



Local Government Act 2003

2003 CHAPTER 26

PART 1

CAPITAL FINANCE ETC AND ACCOUNTS

CHAPTER 3

GENERAL

23 “Local authority”

- (1) The following are local authorities for the purposes of this Part—
- (a) a county council;
 - (b) a county borough council;
 - (c) a district council;
 - (d) the Greater London Authority;
 - (e) a functional body, within the meaning of the Greater London Authority Act 1999 (c. 29);
 - (f) a London borough council;
 - (g) the Common Council of the City of London, in its capacity as a local authority, police authority or port health authority;
 - (h) the Council of the Isles of Scilly;
 - ^{F1}(i)
 - (j) an authority established under section 10 of the Local Government Act 1985 (c. 51) (waste disposal authorities);
 - (k) a joint authority established by Part 4 of that Act [^{F2}(fire and rescue services and transport)];
 - ^{F3}(ka)
 - (l) a joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the Town and Country Planning Act 1990 (c. 8);

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- [^{F4}(m) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;]
 - [^{F5}(ma) a fire and rescue authority created by an order under section 4A of that Act;]
 - [^{F6}(n) a police and crime commissioner;]
 - (o) any other body specified for the purposes of this subsection by regulations under subsection (2).
- (2) The Secretary of State may by regulations specify for the purposes of subsection (1) any body which is (or any class of bodies each of which is)—
- (a) a levying body, within the meaning of section 74 of the Local Government Finance Act 1988 (c. 41),
 - (b) a body to which section 75 of that Act applies (bodies with power to issue special levies),
 - (c) a body to which section 118 of that Act applies (other bodies with levying powers),
 - (d) a local precepting authority as defined in section 69 of the Local Government Finance Act 1992 (c. 14).
- (3) Regulations under subsection (2) may provide for this Part to have effect, in relation to a body specified under that subsection, subject to exceptions or modifications.
- [^{F7}(4) This Part, other than sections 1 to 8, [^{F8} 12A to 12D,] 13 and 17 (borrowing etc), applies in relation to an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 as it applies in relation to a local authority.
- (5) This Part applies in relation to a combined authority established under section 103 of that Act as it applies in relation to a local authority, except that section 1 confers power on such a combined authority to borrow money for a purpose relevant to its transport functions only [^{F9}or in relation to any other functions of the authority that are specified for the purposes of this subsection in regulations made by the Secretary of State].]
- [^{F10}(6) A function of a combined authority may be specified in regulations under subsection (5) only with the consent of—
- (a) each county council the whole or any part of whose area is within the area of the authority,
 - (b) each district council whose area is within the area of the authority, and
 - (c) in the case of regulations in relation to an existing combined authority, the combined authority.
- (7) Subsection (6) is subject to section 106A of the Local Democracy, Economic Development and Construction Act 2009 (which enables regulations to be made without the consent of every authority within paragraphs (a) and (b) of that subsection in certain circumstances).
- (8) The reference in subsection (5) to functions of the authority includes, in the case of a mayoral combined authority, mayoral functions.
- [This Part applies in relation to a combined county authority (a “CCA”) established
- ^{F11}(8A) under section 9(1) of the Levelling-up and Regeneration Act 2023 as it applies in relation to a local authority, except that section 1 confers power on a CCA to borrow money in relation only to functions of the CCA that are specified for the purposes of this subsection in regulations made by the Secretary of State.

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(8B) A function of a CCA may be specified in regulations under subsection (8A) only with the consent of—

- (a) each county council for an area within the CCA’s area or proposed area,
- (b) each unitary district council for an area within the CCA’s area or proposed area, and
- (c) in the case of regulations in relation to an existing CCA, the CCA.

In this subsection “unitary district council” means a district council whose area does not form part of the area of a county council.

(8C) The reference in subsection (8A) to functions of the authority includes, in the case of a mayoral CCA, mayoral functions.

(8D) In subsection (8C)—

“mayoral CCA” has the meaning given by section 27(8) of the Levelling-up and Regeneration Act 2023;

“mayoral functions” has the meaning given by section 41(8) of that Act.]

(9) In subsection (8)—

“mayoral combined authority” has the meaning given by section 107A(8) of the Local Democracy, Economic Development and Construction Act 2009;

“mayoral functions” has the meaning given by section 107G(7) of that Act.

(10) No regulations under subsection (5) [^{F12}or (8A)] may be made unless a draft of the statutory instrument containing the regulations (whether containing them alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.]

[^{F13}(10A) If a draft of a statutory instrument containing regulations under subsection (5) or (8A) would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.]

[^{F14}(11) This Part applies in relation to a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 as it applies in relation to a local authority.]

Textual Amendments

- F1** S. 23(1)(i) omitted (1.4.2005) by virtue of Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 96**
- F2** Words in s. 23(1)(k) substituted (1.4.2005) by Civil Contingencies Act 2004 (c. 36), s. 34(1), **Sch. 2 para. 10(3)(e)**; S.I. 2005/772, art. 2(b)
- F3** S. 23(1)(ka) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(32)(a)**; S.I. 2015/994, art. 6(g)
- F4** S. 23(1)(m) substituted (1.10.2004 except in relation to W. and otherwise 10.11.2004) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 100**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F5** S. 23(1)(ma) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 83(2)**; S.I. 2017/399, reg. 2, Sch. para. 38
- F6** S. 23(1)(n) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 317**; S.I. 2012/2892, art. 2(i)

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- F7** S. 23(4)(5) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), **Sch. 6 para. 117(2)**; S.I. 2009/3318, art. 2(c)
- F8** Words in s. 23(4) inserted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 78(8), 255(2)(p)** (with s. 247); S.I. 2024/92, reg. 2(a)
- F9** Words in s. 23(5) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **ss. 9(3), 25(2)**
- F10** S. 23(6)-(10) inserted (28.3.2016) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), ss. 9(4), 25(2)
- F11** S. 23(8A)-(8D) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), **Sch. 4 para. 150(2)** (with s. 247)
- F12** Words in s. 23(10) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), **Sch. 4 para. 150(3)** (with s. 247)
- F13** S. 23(10A) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 69, 255(2)(j)** (with s. 247)
- F14** S. 23(11) inserted (1.4.2021) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2021 \(S.I. 2021/327\)](#), reg. 1(2), **Sch. 2 para. 1**

Modifications etc. (not altering text)

- C1** S. 23(1) applied (with modifications) (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 46(2), **Sch. 7 para. 5**

Commencement Information

- I1** S. 23 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), **art. 3(a)** (with art. 8, Sch.)
- I2** S. 23 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), art. 2, **Sch. 1 Pt. I** (with Sch. 2 para. 3)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2024/414 art. 5Sch. 1 para. 13](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(2A) inserted by [2007 c. 28 Sch. 14 para. 5\(2\)\(b\)](#)
- s. 24(1) s. 24 renumbered as s. 24(1) by [2007 c. 28 Sch. 14 para. 5\(3\)](#)
- s. 24(2) inserted by [2007 c. 28 Sch. 14 para. 5\(3\)](#)