.
- (5) The provision which may be made under subsection (4)(b) includes provision which applies or reproduces (with or without modifications) any provisions of section 101(2) to (4) of the <sup>M1</sup>Local Government Act 1972.
- (6) The provision which may be made under subsection (4)(c) includes provision which applies or reproduces (with or without modifications) any provisions of section 14(3) to (6), 15(5) to (9) or 16(3) to (5).
- (7) Nothing in subsection (4), (5) or (6) affects the generality of the power under subsection (1) or (2).
- (8) In this section <sup>F32</sup>—
- "relevant authority" means a local authority within the meaning of section 101 of the Local Government Act 1972;
- "relevant executive" means an executive of a local authority under either this Part or Part 1A;
- "specified"] means specified in regulations under this section.

#### Textual Amendments

- F20** Words in s. 19(1) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 17\(2\)\(a\)](#); [S.I. 2012/1008](#), art. 4(b)
- F21** Words in s. 19(1) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 17\(2\)\(b\)](#), [Sch. 25 Pt. 4](#); [S.I. 2012/1008](#), art. 4(b)(c)
- F22** S. 19(1)(a) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 17\(2\)\(c\)](#); [S.I. 2012/1008](#), art. 4(b)
- F23** Words in s. 19(1)(b) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 17\(2\)\(d\)](#); [S.I. 2012/1008](#), art. 4(b)
- F24** Words in s. 19(2) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 17\(3\)\(a\)](#); [S.I. 2012/1008](#), art. 4(b)
- F25** Words in s. 19(2) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 17\(3\)\(b\)](#); [S.I. 2012/1008](#), art. 4(b)
- F26** Words in s. 19(2) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 17\(3\)\(c\)](#); [S.I. 2012/1008](#), art. 4(b)

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- F27** Words in s. 19(3) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 17\(4\)](#); [S.I. 2012/1008, art. 4\(b\)](#)
- F28** Words in s. 19(4)(a) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 17\(5\)\(a\)\(i\)](#); [S.I. 2012/1008, art. 4\(b\)](#)
- F29** Words in s. 19(4)(a) inserted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 17\(5\)\(a\)\(ii\)](#); [S.I. 2012/1008, art. 4\(b\)](#)
- F30** Words in s. 19(4)(b) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 17\(5\)\(b\)](#); [S.I. 2012/1008, art. 4\(b\)](#)
- F31** Words in s. 19(4)(c) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 17\(5\)\(c\)](#); [S.I. 2012/1008, art. 4\(b\)](#)
- F32** Words in s. 19(8) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 17\(6\)](#); [S.I. 2012/1008, art. 4\(b\)](#)

#### Commencement Information

- I6** S. 19 wholly in force at 1.11.2000; s. 19 not in force at Royal Assent see s. 108; s. 19 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187, arts. 1\(3\), 2\(a\)](#); s. 19 in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948, art. 2](#)

#### Marginal Citations

- M1** [1972 c. 70.](#)

## 20 Joint exercise of functions.

- (1) The [<sup>F33</sup>Welsh Ministers] may by regulations make provision for or in connection with permitting arrangements under section 101(5) of the <sup>M2</sup>Local Government Act 1972 where any of the functions which are the subject of the arrangements are the responsibility of an executive of a local authority under executive arrangements.
- (2) The provision which may be made under subsection (1) includes provision—
- (a) as to the circumstances in which the executive, or a committee or specified member of the executive, is to be a party to the arrangements in place of the authority,
  - (b) as to the circumstances in which—
    - (i) the authority, and
    - (ii) the executive or a committee or specified member of the executive, are both to be parties to the arrangements,
  - (c) as to the circumstances in which any functions of the local authority under section 101(2) or 102(1)(b), (2) or (3) of the <sup>M3</sup>Local Government Act 1972, so far as they relate to any joint committee falling within section 101(5)(a) of that Act, are instead to be exercised by the executive or a committee or specified member of the executive,
  - (d) as to the circumstances in which any functions of the local authority under section 101(2) or 102(1)(b), (2) or (3) of that Act, so far as they relate to any such joint committee, are to be exercised by the authority,
  - (e) as to the circumstances in which appointments to any such joint committee by the executive, or a committee or specified member of the executive, need not be made in accordance with the political balance requirements,
  - (f) as to the persons (including officers of the authority) who may be appointed to any such joint committee by the executive or a committee or specified member of the executive.

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- (3) Nothing in subsection (2) affects the generality of the power under subsection (1).
- (4) In this section “specified” means specified in regulations under this section.

