



# Local Government Act 2000

## 2000 CHAPTER 22

### PART II

[<sup>F1</sup>LOCAL AUTHORITIES IN WALES: ARRANGEMENTS] WITH RESPECT TO EXECUTIVES ETC.

#### *Executive functions*

#### **13 Functions which are the responsibility of an executive.**

- (1) This section has effect for the purposes of determining the functions of a local authority which are the responsibility of an executive of the authority under executive arrangements.
- (2) Subject to any provision made by this Act or by any enactment which is passed or made after the day on which this Act is passed, any function of a local authority which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements.
- (3) The [<sup>F1</sup>Welsh Ministers] may by regulations make provision for any function of a local authority specified in the regulations—
  - (a) to be a function which is not to be the responsibility of an executive of the authority under executive arrangements,
  - (b) to be a function which may be the responsibility of such an executive under such arrangements, or
  - (c) to be a function which—
    - (i) to the extent provided by the regulations is to be the responsibility of such an executive under such arrangements, and
    - (ii) to the extent provided by the regulations is not to be the responsibility of such an executive under such arrangements.
- (4) Executive arrangements must make provision for any function of a local authority falling within subsection (3)(b)—
  - (a) to be a function which is to be the responsibility of an executive of the authority,

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- (b) to be a function which is not to be the responsibility of such an executive, or
  - (c) to be a function which—
    - (i) to the extent provided by the arrangements is to be the responsibility of such an executive, and
    - (ii) to the extent provided by the arrangements is not to be the responsibility of such an executive.
- (5) The power under subsection (3)(c) or (4)(c) includes power in relation to any function of a local authority—
- (a) to designate any action in connection with the discharge of that function which is to be the responsibility of an executive of a local authority, and
  - (b) to designate any action in connection with the discharge of that function which is not to be the responsibility of such an executive.
- (6) The [<sup>F2</sup>Welsh Ministers] may by regulations specify cases or circumstances in which any function of a local authority which, by virtue of the preceding provisions of this section, would otherwise be the responsibility of an executive of the authority to any extent is not to be the responsibility of such an executive to that or any particular extent.
- (7) A function of a local authority may, by virtue of this section, be the responsibility of an executive of the authority to any extent notwithstanding that section 101 of the <sup>M1</sup>Local Government Act 1972, or any provision of that section, does not apply to that function.
- (8) Any reference in the following provisions of this Part to any functions which are, or are not, the responsibility of an executive of a local authority under executive arrangements is a reference to the functions of the authority to the extent to which they are or (as the case may be) are not, by virtue of this section, the responsibility of the executive under such arrangements.
- (9) Any function which is the responsibility of an executive of a local authority under executive arrangements—
- (a) is to be regarded as exercisable by the executive on behalf of the authority, and
  - (b) may be discharged only in accordance with any provisions made by or under this Part <sup>F3</sup>... [<sup>F4</sup>or under section 56 of the Local Government (Wales) Measure 2011] which apply to the discharge of any such function by that form of executive.
- (10) Accordingly any function which is the responsibility of an executive of a local authority under executive arrangements—
- (a) may not be discharged by the authority,
  - (b) is not to be a function to which section 101(1) of the <sup>M2</sup>Local Government Act 1972 applies, and
  - (c) may be the subject of arrangements made under section 101(5) of that Act only if permitted by any provision made under section 20.
- (11) Subject to any provision made under subsection (12), any function which, under executive arrangements, is not the responsibility of an executive of a local authority is to be discharged in any way which would be permitted or required apart from the provisions made by or under this Part.
- (12) The [<sup>F5</sup>Welsh Ministers] may by regulations make provision with respect to the discharge of any function which, under executive arrangements, is not the responsibility of an executive of a local authority (including provision disapplying section 101 of the <sup>M3</sup>Local Government Act 1972 or any provision of that section).

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(13) Any reference in this section to a function specified in regulations includes a reference to a function of a description specified in regulations.

(14) In this section—

“action” in relation to any function includes any action (of whatever nature and whether or not separately identified by any enactment) involving—

- (a) the taking of any step in the course of, or otherwise for the purposes of or in connection with, the discharge of the function,
- (b) the doing of anything incidental or conducive to the discharge of the function, or
- (c) the doing of anything expedient in connection with the discharge of the function or any action falling within paragraph (a) or (b),

“function” means a function of any nature, whether conferred or otherwise arising before, on or after the passing of this Act.

#### Textual Amendments

- F1** Words in s. 13(3) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 13\(2\)](#); [S.I. 2012/1008](#), art. 4(b)
- F2** Words in s. 13(6) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 13\(3\)](#); [S.I. 2012/1008](#), art. 4(b)
- F3** Words in s. 13(9)(b) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 13\(4\)](#), [Sch. 25 Pt. 4](#); [S.I. 2012/1008](#), art. 4(b)(c)
- F4** Words in s. 13(9)(b) inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [ss. 57\(2\)\(a\)](#), 178(3); [S.I. 2012/1187](#), art. 2(1)(d)
- F5** Words in s. 13(12) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 13\(5\)](#); [S.I. 2012/1008](#), art. 4(b)

#### Modifications etc. (not altering text)

- C1** Pt. II applied in part (with modifications) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), arts. 1, [16\(7\)](#)
- C2** S. 13 modified (26.2.2008) by [The Northumberland \(Structural Change\) Order 2008 \(S.I. 2008/494\)](#), arts. 1, [8\(5\)](#)
- C3** S. 13 modified (26.2.2008) by [The County Durham \(Structural Change\) Order 2008 \(S.I. 2008/493\)](#), arts. 1, [8\(5\)](#)
- C4** S. 13 modified (temp. until 1/4/2009) (26.2.2008) by [The Cornwall \(Structural Change\) Order 2008 \(S.I. 2008/491\)](#), arts. 1, [8\(5\)](#)
- C5** S. 13 modified (temp. until 1/4/2009) (26.2.2008) by [The Shropshire \(Structural Change\) Order 2008 \(S.I. 2008/492\)](#), arts. 1, [8\(5\)](#)
- C6** S. 13 modified (temp. until 1/4/2009) (26.2.2008) by [The Wiltshire \(Structural Change\) Order 2008 \(S.I. 2008/490\)](#), arts. 1, [8\(5\)](#)
- C7** S. 13 modified (temp. until 1/4/2009) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), arts. 1, [9\(5\)](#)
- C8** S. 13 modified (temp.) (25.3.2010) by [The Norwich and Norfolk \(Structural Changes\) Order 2010 \(S.I. 2010/997\)](#), arts. 1, [6\(5\)](#)
- C9** S. 13 modified (temp.) (with effect in accordance with art. 6(1) of the amending S.I.) by [The Exeter and Devon \(Structural Changes\) Order 2010 \(S.I. 2010/998\)](#), arts. 1, [6\(5\)](#)

#### Commencement Information

- I1** S. 13 wholly in force at 28.7.2001; s. 13 not in force at Royal assent see s. 108; s. 13 in force at 7.8.2000 in so far as it confers power to make an order or regulations, give directions, or issue

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guidance in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\), 2\(b\)](#); s. 13 in force at 26.10.2000 in relation to England only except in so far as already in force by [S.I. 2000/2849](#), [arts. 1\(3\), 2\(b\)](#); s. 13(3)(5)(6)(12)-(14) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 13 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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#### **Marginal Citations**

**M1** 1972 c. 70.

**M2** 1972 c. 70.

**M3** 1972 c. 70.

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