



Greater London Authority Act 1999

1999 CHAPTER 29

PART II

GENERAL FUNCTIONS AND PROCEDURE

Functions exercisable by the Mayor

38 Delegation.

- (1) Any function exercisable on behalf of the Authority by the Mayor shall also be exercisable on behalf of the Authority by any of the bodies or persons specified in subsection (2) below, if or to the extent that the Mayor so authorises, whether generally or specially, and subject to any conditions imposed by the Mayor.
- (2) Those bodies and persons are—
 - (a) the Deputy Mayor;
 - (b) any member of staff of the Authority;
 - (c) Transport for London;
 - (d) the London Development Agency;
 - (e) the Common Council;
 - (f) any local authority.
- (3) In the case of the Common Council or a local authority, an authorisation under this section—
 - (a) may only be granted or varied with its written consent; and
 - (b) shall cease to have effect if notice of the withdrawal of that consent is given to the Mayor.
- (4) Where, by virtue of an authorisation under subsection (1) above, a duty is exercisable by any of the bodies or persons specified in subsection (2) above, that body or person shall discharge the duty in accordance with the authorisation and any conditions imposed by the Mayor under subsection (1) above.

Status: Point in time view as at 22/01/2001.

Changes to legislation: Greater London Authority Act 1999, Cross Heading: Functions exercisable by the Mayor is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Subsection (4) above is without prejudice to the exercise by the body or person concerned of any power to arrange for the discharge of functions by—
- (a) a committee or sub-committee, or a member, officer or employee, of the body or person, or
 - (b) a joint committee on which the body or person is represented,
- except to the extent that the terms of the authorisation or any conditions imposed by the Mayor under subsection (1) above otherwise provide.
- (6) Subsection (1) above does not apply—
- (a) in relation to functions under this section;
 - (b) in relation to any function of making appointments under subsection (1) of section 67 below (which, subject to the provisions of Schedule 4 to this Act, shall be exercisable only by the Mayor); or
 - (c) in relation to any function under Part X below (in relation to which provision for delegation is made under that Part).
- (7) Each of the following bodies, namely—
- (a) Transport for London,
 - (b) the London Development Agency,
 - (c) the Common Council,
 - (d) any local authority,
- shall have power to exercise functions on behalf of the Authority in accordance with this section, whether or not they would have power to do so apart from this subsection and irrespective of the nature of the function.
- (8) Subsections (3) and (4) of section 101 of the ^{M1}Local Government Act 1972 (delegation of functions to committees, officers etc, and continued exercise by local authority concerned) shall apply in relation to any authorisation under subsection (1) above given by the Mayor—
- (a) to a local authority,
 - (b) to Transport for London, or
 - (c) to the London Development Agency,
- as they apply to arrangements under that section between one local authority and another.
- (9) An authorisation under this section may be varied or revoked at any time by the Mayor.
- (10) Any authorisation under this section, and any variation or revocation of such an authorisation, must be in writing.

Marginal Citations

M1 1972 c. 70.

39 Exercise of functions by joint committees.

- (1) Where any functions exercisable on behalf of the Authority by the Mayor are, by virtue of an authorisation under section 38(1) above, also exercisable by one or more local authorities, the Mayor and those authorities may enter into arrangements under

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section 101(5) of the ^{M2}Local Government Act 1972 for the joint discharge of the functions by a joint committee.

(2) Where—

- (a) a statutory function of the Authority is exercisable, or has been exercised, by the Mayor acting on behalf of the Authority, and
- (b) the exercise, or any particular exercise, of that function will or may affect, or be affected by, the exercise, or any particular exercise, of statutory functions of local authorities (whether or not the functions are the same in the case of each such authority),

the Mayor and those authorities may enter into arrangements under section 101(5) of the ^{M3}Local Government Act 1972 for the joint exercise of any of the statutory functions mentioned in paragraph (a) or (b) above by a joint committee, as if those functions were exercisable by the Mayor acting on behalf of the Authority and by each local authority.

- (3) For the purposes of subsection (2) above, the exercise of a function shall be taken to affect, or be affected by, the exercise of another function if the functions are exercisable for the same, or for similar or connected, purposes or in relation to the same, or similar or connected, subject matter.
- (4) For the purposes of subsections (1) and (2) above, sections 101(5) and 102 to 106 of the ^{M4}Local Government Act 1972 shall have effect as if the Authority acting by the Mayor were a local authority.
- (5) Any arrangements made by virtue of subsection (1) or (2) above for the discharge of any functions by a joint committee (or by a sub-committee of a joint committee) shall not prevent the Mayor or any local authority, or the joint committee by whom the arrangements are made, from exercising the functions.
- (6) A person who is disqualified under section 21 above from being elected or being the Mayor or an Assembly member, otherwise than by reason only of being a member of staff of the Authority, shall be disqualified from being a member of a joint committee established by virtue of subsection (1) or (2) above or of any sub-committee of such a committee.
- (7) Subject to that, the Mayor or any other individual may be appointed as a representative of the Authority on any joint committee established by virtue of subsection (1) above and any such representative may be appointed as a member of any sub-committee of such a joint committee.
- (8) Any reference in this section to a local authority includes a reference to the Common Council.

Marginal Citations

- M2** 1972 c. 70.
M3 1972 c. 70.
M4 1972 c. 70.

40 Contracting out.

- (1) Part II of the ^{M5}Deregulation and Contracting Out Act 1994 (contracting out) shall be amended as follows.

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- (2) In section 70 (functions of local authorities) in subsection (1)(b), after section 56 of the Local Government (Scotland) Act 1973 there shall be inserted “ or section 38 or 380 of the Greater London Authority Act 1999 ”.
- (3) After subsection (5) of that section (which implies certain terms into arrangements under section 101 of the ^{M6}Local Government Act 1972 etc) there shall be inserted—
- “(6) Any reference in subsection (5) above to arrangements under section 101 of the ^{M7}Local Government Act 1972 includes a reference to an authorisation under section 38 or 380 of the Greater London Authority Act 1999.”
- (4) In section 79(1) (interpretation of Part II) in the definition of local authority, in paragraph (a), after London borough council, there shall be inserted “ the Greater London Authority acting through the Mayor of London, ”.

Marginal Citations

- M5** 1994 c. 40.
M6 1972 c. 70.
M7 1972 c. 70.

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