



Local Government Act 1974

1974 CHAPTER 7

PART III **E+W**

LOCAL GOVERNMENT ADMINISTRATION

25 Authorities subject to investigation. **E+W**

- (1) This Part of this Act applies to [^{F1}the following authorities]—
- (a) any local authority,
 - ^{F2}[(aaa) the Greater London Authority;]
 - (aa)
 - ^{F3}(ab) a National Park authority [^{F4}for a National Park in England] ;]
 - (b) any joint board the constituent authorities of which are all local authorities,
 - ^{F5}^{F6}(ba)
 - (bb) any development corporation established for the purposes of a new town,
 - ^{F7}[the London Development Agency;]
 - (bbb)
 - (bc)
 - (bd) any urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980 [^{F8}for an urban development area in England] ,]
 - ^{F9}(be) any housing action trust established under Part III of the Housing Act 1988][^{F10}for a designated area in England]
 - ^{F11}(bf) the [^{F12}Homes and Communities] Agency;]
 - ^{F13}^{F14}(bg) a fire and rescue authority [^{F15}in England] constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;]
 - ^{F16}(c) any joint authority established by Part IV of the Local Government Act 1985;
 - ^{F17}[the London Fire and Emergency Planning Authority;]
 - (cza)

Status: Point in time view as at 17/12/2009. This version of this provision has been superseded.

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- ^{F18}(ca) [any police authority established under ^{F19}section 3 of the Police Act 1996][^{F20}for a police area in England] ;]
- ^{F21}[the Metropolitan Police Authority;]
- ^{F22}[
- (caa) [the Service Authority for the National Crime Squad;]]
- ^{F23}(caa) [
- (cb)]^{F24}[^{F25} . . .]
- ^{F26}[(cc) Transport for London; [^{F27}and]]
- ^{F28}[(cd) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);]
- ^{F29}(ce) any economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
- (cf) any combined authority established under section 103 of that Act;]
- ^{F30}(d) in relation to the flood defence functions of the Environment Agency, within the meaning of the Water Resources Act 1991, the Environment Agency and any regional flood defence committee [^{F31}for an area wholly or partly in England] ;]
- ^{F32},and
- (e) the London Transport Users’ Committee.]

(2) Her Majesty may by Order in Council provide that this Part of this Act shall also apply, subject to any modifications or exceptions specified in the Order, to any authority specified in the Order, being an authority which is established by or under an Act of Parliament, and which has power to levy a rate, or to issue a precept.

(3) An Order made by virtue of subsection (2) above may be varied or revoked by a subsequent Order so made and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any reference to an authority to which this Part of this Act applies includes a reference—

- (a) to the members and officers of that authority, and
- ^{F33}(b) to a committee or sub-committee of that authority (including a joint committee or joint sub-committee on which the authority are represented),]
- ^{F33}(c)
- ^{F33}and (for the avoidance of doubt) subsections (4ZA) to (5) apply for the purposes of this subsection.]

^{F34}(4ZA) Any reference to an authority to which this Part of this Act applies also includes, in the case of a local authority operating executive arrangements, the executive.]

^{F35}[(4A) Any reference to an authority to which this Part of this Act applies also includes, in the case of the Greater London Authority, a reference to each of the following—

- (a) the London Assembly;
- ^{F36}(b)
- ^{F37}(c)]

^{F38F39}[(4B)]

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[^{F40}(5) Any reference to an authority to which this Part of this Act applies also includes a reference to—

^{F41}(a)

^{F42}(b)

[^{F43}(c) an admission appeal panel constituted [^{F44} by the authority] in accordance with regulations under section 94(5) or 95(3) of [^{F45}the School Standards and Framework Act 1998] ,]

(d) the governing body of any community, foundation or voluntary school [^{F46} maintained by the authority] so far as acting in connection with the admission of pupils to the school or otherwise performing any of their functions under Chapter I of Part III of that Act.][^{F47}and

(e) an exclusion appeal panel constituted [^{F48} by the authority] in accordance with regulations under section 52 of the Education Act 2002.]

