



Local Government Act 2000

2000 CHAPTER 22

[^{F1}PART 1A

ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND

CHAPTER 2

EXECUTIVE ARRANGEMENTS

[^{F1}Overview and scrutiny committees

Textual Amendments

- F1** Pt. 1A inserted (3.12.2011 for specified purposes, 15.1.2012 for the insertion of Pt. 1A Ch. 4 so far as not already in force and ss. 9B, 9C and 9R for specified purposes, 9.3.2012 for the insertion of ss. 9H-9HE in so far as not already in force and s. 9R for specified purposes, 4.5.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 2 para. 1; S.I. 2011/2896, art. 2\(e\); S.I. 2012/57, art. 4\(1\)\(b\) \(with arts. 6, 7, 9-11\); S.I. 2012/628, art. 2\(a\); S.I. 2012/1008, art. 4\(b\)](#)

9F ^{F1}Overview and scrutiny committees: functions

- (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 Chapter as overview and scrutiny committees).
- (2) Executive arrangements by a local authority must ensure that its overview and scrutiny committee has power (or its overview and scrutiny committees, 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,

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- (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,
 - (f) ^[F2]in the case of the overview and scrutiny committee, or committees, of an authority to which section 244 of the National Health Service Act 2006 applies—
 - (i) to review and scrutinise, in accordance with regulations under that section, matters relating to the health service (within the meaning given by that Act as extended by that section) in the authority's area, and
 - (ii) to make reports and recommendations on such matters in accordance with the regulations.]
- (3) In subsection (2) “joint overview and scrutiny committee”, in relation to a local authority (“the authority concerned”), means—
- (a) ^[F3]a joint overview and scrutiny committee within the meaning given by subsection (2)(a) of section 245 of the National Health Service Act 2006 appointed by the authority concerned and one or more other local authorities,]
 - (b) ^[F4]an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given by subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section, or]
 - (c) a joint overview and scrutiny committee within the meaning of section 123 of the Local Government and Public Involvement in Health Act 2007 (joint overview and scrutiny committees) appointed by two or more local authorities including the authority concerned.
- (4) 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.
- (5) An overview and scrutiny committee of a local authority may not discharge any functions other than—
- (a) its functions under this section and sections 9FA to 9FI, ^[F5]or]
 - (b) its functions under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters)^[F6]or
 - (c) any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters).]

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Textual Amendments

- F2** S. 9F(2)(f) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(10)(a)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F3** S. 9F(3)(a) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(10)(b)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** S. 9F(3)(b) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(10)(b)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Word in s. 9F(5) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(10)(c)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** S. 9F(5)(c) and word inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(10)(c)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

Modifications etc. (not altering text)

- C1** S. 9F applied (with modifications) by 2006 c. 41, s. 247A(3)(b)(4) (as inserted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 78**; S.I. 2012/1008, art. 4(b))

9FA ^{F1}Overview and scrutiny committees: supplementary provision

- (1) 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.
- (2) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under subsection (1)(b).
- (3) 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.
- (4) 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.
- (5) Subject to any provision made by or under paragraphs 6 to 8 of Schedule A1 and to section 20(6) of the Police and Justice Act 2006, any persons who are not members of the local authority are not entitled to vote at any meeting of its overview and scrutiny committee, or any sub-committee of such a committee, on any question which falls to be decided at that meeting, unless permitted to do so under paragraphs 11 and 12 of that Schedule.
- (6) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, is to be treated—
 - (a) as a committee or sub-committee of a principal council for the purposes of Part 5A of the 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 Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.

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- (7) Subsections (2) and (5) of section 102 of the Local Government Act 1972 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.
- (8) 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,
 - (b) 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 by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
 - (c) may invite other persons to attend meetings of the committee.
- (9) It is the duty of any member or officer mentioned in paragraph (a) or (b) of subsection (8) to comply with any requirement mentioned in that paragraph.
- (10) A person is not obliged by subsection (9) to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.
- (11) In exercising, or deciding whether to exercise, any of its functions an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Secretary of State.
- (12) Guidance under subsection (11) may make different provision for different cases or for different descriptions of committee or sub-committee.

