



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Miscellaneous

79 Delegation of local authority functions

- (1) A local authority may authorise a person to exercise on its behalf a function it has under—
 - (a) this Part or regulations under this Part (but see subsection (2)), or
 - (b) section 117 of the Mental Health Act 1983 (after-care services).
- (2) The references in subsection (1)(a) to this Part do not include a reference to—
 - (a) section 3 (promoting integration with health services etc.),
 - (b) sections 6 and 7 (co-operating),
 - (c) section 14 (charges),
 - (d) sections 42 to 47 (safeguarding adults at risk of abuse or neglect), or
 - (e) this section.
- (3) An authorisation under this section may authorise an employee of the authorised person to exercise the function to which the authorisation relates; and for that purpose, where the authorised person is a body corporate, “employee” includes a director or officer of the body.
- (4) An authorisation under this section may authorise the exercise of the function to which it relates—
 - (a) either wholly or to the extent specified in the authorisation;
 - (b) either generally or in cases, circumstances or areas so specified;
 - (c) either unconditionally or subject to conditions so specified.
- (5) An authorisation under this section—

Status: This is the original version (as it was originally enacted).

- (a) is for the period specified in the authorisation;
 - (b) may be revoked by the local authority;
 - (c) does not prevent the local authority from exercising the function to which the authorisation relates.
- (6) Anything done or omitted to be done by or in relation to a person authorised under this section in, or in connection with, the exercise or purported exercise of the function to which the authorisation relates is to be treated for all purposes as done or omitted to be done by or in relation to the local authority.
- (7) But subsection (6) does not apply—
- (a) for the purposes of the terms of any contract between the authorised person and the local authority which relate to the function, or
 - (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person.
- (8) Schedule 15 to the Deregulation and Contracting Out Act 1994 (which permits disclosure of information between local authorities and contractors where that is necessary for the exercise of the functions concerned, even if that would otherwise be unlawful) applies to an authorisation under this section as it applies to an authorisation by virtue of an order under section 70(2) of that Act.
- (9) The Secretary of State may by order—
- (a) amend subsection (2) so as to add to or remove from the list a provision of this Part;
 - (b) amend subsection (1) so as to add to or remove from the list a provision relating to care and support for adults or support for carers;
 - (c) impose conditions or other restrictions on the exercise of the power under subsection (1), whether by amending this section or otherwise.
- (10) The provision which may be made in an order under subsection (9) in reliance on section 125(8) (supplementary etc. provision in orders under this Act) includes, in particular, provision as to the rights and obligations of local authorities and persons authorised under this section in light of the provision made by the order.
- (11) “Function” includes a power to do anything that is calculated to facilitate, or is conducive or incidental to, the exercise of a function.