
WELSH STATUTORY INSTRUMENTS

2002 No. 803

The Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) (Wales) Order 2002

Arrangements for discharge of functions by local authorities

3. In section 101 of the 1972 Act⁽¹⁾ (arrangements for discharge of functions by local authorities)

(a) after subsection (1), there shall be inserted—

“(1A) A local authority may not under subsection (1)(b) above arrange for the discharge of any of their functions by another local authority if, or to the extent that, that function is also a function of the other local authority and is the responsibility of the other authority’s executive.

(1B) Arrangements made under subsection (1)(b) above by a local authority (“the first authority”) with respect to the discharge of any of their functions shall cease to have effect with respect to that function if, or to the extent that,—

- (a) the first authority are operating or begin to operate executive arrangements, and that function becomes the responsibility of the executive of that authority; or
- (b) the authority with whom the arrangements are made (“the second authority”) are operating or begin to operate executive arrangements, that function is also a function of the second authority and that function becomes the responsibility of the second authority’s executive.

(1C) Subsections (1A) and (1B) above do not affect arrangements made by virtue of section 19 of the Local Government Act 2000 (discharge of functions of and by another authority).”; and

(b) after subsection (5), there shall be inserted—

“(5A) Arrangements made under subsection (5) above by two or more local authorities with respect to the discharge of any of their functions shall cease to have effect with respect to that function if, or to the extent that, the function becomes the responsibility of an executive of any of the authorities.

(5B) Subsection (5A) above does not affect arrangements made by virtue of section 20 of the Local Government Act 2000 (joint exercise of functions).”.

⁽¹⁾ There are amendments to section 101 which are not relevant to this Order.