Modifications etc. (not altering text)

- C2** S. 9FA applied (with modifications) by 2006 c. 41, s. 247(3A) (as inserted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 77\(4\)](#); S.I. 2012/1008, art. 4(b))
- C3** S. 9FA applied (with modifications) by 2006 c. 41, s. 247A(3)(c)(4) (as inserted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 78](#); S.I. 2012/1008, art. 4(b))

9FB ^{F1}**Scrutiny officers**

- (1) Subject as follows, a local authority must designate one of its officers to discharge the functions in subsection (2).
- (2) Those functions are—
- (a) to promote the role of the authority's overview and scrutiny committee or committees,
 - (b) to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees,
 - (c) to provide support and guidance to—
 - (i) members of the authority,
 - (ii) members of the executive of the authority, and
 - (iii) officers of the authority,
in relation to the functions of the authority's overview and scrutiny committee or committees.

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- (3) An officer designated by a local authority under this section is to be known as the authority's "scrutiny officer".
- (4) A local authority may not designate any of the following under this section—
 - (a) the head of the authority's paid service designated under section 4 of the Local Government and Housing Act 1989;
 - (b) the authority's monitoring officer designated under section 5 of that Act;
 - (c) the authority's chief finance officer, within the meaning of that section.
- (5) The duty in subsection (1) does not apply to a district council for an area for which there is a county council.
- (6) In this section, references to an overview and scrutiny committee include any sub-committee of that committee.

9FC ^{F1}**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) enables any member of the authority to refer to an overview and scrutiny committee of the authority of which the member of the authority is not a member any matter which is relevant to the functions of the committee and is not an excluded matter.
- (2) For the purposes of subsection (1), provision enables a person to refer a matter to a committee or sub-committee if it enables the person 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 a member of an authority has by virtue of subsection (1)(c) in any case, the member must have regard to any guidance for the time being issued by the Secretary of State.
- (4) Guidance under subsection (3) may make different provision for different cases.
- (5) In subsection (1)(c) "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 Secretary of State for the purposes of this section.

9FD ^{F1}**Dealing with references under section 9FC(1)(c)**

- (1) This section applies where a matter is referred to an overview and scrutiny committee by a member of a local authority in accordance with provision made pursuant to section 9FC(1)(c).

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- (2) In considering whether or not to exercise any of its powers under section 9F(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 section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
 - (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 9F(2) in relation to the matter.
- (3) 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.
- (4) 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 9F(2) in relation to the matter.
- (5) Subsection (4) is subject to section 9FG (confidential and exempt information).

9FE ^{F1}**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 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.
- (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, 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, and
 - (d) if the overview and scrutiny committee provided a copy of the report or recommendations to a member of the authority under section 9FD(4), to provide the member with a copy of the response.
- (4) The notice served under subsection (3) must require the authority or executive to comply with it within two months beginning with the date on which the authority or executive received the report or recommendations or (if later) the notice.
- (5) 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.
- (6) Subsections (2) and (5) are subject to section 9FG and to any provision made under section 9GA(8) (confidential and exempt information).
- (7) In this section—

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- (a) references to an overview and scrutiny committee include references to a sub-committee of such a committee;
- (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.

9FF ^{F1}**Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities**

- (1) This section applies where—
 - (a) a relevant committee makes a report or recommendations to the authority or the executive, otherwise than—
 - (i) 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
 - (ii) by virtue of subsection (3)(a) of that section, and
 - (b) the report or any of the recommendations relates to functions of a relevant partner authority so far as exercisable in relation to—
 - (i) the authority's area, or
 - (ii) the inhabitants of that area.
- (2) The relevant committee may by notice in writing to the relevant partner authority require the relevant partner authority to have regard to the report or recommendation in question in exercising its functions.
- (3) A notice under subsection (2) must be accompanied by a copy of the report or recommendations.
- (4) It is the duty of a relevant partner authority to which a notice is given under subsection (2) to comply with the requirement specified in the notice.
- (5) Subsection (2) does not apply if—
 - (a) the relevant partner authority is a health service body, and
 - (b) either—
 - (i) the relevant committee is a non-unitary district council committee, or
 - (ii) by virtue of section 244 of the National Health Service Act 2006, the report was, or the recommendations were, made to the health service body (as well as to the authority or the executive).
- (6) In subsection (5) “health service body” means—
 - (a) a National Health Service trust,
 - (b) an NHS foundation trust, or
 - (c) a Primary Care Trust.
- (7) Subsections (2) and (3) are subject to section 9FG (confidential and exempt information).
- (8) In this section—
 - “the authority”, in relation to a relevant committee, means—
 - (a) in the case of an overview and scrutiny committee, the local authority by which it is established, and

