

## Responsibilities for Council (non-executive) Functions

<b>FUNCTIONS OF THE FULL COUNCIL</b>	
<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Members' allowances<sup>2</sup></b></p> <p>To make, amend, revoke or replace a Members' allowances scheme.</p> <p>To determine the amount of allowance payable for:</p> <ul style="list-style-type: none"> <li>• Chairman's expenses</li> <li>• Vice-Chairman's expenses</li> <li>• financial loss allowance</li> <li>• allowances for attending conferences and meetings</li> </ul> <p>To determine the rates at which payments are to be made for travelling and subsistence allowances.</p> <p>To determine the amount of any allowance payable under the Members' allowances scheme or the rates at which payments are to be made.</p>	
<p><b>Electoral Arrangements</b></p> <p>To make a request under section 14A(1) Local Government Act 1992 for single member electoral areas.<sup>3</sup></p> <p>To change a scheme for elections under section 32(1) or 39(1)<sup>4</sup> of the Local Government and Public Involvement in Health Act 2007.<sup>5</sup></p> <p>To pass a resolution to change the name of an electoral area<sup>6</sup> under Section 59(1) of the 2007 Act</p>	

<sup>1</sup> In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended (the 2000 Regulations).

<sup>2</sup> Regulation 2(5) & (6) of the 2000 Regulations

<sup>3</sup> Regulation 2(6A) of the 2000 Regulations. The council may only make such a request where it has whole council elections.

<sup>4</sup> Where a council has whole council elections

<sup>5</sup> Regulation 2(6B) of the 2000 Regulations

<sup>6</sup> Schedule 1, Para D item 22 of the 2000 Regulations. Functions relating to consultation and notification processes under Section 59 have been delegated to the Assistant Chief Executive (Corporate Governance).

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Governance arrangements<sup>7</sup></b></p> <p>To decide whether to make proposals for a change in governance arrangements of the kind set out in sections 33A and 33B of the Local Government Act 2000 (the 2000 Act).<sup>8</sup></p> <p>To decide whether a change of the kind set out in section 33A of the 2000 Act should be subject to approval in a referendum under section 33E(5) of the 2000 Act.<sup>9</sup></p> <p>To pass a resolution to make a change in governance arrangements under section 33F of the 2000 Act.<sup>10</sup></p> <p>To include provision in executive arrangements for the council to remove the executive leader by resolution under section 44C(1) of the 2000 Act.<sup>11</sup></p> <p>To pass a resolution to remove the executive leader under section 44C(2) of the 2000 Act.<sup>12</sup></p> <p>To make a change in governance arrangements under paragraph 3 of Schedule 4 to the 2007 Act<sup>13</sup>.</p>	
<p><b>Community governance reviews</b></p> <p>To make an order giving effect to recommendations made in a community governance review under Section 86 of the 2007 Act<sup>14</sup>.</p>	
<p><b>Arrangements for the discharge of functions/appointments of committees<sup>15</sup></b></p> <p>Subject to any provisions of regulations under section 20 Local Government Act 2000,</p> <p>(a) to make arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act; and</p>	

<sup>7</sup> Section 48(5) Local Government Act 2000 provides that the functions listed below relating to the passing of a resolution may not be delegated under Section 101 of the Local Government Act 1972. Further Section 48(6) provides that these functions are required to be Council Functions .

<sup>8</sup> Regulation 2(6C(a)) of the 2000 Regulations

<sup>9</sup> Regulation 2(6C(b)) of the 2000 Regulations

<sup>10</sup> Regulation 2(6C(c)) of the 2000 Regulations

<sup>11</sup> Regulation 2(6D(a)) of the 2000 Regulations

<sup>12</sup> Regulation 2(6D(b)) of the 2000 Regulations

<sup>13</sup> Regulation 2(6F) of the 2000 Regulations.

