



# Local Government Act 2000

## 2000 CHAPTER 22

### PART II

#### ARRANGEMENTS WITH RESPECT TO EXECUTIVES ETC.

##### *Provisions with respect to executive arrangements*

#### **[<sup>F1</sup>21A 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) in the case of a local authority in England, enables any member of the authority to refer to an overview and scrutiny committee of the authority of which he is not a member any local government matter which is relevant to the functions of the committee.
- (2) For the purposes of subsection (1), provision enables a person to refer a matter to a committee or sub-committee if it enables him 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 he has by virtue of subsection (1) (c) in any case, a member of an authority 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) Subsections (6) to (8) apply where a local government matter is referred to an overview and scrutiny committee by a member of a local authority in accordance with provision made pursuant to subsection (1)(c).

*Status: Point in time view as at 12/01/2010. This version of this provision has been superseded.*

*Changes to legislation: Local Government Act 2000, Section 21A is up to date with all changes known to be in force on or before 28 May 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)*

- (6) In considering whether or not to exercise any of its powers under section 21(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 21(2) in relation to the matter.
- (7) 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.
- (8) 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 21(2) in relation to the matter.
- (9) Subsection (8) is subject to section 21D.
- (10) In this section “local government matter”, in relation to a member of a local authority, means a matter which—
- (a) relates to the discharge of any function of the authority,
  - (b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and
  - (c) is not an excluded matter.
- (11) In subsection (10)(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.]

#### **Textual Amendments**

**F1** S. 21A inserted (12.12.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 119, 245(5)**; S.I. 2008/3110, arts. 2(a), 4(a)

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

**C1** Ss. 21A-21D: power to apply conferred by 2007 c. 28, s. 123(5)(b)(ii) (as substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), **ss. 32(1), 148(2)(a)(ii)**)

**Status:**

Point in time view as at 12/01/2010. This version of this provision has been superseded.

**Changes to legislation:**

Local Government Act 2000, Section 21A is up to date with all changes known to be in force on or before 28 May 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.