#### Textual Amendments

**F33** Words in s. 20(1) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 18; S.I. 2012/1008, art. 4\(b\)](#)

#### Commencement Information

**I7** S. 20 wholly in force at 1.11.2000; s. 20 not in force at Royal Assent see s. 108; s. 20 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187, arts. 1\(3\), 2\(a\)](#); s. 20 in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948, art. 2](#)

#### Marginal Citations

**M2** 1972 c. 70.

**M3** 1972 c. 70.

## 21 Overview and scrutiny committees.

- (1) Executive arrangements by a local authority must include provision for the appointment by the authority of one or more committees of the authority (referred to in this Part as overview and scrutiny committees).
- (2) Executive arrangements by a local authority must ensure that their overview and scrutiny committee has power (or their overview and scrutiny committees [<sup>F34</sup>, and any joint overview and scrutiny committees,] have power between them)—
- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
  - (b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
  - (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
  - (d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
  - (e) to make reports or recommendations to the authority or the executive on matters which affect the authority’s area or the inhabitants of that area,
- [<sup>F35</sup>(f) in the case of the overview and scrutiny committee or committees of an authority to which <sup>F36</sup>[<sup>F37</sup>... section 184 of the National Health Service (Wales) Act 2006 applies, to review and scrutinise, in accordance with regulations under [<sup>F38</sup>that section], matters relating to the health service (within the meaning given by [<sup>F39</sup>that Act, as extended by that section]) in the authority’s area, and to make reports and recommendations on such matters in accordance with the regulations.]

[<sup>F40</sup>(2A) In subsection (2), “joint overview and scrutiny committee”, in relation to a local authority (“the authority concerned”), means—

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- F41(a) .....
- F41(b) .....
- (c) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 185 of the National Health Service (Wales) Act 2006 appointed by the authority concerned and one or more other local authorities,
- (d) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section, or
- (e) a joint overview and scrutiny [F42committee] within the meaning of section 58 of the Local Government (Wales) Measure 2011 appointed by two or more local authorities, one of which is the authority concerned].
- (3) The power of an overview and scrutiny committee under subsection (2)(a) to review or scrutinise a decision made but not implemented includes power—
  - (a) to recommend that the decision be reconsidered by the person who made it, or
  - (b) to arrange for its function under subsection (2)(a), so far as it relates to the decision, to be exercised by the authority.
- (4) F43...An overview and scrutiny committee of a local authority may not discharge any functions other than its functions under this section[F44, sections [F4521A and 21B]] [F46or Part 4 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2)]. F47 ...
- F48(5) .....
- (6) An overview and scrutiny committee of a local authority—
  - (a) may appoint one or more sub-committees, and
  - (b) may arrange for the discharge of any of its functions by any such sub-committee.
- (7) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under subsection (6)(b).
- F49(8) .....
- (9) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority’s executive.
- (10) An overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority, but (subject to any provision made by or under [F50paragraph 8 or] 9 of Schedule 1) any such persons are not entitled to vote at any meeting of such a committee or sub-committee on any question which falls to be decided at that meeting F51....
- [F52(10A) For provision about the appointment of persons to chair overview and scrutiny committees of local authorities F53..., see sections 66 to 75 of the Local Government (Wales) Measure 2011.]
- (11) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, is to be treated—

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- (a) as a committee or sub-committee of a principal council for the purposes of Part VA of the <sup>M4</sup>Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees), and
  - (b) as a body to which section 15 of the <sup>M5</sup>Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.
- (12) Subsections (2) and (5) of section 102 of the <sup>M6</sup>Local Government Act 1972 are to apply to an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, as they apply to a committee appointed under that section.
- (13) An overview and scrutiny committee of a local authority or a sub-committee of such a committee—
- (a) may require members of the executive, and officers of the authority, to attend before it to answer questions,
  - <sup>F54</sup>(aa) may require any other member of the authority to attend before it to answer questions relating to any function which is exercisable by the member <sup>F55</sup>...<sup>F56</sup> under section 56 of the Local Government (Wales) Measure 2011<sup>F57</sup>,  
...
  - (b) may invite other persons to attend meetings of the committee.
- (14) It is the duty of any member or officer mentioned in <sup>F58</sup>paragraph (a) or (aa) of subsection (13) to comply with any requirement mentioned in that paragraph].
- (15) A person is not obliged by subsection (14) to answer any question which he would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.
- <sup>F59</sup>(16) In exercising, or deciding whether to exercise, any of its functions—
- <sup>F60</sup>(a) .....
  - (b) an overview and scrutiny committee of a local authority <sup>F61</sup>..., or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Welsh Ministers.
- (17) Guidance under subsection (16) may make different provision for different cases or for different descriptions of committee or sub-committee.]]