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- (b) in the case of a sub-committee of an overview and scrutiny committee, the local authority by which the overview and scrutiny committee is established,
 - “the executive”, in relation to a relevant committee, means the executive of the authority,
 - “non-unitary district council committee” means—
 - (a) an overview and scrutiny committee of a district council for a district in a county for which there is a county council, or
 - (b) a sub-committee of such a committee,
 - “relevant committee” means an overview and scrutiny committee or a sub-committee of such a committee,
 - “relevant partner authority”, in relation to a relevant committee other than a non-unitary district council committee, means any person who is a partner authority in relation to the authority for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, other than a chief officer of police, and
 - “relevant partner authority”, in relation to a relevant committee that is a non-unitary district council committee, means—
 - (a) the county council for the county concerned, or
 - (b) any person (other than the district council concerned) who is a partner authority in relation to that county council for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, other than a chief officer of police.

9FG ^{F1}**Publication etc of reports, recommendations and responses: confidential and exempt information**

- (1) This section applies to—
 - (a) the publication under section 9FE 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 9FD(4) or section 9FE, or
 - (ii) to a relevant partner authority under section 9FF,
 by an overview and scrutiny committee or a local authority.
- (2) The overview and scrutiny committee or the local authority, in publishing the document or providing a copy of the document to a relevant partner authority—
 - (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) Subsection (6) applies 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.
- (6) The overview and scrutiny committee is nevertheless to be taken for the purposes of section 9FE(3)(c) or (d) to have published or provided a copy of the report or recommendations.
- (7) In this section, references to relevant exempt information are references to—
- (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.
- (8) 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 9F(2)(f) (national health service functions), or
 - (b) any response to such a report or recommendations,
- also includes information which is exempt information under section 246 of the National Health Service Act 2006, and
- “relevant partner authority”, in relation to an overview and scrutiny committee which is a relevant committee within the meaning of section 9FF, has the same meaning as in that section.
- (9) In this section, references to an overview and scrutiny committee include references to a sub-committee of such a committee.

9FH ^{F1}**Overview and scrutiny committees: flood risk management**

- (1) This section applies to a local authority that operates executive arrangements and that is a lead local flood authority.

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- (2) The arrangements required under section 9F(2) include arrangements to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.
- (3) A risk management authority must comply with a request made by an overview and scrutiny committee, in the course of arrangements under subsection (2), for—
 - (a) information;
 - (b) a response to a report.
- (4) The Secretary of State may make regulations about the duty under subsection (3) which may, in particular, include provision—
 - (a) about the procedure to be followed in relation to requests and compliance with them,
 - (b) about notices to be served in relation to requests,
 - (c) for exemptions from the duty,
 - (d) requiring persons to attend to give information orally,
 - (e) about the nature of the information and responses that may be requested, and
 - (f) about the publication of requests, information and responses.
- (5) A risk management authority must have regard to reports and recommendations of an overview and scrutiny committee made in the course of arrangements under subsection (2).
- (6) Regulations under section 123 of the Local Government and Public Involvement in Health Act 2007 may make provision about the application of this section in relation to joint overview and scrutiny committees.
- (7) Expressions used in this section have the same meaning as in Part 1 of the Flood and Water Management Act 2010.

9FI ^{F1}**Overview and scrutiny committees: provision of information etc by certain partner authorities**

- (1) The Secretary of State may by regulations make provision, in relation to a relevant committee—
 - (a) as to information which relevant partner authorities must provide to the relevant committee, and
 - (b) as to information which may not be disclosed by a relevant partner authority to the relevant committee.
- (2) In subsection (1), references to information do not include information in respect of which provision may be made in exercise of the power conferred by—
 - (a) section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters), or
 - (b) section 244(2)(d) or (e) of the National Health Service Act 2006 (functions of overview and scrutiny committees).
- (3) For the purposes of subsection (1), “relevant committee” and “relevant partner authority” have the meanings given by section 9FF.
- (4) Regulations under this section may make different provision in relation to different persons or committees or descriptions of person or committee.

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- (5) The power conferred by subsection (4) does not affect the power conferred by section 105(2)(b).]

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