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STATUTORY INSTRUMENTS

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**2001 No. 3961**

**The Local Authorities (Arrangements for the Discharge of Functions) (England) (Amendment) Regulations 2001**

**Members of joint committees**

**3.** In regulation 12 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 (members of joint committees)—

- (a) in paragraph (1), for “paragraphs (2) to (4)”, there shall be substituted “ paragraph (1A) and paragraphs (1D) to (4)”;
- (b) after paragraph (1), there shall be inserted—

“(1A) Subject to paragraph (2), where—

- (a) the joint committee is discharging a function in relation to five or more local authorities; or
- (b) the function which the joint committee is discharging is a function which is required by statute to be discharged by a joint committee<sup>(1)</sup>,

every person appointed to the joint committee in relation to an authority, in accordance with regulation 11, by the authority’s executive, a member of the executive or a committee of the executive shall be a member of that executive or of that authority, and the political balance requirements shall not apply to the appointment of such members.

(1B) A local authority may exercise the function under section 102(3) of the 1972 Act (appointment of persons who are not members of the authority) in relation to a joint committee where members of that committee are appointed by the local authority under section 102(1)(b) of the 1972 Act in accordance with paragraph (3) or (3B) of regulation 11.

(1C) Where arrangements provide for the discharge of functions by a joint committee and one or more, but not all, of the functions to be discharged by that joint committee, in relation to an authority, are the responsibility of the executive of the authority—

- (a) where only one member of the authority is a member of the joint committee, that person may be, but need not be, a member of the executive of the authority; and
- (b) where more than one member of the authority is a member of the joint committee, at least one member of the executive of the authority shall be a member of the joint committee.

(1D) Where—

- (a) arrangements provide for the discharge of functions by a joint committee;
- (b) the functions to be discharged by that joint committee, in relation to an authority, are all the responsibility of the executive of the authority; and

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(1) See, for example, section 73 of the Road Traffic Act 1991 (c. 40) (section 73 was amended by sections 283 and 423 of, and Schedule 34 to, the Greater London Authority Act 1999 (c. 29)).

- (c) the joint committee previously discharged one or more functions in relation to the local authority which were not the responsibility of the executive of the authority,

paragraph (1E) shall apply.

(1E) Where this paragraph applies—

- (a) if sub-paragraph (a) or (b) of paragraph (1A) applies, any member of the joint committee, who was appointed by the local authority and is not a member of the authority or of the executive of the authority, shall cease to be a member of the joint committee;
- (b) if neither sub-paragraph (a) nor (b) of paragraph (1A) applies, any member of the joint committee, who was appointed by the local authority and is not a member of the executive of the authority, shall cease to be a member of the joint committee; and
- (c) any other member of the joint committee, who was appointed by the local authority, shall be treated as if he had been appointed by the person who, by virtue of regulation 3, 4 or 5 above, has power to make arrangements under section 101(5) of the 1972 Act in accordance with regulation 11.”.