[^{F49}(6) Subsection (7) has effect where an authority to which this Part of this Act applies exercise a function entirely or partly by means of an arrangement with another person.

(7) For the purposes of this Part of this Act, action taken by or on behalf of the other person in carrying out the arrangement shall be treated as action taken—

(a) on behalf of the authority, and

(b) in the exercise of the authority's function.

(8) Subsection (7) does not have effect where, by virtue of another enactment, the action would be treated as action taken by the authority.]

Textual Amendments

F1 Words inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 29, **Sch. 3 para. 4**

F2 S. 25(1)(aaa) inserted (8.5.2000) by 1999 c. 29, s. 74(2) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(b), **Sch. Pt. 2**

F3 S. 25(1)(ab) inserted (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 18(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7, Sch. 23 para. 12)

F4 Words in s. 25(1)(ab) inserted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 10(a)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)

F5 S. 25(1)(ba) omitted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 8 para. 18(2)(a), **Sch. 16**; S.I. 2008/3068, **art. 2(1)(w)(3)** (with arts. 6-13)

F6 S. 25(1)(ba)–(bd) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 29, **Sch. 3 para. 4**

F7 S. 25(1)(bbb) inserted (8.5.2000) by 1999 c. 29, s. 394(1)(2), (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**

F8 Words in s. 25(1)(bd) inserted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 10(b)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)

F9 S. 25(1)(be) inserted by Housing Act 1988 (c. 50, SIF 61), s. 140(1), **Sch. 17 para. 19**

F10 Words in s. 25(1)(be) inserted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 10(c)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)

F11 S. 25(1)(bf) inserted (10.11.1993) by 1993 c. 28, s. 187(1), **Sch. 21 para. 6(1)**; S.I. 1993/2762, **art. 3**.

F12 Words in s. 25(1)(bf) substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 8 para. 18(2)(b); S.I. 2008/3068, **art. 2(1)(w)(3)** (with arts. 6-13)

F13 S. 25(1)(bg) inserted (19.12.2000 with application in relation to England and to police authorities in Wales and 28.7.2001 otherwise) by 2000 c. 22, ss. 107, 108(4)-(6), **Sch. 5 para. 14**; S.I. 2000/3335, **art. 2**

F14 S. 25(1)(bg) substituted (1.10.2004 except in relation to W., 10.11.2004 in relation to W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 42**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