#### Textual Amendments

- F34** Words in s. 21(2) inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 127(1)(a)**, 245(5); S.I. 2008/3110, art. 4(g)
- F35** S. 21(2)(f) inserted (1.1.2003 for E., otherwise 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\)](#), **ss. 7(1)**, 70(2) (with s. 7(2)-(5), 64(9), 65(4)); S.I. 2003/53, art. 3(a); S.I. 2006/1407, Sch. 1 Pt. II para. 8(a)
- F36** Words in s. 21(2)(f) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 19(2)(a)**, **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F37** Words in s. 21(2)(f) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 205** (with Sch. 3 Pt. 1)
- F38** Words in s. 21(2)(f) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 19(2)(b)**; S.I. 2012/1008, art. 4(b)
- F39** Words in s. 21(2)(f) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 19(2)(c)**; S.I. 2012/1008, art. 4(b)
- F40** S. 21(2A) inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 127(1)(b)**, 245(5); S.I. 2008/3110, art. 4(g)

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- F41** S. 21(2A)(a)(b) repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 19(4)(a), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F42** Words in s. 21(2A)(e) substituted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 19(4)(b)**; S.I. 2012/1008, art. 4(b)
- F43** Words in s. 21(4) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(2), **Sch. 18 Pt. 8**; S.I. 2008/591, art. 2(d)(i)
- F44** Words in s. 21(4) inserted (1.4.2009) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 127(1)(c)(i)**, 245(5); S.I. 2008/3110, art. 4(g)
- F45** Words in s. 21(4) substituted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 19(5)(a)**; S.I. 2012/1008, art. 4(b)
- F46** Words in s. 21(4) inserted (1.4.2016) by Well-being of Future Generations (Wales) Act 2015 (anaw 2), s. 56(2), **Sch. 4 para. 5**; S.I. 2016/86, art. 3
- F47** Words in s. 21(4) repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 19(5)(b), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F48** S. 21(5) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(2), **Sch. 18 Pt. 8**; S.I. 2008/591, art. 2(d)(i)
- F49** S. 21(8) repealed (1.4.2009) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 127(1)(d)**, 245(5), **Sch. 18 Pt. 6**; S.I. 2008/3110, art. 4(g)
- F50** Words in s. 21(10) substituted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 19(6)(a)**; S.I. 2012/1008, art. 4(b)
- F51** Words in s. 21(10) repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 19(6)(b), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F52** S. 21(10A) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 75(4)**, 178(3); S.I. 2012/1187, art. 2(1)(h)
- F53** Words in s. 21(10A) repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 19(7), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F54** S. 21(13)(aa) inserted (1.4.2009) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 120(1)**, 245(5); S.I. 2008/3110, art. 4(b)
- F55** Words in s. 21(13)(aa) repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 19(8)(a), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F56** Words in s. 21(13)(aa) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 57(2)(b)**, 178(3); S.I. 2012/1187, art. 2(1)(d)
- F57** Word in s. 21(13)(aa) repealed (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), 178(3), **Sch. 4 Pt. D**; S.I. 2012/1187, art. 2(2)(m)
- F58** Words in s. 21(14) substituted (1.4.2009) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 120(2)**, 245(5); S.I. 2008/3110, art. 4(b)
- F59** S. 21(16)(17) inserted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 125**, 245(5); S.I. 2008/3110, art. 2(b)
- F60** S. 21(16)(a) repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 19(9)(a), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F61** Words in s. 21(16)(b) repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 19(9)(b), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)

#### **Modifications etc. (not altering text)**

- C30** S. 21 applied (with modifications) (1.1.2003 for E. otherwise 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by Health and Social Care Act 2001 (c. 15), **s. 10(3)(4)**, 70(2) (with **ss. 64(9)**, 65(4)); S.I. 2003/53, art. 3(a); S.I. 2006/1407, Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 10 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)
- C31** S. 21 applied (with modifications) (1.3.2007) by National Health Service Act 2006 (c. 41), **s. 247(3)(4)**, 277(1)
- C32** S. 21 excluded (temp. until 31/3/2009) (26.2.2008) by The Wiltshire (Structural Change) Order 2008 (S.I. 2008/490), arts. 1, **8(4)**

