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STATUTORY INSTRUMENTS

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**2001 No. 2237**

**The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001**

**Delegation**

**36.** In section 38 of the Greater London Authority Act 1999 (delegation)—

- (a) in subsection (4), for “Where” there shall be substituted “Subject to subsection (5A), where”;
- (b) in subsection (5), for “Subsection” there shall be substituted the words “Subject to subsection (5A), subsection”;
- (c) after subsection (5), there shall be inserted—

“(5A) Where, by virtue of an authorisation under subsection (1) above, a duty is exercisable by a local authority which are operating executive arrangements—

- (a) that duty shall be treated as a function of that local authority for the purposes of section 13 of the Local Government Act 2000; and
- (b) if, or to the extent that, that duty is a function which is the responsibility of the executive of that authority—
  - (i) subsections (4) and (5) above shall not apply; and
  - (ii) sections 14 to 16 of the Local Government Act 2000 and any regulations made under sections 17 to 20 of that Act shall apply except to the extent that the terms of the authorisation or any conditions imposed by the Mayor under subsection (1) above otherwise provide.”; and

(d) after subsection (10), there shall be added—

“(11) For the purposes of this section “executive” and “executive arrangements” have the same meaning as in Part II of the Local Government Act 2000.”.