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- F15** Words in s. 25(1)(bg) inserted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 10(d)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F16** S. 25(1)(c)(ca)(cb) substituted for s. 25(1)(c) by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. II para. 51(a)**
- F17** S. 25(1)(cza) inserted (8.5.2000) by 1999 c. 29, s. **394(1)(3)**, (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- F18** S. 25(1)(ca) substituted (1.10.1994 for specified purposes and otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 16**; S.I. 1994/2025 art. 6(1)(2)(e)(g) (with art. 6(3)-(6)); S.I. 1995/3262, art. 4(1), **Sch.** (with arts. 4(2)-(8), 5)
- F19** Words in s. 25(1)(ca) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 1(2)(j)**
- F20** Words in s. 25(1)(ca) inserted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 10(e)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F21** It is provided that s. 25(1)(caa) is inserted (8.5.2000) by 1999 c. 29, s. **394(1)(4)**, (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- F22** S. 25(1)(caa) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, Sch. 6 Pt. 2 para. 33, **Sch. 7 Pt. 5(1)**, S.I. 2002/344, art. 3(k)(m) (with transitional provisions in art. 4)
- F23** S. 25(1)(caa) inserted (1.4.1998) by 1997 c. 50, s. 88, **Sch. 6 para. 11**; S.I. 1998/354, art. **2(1)(2)(au)(az)**
- F24** S. 25(1)(cb) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F25** Word in s. 25(1)(cb) repealed (3.7.2000) by 1999 c. 29, s. 423, **Sch. 34 Pt. IX** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F26** S. 25(1)(CC) inserted (8.5.2000) by 1999 c. 29, s. **394(1)(5)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- F27** Word “and” preceding para. (d) in s. 25(1) repealed (3.7.2000) by 1999 c. 29, ss. 247(7), 423, Sch. 18 para. 16(1)(2)(a), **Sch. 34 Pt. IV** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F28** S. 25(1)(cd) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 13 para. 31(2)**; S.I. 2008/917, art. 2(1)(p)
- F29** S. 25(1)(ce)(cf) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 41(2)**; S.I. 2009/3318, art. 2(c)
- F30** S. 25(1)(d) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 18** (with ss. 7(6), 115, 117, Sch. 23 para. 12); S.I. 1996/186, art. **3**
- F31** Words in s. 25(1)(d) inserted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 10(f)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F32** S. 25(1)(e) and word “and” immediately preceding it inserted (3.7.2000) by 1999 c. 29, s. 247(7), **Sch. 18 para. 16(1)(2)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F33** S. 25(4)(b) and words substituted for s. 25(4)(b)(c) (1.4.2008 in relation to matters coming to the attention of the Commission on or after 1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. **172(2)**, 245(5); S.I. 2008/917, art. 2(1)(i) (with art. 6(5))
- F34** S. 25(4ZA) inserted (1.4.2008 in relation to matters coming to the attention of the Commission on or after 1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. **172(3)**, 245(5); S.I. 2008/917, art. 2(1)(i) (with art. 6(5))
- F35** S. 25(4A) inserted (8.5.2000) by 1999 c. 29, s. **74(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(b), **Sch. Pt. 2**
- F36** S. 25(4A)(b) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 172(4), 245(5), **Sch. 18 Pt. 14**; S.I. 2008/917, art. 2(1)(i)(ii)(v) (with art. 6(5))
- F37** S. 25(4A)(c) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 172(4), 245(5), **Sch. 18 Pt. 14**; S.I. 2008/917, art. 2(1)(i)(ii)(v) (with art. 6(5))
- F38** S. 25(4B) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 172(5), 245(5), **Sch. 18 Pt. 14**; S.I. 2008/917, art. 2(1)(i)(ii)(v) (with art. 6(5))
- F39** S. 25(4B) inserted (3.7.2000) by 1999 c. 29, s. 247(7), **Sch. 18 para. 16(1)(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

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- F40** S. 25(5) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 4(2), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F41** S. 25(5)(a) repealed (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 2(a), **Sch. 18 Pt. 3**; S.I. 2007/935, art. 7(o)(q)
- F42** S. 25(5)(b) repealed (20.1.2003 for E., 9.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/2961, art. 7, Sch. Pt. IV
- F43** S. 25(5)(c) substituted (20.1.2003 for E., 31.5.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 2(a)** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2005/1395, art. 4, 5(3)(4), Sch.
- F44** Words in s. 25(5)(c) inserted (1.4.2008 in relation to matters coming to the attention of the Commission on or after 1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 172(6)(a)**, 245(5); S.I. 2008/917, art. 2(1)(i) (with art. 6(5))
- F45** Words in s. 25(5)(c) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 2(b)**; S.I. 2007/935, art. 7(o)
- F46** Words in s. 25(5)(d) inserted (1.4.2008 in relation to matters coming to the attention of the Commission on or after 1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 172(6)(b)**, 245(5); S.I. 2008/917, art. 2(1)(i) (with art. 6(5))
- F47** S. 25(5)(e) and word inserted (20.1.2003 for E., 9.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 2(b) (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/2961, art. 7, Sch. Pt. IV
- F48** Words in s. 25(5)(e) inserted (1.4.2008 in relation to matters coming to the attention of the Commission on or after 1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 172(6)(c)**, 245(5); S.I. 2008/917, art. 2(1)(i) (with art. 6(5))
- F49** S. 25(6)-(8) inserted (1.4.2008 in relation to matters coming to the attention of the Commission on or after 1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 172(7)**, 245(5); S.I. 2008/917, art. 2(1)(i) (with art. 6(5))

Modifications etc. (not altering text)

- C1** S. 25(1)(c) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(k)** and by S.I. 1989/1815, art. 2, **Sch. 1 para. 6(b)**
- C2** S. 25(1)(c) extended by S.I. 1987/2110, art. 2(2), **Sch. 2 para. 8(h)**

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