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- C33** S. 21 excluded (temp.) (26.2.2008) by [The County Durham \(Structural Change\) Order 2008 \(S.I. 2008/493\)](#), arts. 1, **8(4)**
- C34** S. 21 excluded (temp. until 31/3/2009) (26.2.2008) by [The Shropshire \(Structural Change\) Order 2008 \(S.I. 2008/492\)](#), arts. 1, **8(4)**
- C35** S. 21 excluded (temp. until 31/3/2009) (26.2.2008) by [The Cornwall \(Structural Change\) Order 2008 \(S.I. 2008/491\)](#), arts. 1, **8(4)**
- C36** S. 21 excluded (temp.) (26.2.2008) by [The Northumberland \(Structural Change\) Order 2008 \(S.I. 2008/494\)](#), arts. 1, **8(4)**
- C37** S. 21 excluded (temp. until 31/3/2009) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), arts. 1, **9(4)**
- C38** S. 21 excluded (temp.) (25.3.2010) by [The Norwich and Norfolk \(Structural Changes\) Order 2010 \(S.I. 2010/997\)](#), arts. 1, **6(4)**
- C39** S. 21 excluded (temp.) (with effect in accordance with art. 6(1) of the amending S.I.) by [The Exeter and Devon \(Structural Changes\) Order 2010 \(S.I. 2010/998\)](#), arts. 1, **6(4)**
- C40** S. 21(4) excluded (11.5.2001 for specified purposes, otherwise 1.1.2003 for E. and (so far as not already in force) 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\)](#), **ss. 8(7), 70(2)** (with **ss. 64(9), 65(4)**); S.I. 2003/53, art. 3(a); S.I. 2006/1407, Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 8 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)
- C41** S. 21(4) power to apply (with modifications) conferred (11.5.2001 for specified purposes, otherwise 1.1.2003 for E. and (so far as not already in force) 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\)](#), **ss. 8(3)(b), 70(2)** (with **ss. 64(9), 65(4)**); S.I. 2003/53, art. 3(a); S.I. 2006/1407, Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 8 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)
- C42** S. 21(4) excluded (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), **ss. 245(7), 277(1)**
- C43** S. 21(4) excluded (1.3.2007) by [National Health Service \(Wales\) Act 2006 \(c. 42\)](#), **ss. 185(7), 208(1)** (with s. 19(3))
- C44** S. 21(4): power to apply conferred by 2007 c. 28, s. 123(5)(b)(i) (as substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), **ss. 32(1), 148(2)(a)(ii)**)
- C45** S. 21(6)-(15) applied (with modifications) (E.) (1.1.2003) by S.I. 2002/3048, **reg. 7(3)**
- C46** S. 21(6)-(15) power to apply (with modifications) conferred (11.5.2001 for specified purposes, otherwise 1.1.2003 for E. and (so far as not already in force) 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\)](#), **ss. 8(3)(b), 70(2)** (with **ss. 64(9), 65(4)**); S.I. 2003/53, art. 3(a); S.I. 2006/1407, Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 8 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)
- C47** S. 21(6)-(12): power to apply conferred by 2007 c. 28, s. 123(5)(b)(i) (as substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), **ss. 32(1), 148(2)(a)(ii)**)
- C48** S. 21(10) excluded (11.5.2001 for specified purposes, otherwise 1.1.2003 for E. and (so far as not already in force) 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\)](#), **ss. 8(8), 70(2)** (with **ss. 64(9), 65(4)**); S.I. 2003/53, art. 3(a); S.I. 2006/1407, Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 8 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)
- C49** S. 21(10) excluded (1.3.2007) by [National Health Service \(Wales\) Act 2006 \(c. 42\)](#), **ss. 185(8), 208(1)** (with s. 19(3))
- C50** S. 21(10) excluded (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), **ss. 245(8), 277(1)**

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#### Commencement Information

**I8** S. 21 wholly in force at 28.7.2001; s. 21 not in force at Royal Assent see s. 108; s. 21 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(a); s. 21 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

#### Marginal Citations

**M4** 1972 c. 70.

**M5** 1989 c. 42.

**M6** 1972 c. 70.

### <sup>F62</sup>21ZAScrutiny officers

.....

#### Textual Amendments

**F62** S. 21ZA repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 20, Sch. 25 Pt. 4; S.I. 2012/1008, art. 4(b)(c)

### [<sup>F63</sup>21A Reference of matters to overview and scrutiny committee etc

- (1) Executive arrangements by a local authority must include provision which—
  - (a) enables any member of an overview and scrutiny committee of the authority to refer to the committee any matter which is relevant to the functions of the committee,
  - (b) enables any member of a sub-committee of such a committee to refer to the sub-committee any matter which is relevant to the functions of the sub-committee, and
  - (c) <sup>F64</sup>... enables any member of the authority to refer to an overview and scrutiny committee of the authority of which he is not a member any local government matter which is relevant to the functions of the committee.
- (2) For the purposes of subsection (1), provision enables a person to refer a matter to a committee or sub-committee if it enables him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.
- (3) In considering whether to exercise the power which he has by virtue of subsection (1) (c) in any case, a member of an authority must have regard to any guidance for the time being issued <sup>F65</sup>... [<sup>F66</sup> by the Welsh Ministers].
- (4) Guidance under subsection (3) may make different provision for different cases.
- (5) Subsections (6) to (8) apply where a local government matter is referred to an overview and scrutiny committee by a member of a local authority in accordance with provision made pursuant to subsection (1)(c).
- (6) In considering whether or not to exercise any of its powers under section 21(2) in relation to the matter, the committee may have regard to—
  - (a) any powers which the member may exercise in relation to the matter by virtue of <sup>F67</sup>... [<sup>F68</sup> section 56 of the Local Government (Wales) Measure 2011] (exercise of functions by local councillors <sup>F69</sup>...), and

