



Greater London Authority Act 1999

1999 CHAPTER 29

PART II U.K.

GENERAL FUNCTIONS AND PROCEDURE

Staff

73 Monitoring officer. E+W+S

[^{F1}(1) The Mayor and the Assembly, acting jointly, shall appoint a person to be the Authority's monitoring officer.

(1A) Section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer) shall apply in relation to the Authority as if—

- (a) the person appointed under subsection (1) above were a person designated under subsection (1)(a) of that section;
- (b) the Authority were a relevant authority for the purposes of that section; and
- (c) the Mayor and Assembly members were members of that authority.

(1B) Any appointment under subsection (1) above is an appointment as an employee of the Authority and—

- (a) section 7 of the Local Government and Housing Act 1989 (staff to be appointed on merit) shall apply in relation to any such appointment as if the Authority were a local authority;
- (b) section 8 of that Act (duty to adopt standing orders with respect to staff) shall apply in relation to a person appointed under subsection (1) above as if the Authority were a relevant authority.

(1C) The terms and conditions of employment of the person appointed under subsection (1) above (including conditions as to remuneration) are to be such as the Mayor and the Assembly acting jointly think fit.]

[^{F2}(2) A person must not at the same time be both—

- (a) the Authority's monitoring officer appointed under subsection (1) above, and

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(b) a member of staff appointed under section 67(1) above.]

(3) In the application of section 5 of the ^{M1}Local Government and Housing Act 1989 in relation to the Authority by virtue of [^{F3}subsection (1A)] above, the following provisions shall have effect.

^{F4}(4)

(5) The duty imposed by subsection (1)(b) (provision of staff, accommodation etc for the monitoring officer)—

(a) so far as relating to the provision of staff, [^{F5}shall be discharged by the head of the Authority's paid service after consultation with the Mayor and the Assembly]; and

(b) so far as relating to the provision of accommodation or other resources, shall be discharged by the Mayor.

(6) For subsection (2) there shall be substituted—

“(2) It shall be the duty of the Greater London Authority’s monitoring officer, if at any time it appears to him that any proposal, decision or omission of a GLA body or person has given rise to, or is likely to or would give rise to—

(a) a contravention by that or any other GLA body or person of any enactment or rule of law or of any code of practice made or approved by or under any enactment, or

(b) any such maladministration or [^{F6} failure] as is mentioned in Part III of the ^{M2}Local Government Act 1974 (Local Commissioners),

[^{F7}(ba) a Mayoral development corporation, when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;]

to prepare a report to the Mayor and the Assembly with respect to that proposal, decision or omission.

In this subsection GLA body or person means—

(a) the Greater London Authority;

(b) Transport for London, when exercising any function of the Greater London Authority by virtue of section 38 of the Greater London Authority Act 1999;

^{F8}(c)

[^{F9}(ca) the Homes and Communities Agency, when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;]

(d) the Mayor of London;

(e) the London Assembly;

(f) any committee or sub-committee of the London Assembly;

(g) any committee or sub-committee of Transport for London ^{F8}... when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 ^{F8}... of the Greater London Authority Act 1999;

[^{F10}(ga) any committee or sub-committee of a Mayoral development corporation when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;]

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- [^{F11}(gb) any committee or sub-committee of the Homes and Communities Agency when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;]
- (h) any joint committee to which the Mayor of London has power to appoint members (whether or not the power is the subject of an authorisation under section 38(1) of the Greater London Authority Act 1999);
- (j) the Deputy Mayor of London;
- (k) any member of the London Assembly;
- (l) any member of staff of the Greater London Authority;
- (m) any member, or member of staff, of Transport for London ^{F8}... when exercising, or acting in the exercise of, any function of the Greater London Authority in consequence of an authorisation under section 38 ^{F8}... of the Greater London Authority Act 1999;
- [^{F12}(ma) any member, or member of staff, of a Mayoral development corporation when exercising, or acting in the exercise of, any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;]
- [^{F13}(mb) any member, or member of staff, of the Homes and Communities Agency when exercising, or acting in the exercise of, any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;]

and in the above definition of GLA body or person any reference to a member of staff of a body includes a reference to an officer or employee of that body.”

