



National Health Service Act 2006

2006 CHAPTER 41

PART 12

PUBLIC INVOLVEMENT AND SCRUTINY

CHAPTER 3

OVERVIEW AND SCRUTINY COMMITTEES

245 Joint overview and scrutiny committees etc

(1) In this section, “relevant functions”—

- (a) in relation to a local authority operating executive arrangements under Part 2 of the Local Government Act 2000 (c. 22) (“the 2000 Act”), are functions which are, or, but for regulations under this section, would be, exercisable under section 21(2)(f) of that Act by an overview and scrutiny committee of that authority, and
- (b) in relation to a local authority operating alternative arrangements under that Part, are any corresponding functions which are, or, but for regulations under this section, would be, exercisable by a committee of the authority falling within paragraph (b) of section 32(1) of that Act,

and references to an overview and scrutiny committee include references to a committee falling within that paragraph.

(2) Regulations may make provision under which—

- (a) two or more local authorities may appoint a joint committee of those authorities (a “joint overview and scrutiny committee”) and arrange for relevant functions in relation to any (or all) of those authorities to be exercisable by the committee,
- (b) a local authority may arrange for relevant functions in relation to that authority to be exercisable by an overview and scrutiny committee of another local authority,

Status: This is the original version (as it was originally enacted).

- (c) a county council for any area may arrange for one or more of the members of an overview and scrutiny committee of the council for a district comprised in that area to be appointed as—
 - (i) a member of an overview and scrutiny committee of the county council or another local authority, for the purposes of relevant functions of the committee in relation to the county council, or
 - (ii) a member of an overview and scrutiny committee of the county council, for the purposes of relevant functions of the committee in relation to another local authority.
- (3) The regulations may in particular—
 - (a) provide for arrangements to be made only in specified circumstances, or subject to specified conditions or limitations,
 - (b) in relation to joint overview and scrutiny committees, make provision applying, or corresponding to, any provision of—
 - (i) section 21(4) and (6) to (15) of the 2000 Act, or
 - (ii) section 246 of, and Schedule 17 to, this Act, and Schedule 11 to the National Health Service (Wales) Act 2006 (c. 42),
 with or without modifications.
- (4) The regulations may require, or enable the Secretary of State to direct, a local authority—
 - (a) to make arrangements of any description within subsection (2), and
 - (b) to comply with such requirements in connection with the arrangements as may be specified in the regulations or as the Secretary of State may direct.
- (5) In section 244(2) and (3), references to an overview and scrutiny committee include references to a joint overview and scrutiny committee.
- (6) In subsection (2)(c), references to an overview and scrutiny committee of a county council include references to a joint overview and scrutiny committee of the council and another local authority.
- (7) Section 21(4) of the 2000 Act does not apply to the discharge of functions by virtue of arrangements under regulations under subsection (2).
- (8) Section 21(10) of the 2000 Act does not apply to persons who are members of an overview and scrutiny committee by virtue of arrangements under regulations under subsection (2)(c).
- (9) “Local authority” does not include the Common Council of the City of London.