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- (b) any representations made by the member as to why it would be appropriate for the committee to exercise any of its powers under section 21(2) in relation to the matter.
- (7) If the committee decides not to exercise any of those powers in relation to the matter, it must notify the member of—
- (a) its decision, and
  - (b) the reasons for it.
- (8) The committee must provide the member with a copy of any report or recommendations which it makes to the authority or the executive under section 21(2) in relation to the matter.
- (9) Subsection (8) is subject to section 21D.
- <sup>F70</sup>(10) . . . . .
- <sup>F70</sup>(11)] . . . . .
- [<sup>F71</sup>(12) In this section “local government matter”, in relation to a member of a local authority <sup>F72</sup> . . . . ., means a matter which is not an excluded matter and which—
- (a) relates to the discharge of any function of the authority, or
  - (b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.
- (13) In subsection (12) “excluded matter” means any matter which is—
- (a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
  - (b) a matter of any description specified in an order made by the Welsh Ministers for the purposes of this section.]

#### Textual Amendments

- F63** S. 21A inserted (12.12.2008 for specified purposes, 1.4.2009 in so far as not already in force) by *Local Government and Public Involvement in Health Act 2007* (c. 28), **ss. 119**, 245(5); S.I. 2008/3110, arts. 2(a), 4(a)
- F64** Words in s. 21A(1)(c) repealed (30.4.2012) by *Local Government (Wales) Measure 2011* (nawm 4), **ss. 63(2)**, 178(3), **Sch. 4 Pt. D**; S.I. 2012/1187, art. 2(1)(g)(2)(m)
- F65** Words in s. 21A(3) repealed (4.5.2012) by *Localism Act 2011* (c. 20), s. 240(2), Sch. 3 para. 21(2), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F66** Words in s. 21A(3) inserted (30.4.2012) by *Local Government (Wales) Measure 2011* (nawm 4), **ss. 63(3)(b)**, 178(3); S.I. 2012/1187, art. 2(1)(g)
- F67** Words in s. 21A(6)(a) repealed (4.5.2012) by *Localism Act 2011* (c. 20), s. 240(2), Sch. 3 para. 21(3), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F68** Words in s. 21A(6)(a) inserted (30.4.2012) by *Local Government (Wales) Measure 2011* (nawm 4), **ss. 63(4)(a)**, 178(3); S.I. 2012/1187, art. 2(1)(g)
- F69** Words in s. 21A(6)(a) repealed (30.4.2012) by *Local Government (Wales) Measure 2011* (nawm 4), **ss. 63(4)(b)**, 178(3), **Sch. 4 Pt. D**; S.I. 2012/1187, art. 2(1)(g)(2)(m)
- F70** S. 21A(10)(11) repealed (4.5.2012) by *Localism Act 2011* (c. 20), s. 240(2), Sch. 3 para. 21(4), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F71** S. 21A(12)(13) inserted (30.4.2012) by *Local Government (Wales) Measure 2011* (nawm 4), **ss. 63(6)**, 178(3); S.I. 2012/1187, art. 2(1)(g)

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**F72** Words in s. 21A(12) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 3 para. 21(5), [Sch. 25 Pt. 4](#); S.I. 2012/1008, art. 4(b)(c)

**Modifications etc. (not altering text)**

**C51** Ss. 21A-21D: power to apply conferred by 2007 c. 28, s. 123(5)(b)(ii) (as substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 32\(1\)](#), 148(2)(a)(ii))

[<sup>F73</sup>**21B Duty of authority or executive to respond to overview and scrutiny committee**

- (1) This section applies where an overview and scrutiny committee of a local authority <sup>F74</sup>... makes a report or recommendations to the authority or the executive, otherwise than—
- (a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
  - (b) by virtue of subsection (3)(a) of that section.

[ A report or recommendation to a public services board by virtue of section 35(1)(c) of <sup>F75</sup>(1A) the Well-being of Future Generations (Wales) Act 2015 (anaw 2) is not to be regarded for the purposes of this section as a report or recommendation to the local authority that is a member of the board.]

- (2) The overview and scrutiny committee may publish the report or recommendations.
- (3) The overview and scrutiny committee must by notice in writing require the authority or executive—
- (a) to consider the report or recommendations,
  - (b) to respond to the overview and scrutiny committee indicating what (if any) action the authority propose, or the executive proposes, to take,
  - (c) if the overview and scrutiny committee has published the report or recommendations under subsection (2), to publish the response,
  - (d) if the overview and scrutiny committee provided a copy of the report or recommendations to a member of the authority under section 21A(8), to provide the member with a copy of the response,
- and to do so within two months beginning with the date on which the authority or executive received the report or recommendations or (if later) the notice.
- (4) It is the duty of an authority or executive to which a notice is given under subsection (3) to comply with the requirements specified in the notice.
- (5) Subsections (2) and (4) are subject to section 21D and to any provision made under section 22(12A).
- (6) In this section—
- (a) references to an overview and scrutiny committee include references to a sub-committee of such a committee; and
  - (b) references to “the authority” or “the executive”, in relation to an overview and scrutiny committee, or a sub-committee of such a committee, are to the authority by which the overview and scrutiny committee is established or to the executive of that authority.