- (7) The duties imposed on the Authority by subsection (5) (to consider any report and to ensure that during the period of suspension no step is taken for giving effect to any proposal or decision to which the report relates)—
- (a) so far as relating to a proposal, decision or omission of a GLA body or person in the case of a function of the Authority exercisable by the Mayor (or, by virtue of an authorisation under section 38(1) above [^{F14}or section 380 below], by a GLA body or person), shall be discharged by the Mayor;
 - (b) so far as relating to a proposal, decision or omission of a GLA body or person in the case of a function of the Authority exercisable by the Assembly (or, by virtue of arrangements under section 54 above, by a GLA body or person), shall be discharged by the Assembly; and
 - (c) so far as relating to a proposal, decision or omission of a GLA body or person in the case of a function of the Authority exercisable by the Mayor and the Assembly acting jointly, shall be discharged separately—
 - (i) by the Mayor, as if the case fell within paragraph (a) above, and
 - (ii) by the Assembly, as if the case fell within paragraph (b) above.
- (8) Accordingly—
- (a) in its application in relation to the Mayor by virtue of subsection (7)(a) or (c)(i) above, paragraph (a) of subsection (5) shall have effect with the substitution for the words “ at a meeting held not more than ” of within; and
 - (b) in the application of that paragraph by virtue of subsection (7)(b) or (c)(ii) above, the meeting required to be held shall be a meeting of the Assembly.

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- (9) In paragraph (b) of subsection (5), the reference to section 115 of the ^{M3}Local Government and Housing Act 1989 (duties in respect of conduct involving contraventions of financial obligations) shall include a reference to section 115A of that Act (which is inserted by section 131(9) below and makes provision in relation to the Mayor and the Assembly).
- (10) Where by virtue of subsection (7) above the Mayor or the Assembly is under a duty to consider a report, the Mayor or the Assembly in discharging that duty shall take account of any views on the report which have been expressed by the other of them in a statement submitted—
- (a) by the Assembly to the Mayor; or
 - (b) by the Mayor to the Chair of the Assembly.
- (11) Standing orders of the Authority shall make provision for or in connection with—
- (a) the period within which any statement by virtue of subsection (10) above must be submitted;
 - (b) the consideration of any such statement by the Mayor or, as the case may be, the Assembly;
 - (c) the period within which any meeting of the Assembly required by subsection (5) by virtue of subsection (7)(b) or (c)(ii) above must, or must not, be held.
- (12) Neither section 38 above [^{F15}, section 54 above nor section 380 below] shall apply in relation to the duty imposed on the Mayor or the Assembly by virtue of subsection (7) above to consider a report.

Textual Amendments

- F1** S. 73(1)-(1C) substituted for s. 73(1) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 9(2), 59(7)** (with s. 9(6)-(8)); S.I. 2008/113, art. 2(a)
- F2** S. 73(2) substituted (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 9(3), 59(7)** (with s. 9(6)-(8)); S.I. 2008/113, art. 2(a)
- F3** Words in s. 73(3) substituted (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 9(4), 59(7)** (with s. 9(6)-(8)); S.I. 2008/113, art. 2(a)
- F4** S. 73(4) repealed (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 9(5), 59(7), Sch. 2** (with s. 9(6)-(8)); S.I. 2008/113, art. 2(a)(m)
- F5** Words in s. 73(5)(a) substituted (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 7(4), 59(7)** (with s. 7(5)-(7)); S.I. 2008/113, art. 2(a)
- F6** Word in s. 73(6) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 16**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F7** Words in s. 73(6) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 49(2)**
- F8** Words in s. 73(6) repealed (31.3.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 32**; S.I. 2012/628, art. 4(d)
- F9** Words in s. 73(6) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 38(2)**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)
- F10** Words in s. 73(6) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 49(3)**
- F11** Words in s. 73(6) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 38(3)**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)
- F12** Words in s. 73(6) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 49(4)**
- F13** Words in s. 73(6) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 38(4)**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)
- F14** Words in s. 73(7)(a) inserted (27.5.2000) by S.I. 2000/1435, art. 2, **Sch. Pt. 1 para. 5(1)(3)**

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F15 Words in s. 73(12) substituted (27.5.2000) by S.I. 2000/1435, art. 2, **Sch. Pt. 1 para. 5(1)(4)**

Modifications etc. (not altering text)

- C1** Ss. 70, 71, 73-75 applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, **s. 52J** (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, **Sch. 1 para. 1**)
- C2** Ss. 70-75 restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, **s. 52U(2)-(11)** (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, **Sch. 1 para. 1**)

Marginal Citations

- M1** 1989 c. 42.
M2 1974 c. 7.
M3 1989 c. 42.

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