<sup>14</sup> Regulation 2(6E) of the 2000 Regulations

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
to make appointments under section 102 (appointment of committees) of the 1972 Act.	
<p><b>Functions to be discharged by the authority, by virtue of other enactments<sup>16</sup></b></p> <p>To discharge any function which by virtue of any enactment passed or made before the making of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may be discharged only by an authority.</p>	
<p><b>Formulating plans and strategies<sup>17</sup></b></p> <p>In connection with the discharge of the function:</p> <p>(a) of formulating or preparing a plan or strategy of a specified description<sup>18</sup>;</p> <p>(b) of formulating a plan or strategy for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision; or</p> <p>(c) of formulating or preparing any other plan or strategy whose adoption or approval is a matter for determination by the authority<sup>19</sup></p> <p>to the extent of the following actions:</p> <p>(a) to give instructions requiring the Executive to reconsider any draft plan or strategy submitted by the Executive for the authority's consideration;</p> <p>(b) to amend any draft plan or strategy submitted by the Executive for the authority's consideration;</p> <p>(c) to approve, for the purposes of public consultation in accordance with Regulation 10 or 22 of the Town &amp; Country Planning (Development Plans) (England) Regulations 1999, draft proposals associated with the preparation of alterations to or the replacement of a development plan;</p>	

<sup>15</sup> Regulation 2(8) of the 2000 Regulations

<sup>16</sup> Regulation 2(11) of the 2000 Regulations

<sup>17</sup> Regulation 4(1),(2) and (3) of the 2000 Regulations

<sup>18</sup> Specified in column (1) of Schedule 3 to the 2000 Regulations

<sup>19</sup> By virtue of Regulation 5(1) of the 2000 Regulations

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<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p>(d) to approve for the purpose of its submission to the Secretary of State or any Minister of the Crown for is approval any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted;</p> <p>(e) the approval, for the purpose of its submission to the Secretary of State for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004, of a development plan document; and</p> <p>(f) to adopt (with or without modification) the plan or strategy.</p>	
<p><b>Budget and Policy framework<sup>20</sup></b></p> <p>To amend, modify, revise, vary, withdraw or revoke any plan or strategy detailed in the policy framework at Article 4 of this Constitution, or for the control of the authority's borrowing, investments or capital expenditure, save where such amendment, modification, revision , variation, withdrawal or revocation:</p> <p>(i) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval, or to any part so submitted;</p> <p>(ii) is recommended by the person carrying out, under section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a development plan document; or</p> <p>(iii) is authorised by a determination made by the authority when approving or adopting the plan or strategy as the case may be.</p>	

<sup>20</sup> Regulation 4(4) of the 2000 Regulations  
 Part 3 Section 2A  
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<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Joint local development documents<sup>21</sup></b></p> <p>To make an agreement to prepare one or more joint development plan documents, in connection with the discharge of functions under Section 28 of the Planning and Compulsory Purchase Act 2004;</p> <p>Except to the extent of the function above, any function under section 28 Planning and Compulsory Purchase Act 2004 is to be a function of the Executive<sup>22</sup></p>	
<p><b>Applications for disposals of land<sup>23</sup></b></p> <p>To authorise the making of an application</p> <ul style="list-style-type: none"> <li>• under Sub-Section (5) of Section 135 (Programmes for Disposals) of the Leasehold Reform, Housing and Urban Development Act 1993, or for the inclusion of a disposal in a disposals programme</li> <li>• for consent to that disposal under Section 32 (power to dispose of land held for the purposes of Part II) or Section 43 (consent required for certain disposals not within Section 32) of the Housing Act 1985</li> </ul> <p>(The function of making the application is the responsibility of the Executive)</p>	
<p><b>Financial calculations and precepts<sup>24</sup></b></p> <p>To</p> <ul style="list-style-type: none"> <li>• make calculations in accordance with Sections 32-37, 43-49,52I,52J,52T,52U of the Local Government Finance Act 1992, whether originally or by way of substitute, or</li> <li>• issue a precept under Chapter IV of Part 1 of that Act</li> </ul> <p>save to the extent of:</p> <p>(a) the preparation for submission to the authority for their consideration of:</p> <p style="padding-left: 40px;">(i) estimates of the amounts to be aggregated in making the calculation or other amounts to be used for the purposes of the calculation and</p>	