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**Textual Amendments**

- F73** Ss. 21B-21D inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 122\(1\)](#), 245(5); S.I. 2008/3110, art. 4(d)
- F74** Words in s. 21B(1) repealed (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 64, 178(3), [Sch. 4 Pt. D](#); S.I. 2012/1187, art. 2(1)(g)(2)(m)
- F75** S. 21B(1A) inserted (1.4.2016) by [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#), s. 56(2), [Sch. 4 para. 6](#); S.I. 2016/86, art. 3

**Modifications etc. (not altering text)**

- C51** Ss. 21A-21D: power to apply conferred by 2007 c. 28, s. 123(5)(b)(ii) (as substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 32\(1\)](#), 148(2)(a)(ii))

**<sup>F76</sup>21C Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities**

.....

**Textual Amendments**

- F76** S. 21C repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 22](#), [Sch. 25 Pt. 4](#); S.I. 2012/1008, art. 4(b)(c)

**21D Publication etc of reports, recommendations and responses: confidential and exempt information**

- (1) This section applies to—
  - (a) the publication under section 21B of any document comprising—
    - (i) a report or recommendations of an overview and scrutiny committee, or
    - (ii) a response of a local authority to any such report or recommendations, and
  - (b) the provision of a copy of such a document—
    - (i) to a member of a local authority under section 21A(8) or section 21B, or
    - <sup>F77</sup>(ii) .....

by an overview and scrutiny committee or a local authority.
- (2) The overview and scrutiny committee or the local authority, in publishing the document <sup>F78</sup>...—
  - (a) must exclude any confidential information, and
  - (b) may exclude any relevant exempt information.
- (3) The overview and scrutiny committee or the local authority, in providing a copy of the document to a member of the local authority, may exclude any confidential information or relevant exempt information.
- (4) Where information is excluded under subsection (2) or (3), the overview and scrutiny committee or the local authority, in publishing, or providing a copy of, the document—

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- (a) may replace so much of the document as discloses the information with a summary which does not disclose that information, and
- (b) must do so if, in consequence of excluding the information, the document published, or copy provided, would be misleading or not reasonably comprehensible.
- (5) If by virtue of subsection (2), (3) or (4) an overview and scrutiny committee, in publishing or providing a copy of a report or recommendations—
- (a) excludes information, or
- (b) replaces part of the report or recommendations with a summary,
- it is nevertheless to be taken for the purposes of section 21B(3)(c) or (d) to have published or provided a copy of the report or recommendations.
- (6) In this section—
- “confidential information” has the meaning given by section 100A(3) of the Local Government Act 1972 (admission to meetings of principal councils),
- “exempt information” has the meaning given by section 100I of that Act, and, in relation to—
- (a) any report or recommendations of an overview and scrutiny committee which has functions under section 21(2)(f), or
- (b) any response to such a report or recommendations,
- also includes information which is exempt information under <sup>F79</sup>...<sup>F80</sup> section 186 of the National Health Service (Wales) Act 2006], <sup>F81</sup>and]
- “relevant exempt information” means—
- (a) in relation to a report or recommendations of an overview and scrutiny committee, exempt information of a description specified in a resolution of the overview and scrutiny committee under section 100A(4) of the Local Government Act 1972 which applied to the proceedings, or part of the proceedings, at any meeting of the overview and scrutiny committee at which the report was, or recommendations were, considered, and
- (b) in relation to a response of the authority, exempt information of a description specified in such a resolution of the authority which applied to the proceedings, or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered, and
- <sup>F82</sup>...
- (7) In this section, references to an overview and scrutiny committee include references to a sub-committee of such a committee.]

#### Textual Amendments

- F73** Ss. 21B-21D inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), **ss. 122(1)**, 245(5); S.I. 2008/3110, art. 4(d)
- F77** S. 21D(1)(b)(ii) repealed (4.5.2012) by [Localism Act 2011](#) (c. 20), s. 240(2), Sch. 3 para. 23(2), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F78** Words in s. 21D(2) repealed (4.5.2012) by [Localism Act 2011](#) (c. 20), s. 240(2), Sch. 3 para. 23(3), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F79** Words in s. 21D(6) repealed (4.5.2012) by [Localism Act 2011](#) (c. 20), s. 240(2), Sch. 3 para. 23(4)(a) (i), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)

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- F80** Words in s. 21D(6) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 65(2)**, 178(3); S.I. 2012/1187, art. 2(1)(g)
- F81** Word in s. 21D(6) inserted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 23(4)(a)(ii)**; S.I. 2012/1008, art. 4(b)
- F82** Words in s. 21D(6) repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 23(4)(b), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)

**Modifications etc. (not altering text)**

- C51** Ss. 21A-21D: power to apply conferred by 2007 c. 28, s. 123(5)(b)(ii) (as substituted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 32(1)**, 148(2)(a)(ii))
- C52** S. 21D applied (E.) (12.8.2009) by The Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009 (S.I. 2009/1919), regs. 1(1), **8** (with reg. 12)

**<sup>F83</sup>21E Overview and scrutiny committees of certain district councils: functions with respect to partner authorities**

.....

**Textual Amendments**

- F83** S. 21E repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 24, **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)

**<sup>F84</sup>21F Overview and scrutiny committees: flood risk management**

.....

**Textual Amendments**

- F84** S. 21F repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 26, **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)

**[<sup>F85</sup>21G [<sup>F86</sup>Designated] persons**

- (1) The Welsh Ministers may, by order, designate for the purposes of section 21—
  - (a) one or more persons, and
  - (b) one or more categories of person.
- (2) But—
  - (a) the designation of a person has effect only if that person meets the following conditions, and
  - (b) the designation of a category of persons has effect only if, and to the extent that, each person in that category meets the following conditions.
- (3) Condition A is that the person provides the public, or a section of the public, with services, goods or facilities of any description (whether on payment or not).
- (4) Condition B is that the person—
  - (a) provides those services, goods or facilities in the exercise of functions of a public nature, or

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(b) is wholly or partly funded by public money.

(5) Condition C is that the person is not a local authority.]

#### Textual Amendments

**F85** S. 21G inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 61**, 178(3); S.I. 2012/1187, art. 2(1)(e)

**F86** Word in s. 21G heading substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 27**; S.I. 2012/1008, art. 4(b)

## 22 Access to information etc.

- (1) Meetings of a local authority executive, or a committee of such an executive, are to be open to the public or held in private.
- (2) Subject to regulations under subsection (9), it is for a local authority executive to decide which of its meetings, and which of the meetings of any committee of the executive, are to be open to the public and which of those meetings are to be held in private.
- (3) A written record must be kept of prescribed decisions made at meetings of local authorities executives, or committees of such executives, which are held in private.
- (4) A written record must be kept of prescribed decisions made by individual members of local authority executives.
- (5) Written records under subsection (3) or (4) must include reasons for the decisions to which they relate.
- (6) Written records under subsections (3) and (4), together with such reports, background papers or other documents as may be prescribed, must be made available to members of the public in accordance with regulations made by the [<sup>F87</sup>Welsh Ministers].
- (7) Regulations under subsection (6) may make provision for or in connection with preventing the whole or part of any record or document containing prescribed information from being made available to members of the public.
- (8) The [<sup>F88</sup>Welsh Ministers] may by regulations make provision—
  - (a) with respect to the access of the public to meetings of joint committees, or sub-committees of such committees, at which decisions are made in connection with the discharge of functions which are the responsibility of executives (including provision enabling such meetings to be held in private),
  - (b) for or in connection with requiring written records to be kept of decisions made at meetings which by virtue of paragraph (a) are held in private,
  - (c) for or in connection with requiring written records falling within paragraph (b) to include reasons,
  - (d) for or in connection with requiring any such written records to be made available to members of the public,
  - (e) for or in connection with requiring documents connected with decisions to which any such written records relate to be made available to members of the public.
- (9) The [<sup>F88</sup>Welsh Ministers] may by regulations make provision—

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- (a) as to the circumstances in which meetings mentioned in subsection (2), or particular proceedings at such meetings, must be open to the public,
  - (b) as to the circumstances in which meetings mentioned in subsection (2), or particular proceedings at such meetings, must be held in private,
  - (c) with respect to the information which is to be included in written records kept by virtue of this section,
  - (d) with respect to the reasons which are to be included in any such written records,
  - (e) with respect to the persons who are to produce, keep or make available any such written records,
  - (f) for or in connection with requiring any such written records to be made available to members of local authorities or to overview and scrutiny committees or sub-committees,
  - (g) for or in connection with requiring documents connected with decisions to which any such written records relate to be made available to members of local authorities or to overview and scrutiny committees or sub-committees,
  - (h) for or in connection with requiring information to be made available by electronic means,
  - (i) for or in connection with conferring rights on members of the public, members of local authorities or overview and scrutiny committees or sub-committees in relation to records or documents,
  - (j) for or in connection with the creation of offences in respect of any rights or requirements conferred or imposed by virtue of this section.
- (10) The [<sup>F88</sup>Welsh Ministers] may by regulations make provision for or in connection with requiring prescribed information about prescribed decisions made in connection with the discharge of functions which are the responsibility of a local authority executive to be made available to members of the public or members of the authority.
- (11) The provision which may be made under subsection (10) includes provision—
- (a) requiring prescribed information to be made available in advance of the prescribed decisions mentioned in that subsection,
  - (b) as to the way or form in which prescribed information is to be made available.
- (12) The [<sup>F89</sup>Welsh Ministers] may by regulations make provision which, in relation to meetings of—
- (a) local authority executives or committees of such executives, or
  - (b) joint committees, or sub-committees of such committees, falling within subsection (8)(a),
- applies or reproduces (with or without modifications) any provisions of Part VA of the <sup>M7</sup>Local Government Act 1972.
- [<sup>F90</sup>(12A) The [<sup>F91</sup>Welsh Ministers] may by regulations make provision, in relation to—
- (a) the publication by executives of local authorities <sup>F92</sup>... under section 21B<sup>F93</sup> ... of responses to reports or recommendations of overview and scrutiny committees and sub-committees of such committees, or
  - (b) the provision by such executives under that section of copies of such responses,
- which applies or reproduces (with or without modifications) any provisions of section 21D.]

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(13) In this section—

“joint committee” means a joint committee falling within section 101(5)(a) of the <sup>M8</sup>Local Government Act 1972,

“prescribed” means prescribed by regulations made by the [<sup>F94</sup>Welsh Ministers].

#### Textual Amendments

- F87** Words in s. 22(6) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 28\(2\)](#); S.I. 2012/1008, art. 4(b)
- F88** Words in s. 22(8)-(10) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 28\(2\)](#); S.I. 2012/1008, art. 4(b)
- F89** Words in s. 22(12) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 28\(2\)](#); S.I. 2012/1008, art. 4(b)
- F90** S. 22(12A) inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 122\(2\), 245\(5\)](#); S.I. 2008/3110, art. 4(d)
- F91** Words in s. 22(12A) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 28\(3\)\(a\)](#); S.I. 2012/1008, art. 4(b)
- F92** Words in s. 22(12A)(a) repealed (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\), ss. 65\(3\)\(b\), 178\(3\), Sch. 4 Pt. D](#); S.I. 2012/1187, art. 2(1)(g)(2)(m)
- F93** Words in s. 22(12A)(a) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 28\(3\)\(b\), Sch. 25 Pt. 4](#); S.I. 2012/1008, art. 4(b)(c)
- F94** Words in s. 22(13) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 28\(2\)](#); S.I. 2012/1008, art. 4(b)

#### Commencement Information

- I9** S. 22 wholly in force at 28.7.2001; s. 22 not in force at Royal Assent see s. 108; s. 22 in force at 7.8.2000 in so far as it confers power to make an order or regulations, give directions, or issue guidance in relation to England only by [S.I. 2000/2187, arts. 1\(3\), 2\(b\)](#); s. 22 in force at 26.10.2000 in relation to England only except in so far as already in force by [S.I. 2000/2849, arts. 1\(3\), 2\(b\)](#); s. 22(6)-(13) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948, art. 2](#); s. 22 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

#### Marginal Citations

- M7** 1972 c. 70.  
**M8** 1972 c. 70.

### <sup>F95</sup>22A Overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities

.....

#### Textual Amendments

- F95** S. 22A repealed (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 29, Sch. 25 Pt. 4](#); S.I. 2012/1008, art. 4(b)(c)

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## 23 Further provision.

Schedule 1 (which makes further provision in relation to executive arrangements) has effect.

### Commencement Information

**I10** S. 23 wholly in force at 28.7.2001; s. 23 not in force at Royal Assent see s. 108; s. 23 in force at 7.8.2000 for certain purposes in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\), 2\(c\)](#); s. 23 in force at 26.10.2000 in relation to England only for certain purposes by [S.I. 2000/2849](#), [arts. 1\(3\), 2\(c\)](#); s. 23 in force at 1.11.2000 in relation to Wales for certain purposes by [S.I. 2000/2948](#), [art. 2](#); s. 23 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

## 24 Absence of requirement for political balance.

Neither—

- (a) a local authority executive, nor
- (b) a committee of a local authority executive,

is to be regarded as a body to which section 15 of the <sup>M9</sup>Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.

### Commencement Information

**I11** S. 24 wholly in force at 28.7.2001; s. 24 not in force at Royal Assent see s. 108; s. 24 in force at 26.10.2000 in relation to England only by [S.I. 2000/2849](#), [arts. 1\(3\), 2\(a\)](#); s. 24 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

### Marginal Citations

**M9** 1989 c. 42.

**Status:**

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