<sup>21</sup> Regulation 4(4A) and 4(4C) of the 2000 Regulations

<sup>22</sup> Regulation 4(4B) of the 2000 Regulations

<sup>23</sup> Regulation 4(5), 4(6) and 4(7) of the 2000 Regulations

<sup>24</sup> Regulation 4(9),4(10) & 4(11) of the 2000 Regulations

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p>estimates of the calculation; or</p> <p>(ii) the amounts required to be stated in the precept;</p> <p>(b) the reconsideration of those estimates and amounts in accordance with the authority's requirements;</p> <p>(c) the submission for the authority's consideration of revised estimates and amounts.</p> <p>(which functions shall be the responsibility of the Executive)</p>	
<p><b>Deregulation authorisations/revocations<sup>25</sup></b></p> <p>To authorise a person to exercise a function pursuant to an Order under Section 70 of the Deregulation and Contracting Out Act 1994, where the Section 70 function is not the responsibility of the Executive; and</p> <p>To revoke any such authorisation.</p>	
<p><b>Adoption of plans and strategies<sup>26</sup></b></p> <p>To adopt or approve a plan or strategy (whether statutory or non-statutory) other than a plan or strategy</p> <ul style="list-style-type: none"> <li>• for the control of the authority's borrowing, investments or capital expenditure; or</li> <li>• of a description referred to in Schedule 3 of the 2000 Regulations</li> </ul> <p>where the Council determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>	
<p><b>Determinations about matters concerned with budget/borrowing/capital expenditure contrary to the Budget and Policy Framework etc.<sup>27</sup></b></p> <p>To determine any matter in the discharge of a function which is</p> <ul style="list-style-type: none"> <li>• the responsibility of the Executive; and</li> <li>• is concerned with the authority's budget, or their borrowing or capital expenditure,</li> </ul> <p>where the individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or</p>	

<sup>25</sup> Regulation 4(12) & 4(13) of the 2000 Regulations

<sup>26</sup> Regulation 5(1) of the 2000 Regulations

<sup>27</sup> Regulation 5(1) of the 2000 Regulations

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p>provision made under section 18 or 20 of that Act, the determination is to be made,</p> <p>(a) is minded to determine the matter contrary to, or not entirely in accordance with</p> <p style="padding-left: 40px;">(i) the authority's budget; or</p> <p style="padding-left: 40px;">(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and</p> <p>(b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p>	
<p><b>The Determination of matters which are the responsibility of the Executive etc.<sup>28</sup></b></p> <p>The determination of any matter in the discharge of a function-</p> <p>(a) which is the responsibility of the Executive; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority,</p> <p>where the individual or body by whom, by virtue of any of the sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority; <u>except</u> in relation to the discharge of a function where:</p> <p>(a) the circumstances which render necessary the making of the determination may reasonably be regarded as urgent; and</p> <p>(b) the individual or body by whom the determination is to be made has obtained from the Chair of a relevant Scrutiny Board, or if there is no such person, or if the Chair of every relevant Scrutiny Board is unable to act, from the Chair of the authority, or in their</p>	

<sup>28</sup> Regulation 5(1) and (2) of the 2000 Regulations

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
absence, from the vice-chair, a statement in writing that the determination needs to be made as a matter of urgency.	
<b>Functions relating to licensing<sup>29</sup></b> To discharge functions relating to <ul style="list-style-type: none"> <li>• the statement of licensing policy;<sup>30</sup></li> <li>• the passing of a resolution not to issue a casino premises licence<sup>31</sup></li> <li>• establishing a licensing committee;<sup>32</sup> and</li> <li>• the exercise and delegation of functions;<sup>33</sup></li> </ul>	
<b>To appoint an electoral registration officer<sup>34</sup></b>	The Chief Executive is appointed as Electoral Registration Officer  The Assistant Chief Executive (Corporate Governance), the <u>Head of Licensing and Registration</u> and the Electoral Services Manager are appointed as deputy Electoral Registration Officers.
<b>To appoint returning officer for local government elections<sup>35</sup></b>	The Chief Executive is appointed as the Returning Officer  <u>The Assistant Chief Executive (Corporate Governance), the Head of Licensing and Registration and the Electoral Services Manager are appointed as deputy Returning Officers.</u>
<b>Schemes of elections</b>  To consult on change of scheme for elections <sup>36</sup> Duties relating to publicity <sup>37</sup> Duties relating to notice to Electoral Commission <sup>38</sup> To alter years of ordinary elections of parish councillors <sup>39</sup>	

**Deleted:** Chief Officer (Legal Licensing and Registration)

<sup>29</sup> Item 14A of Para. B of Schedule 1 of the 2000 Regulations

<sup>30</sup> Section 5 of the Licensing Act 2003 and Section 349 of the Gambling Act 2005

<sup>31</sup> Item 14B of Para B of Schedule 1 of the 2000 Regulations

<sup>32</sup> Section 6 of the Licensing Act 2003

<sup>33</sup> Section 7(3),(4),(5),(7) and (9) of the Licensing Act 2003

<sup>34</sup> Item 1 of Para. D of Schedule 1 of the 2000 Regulations

<sup>35</sup> Item 6 of Para. D of Schedule 1 of the 2000 Regulations



*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions</u></b> <sup>1</sup>	<b><u>Related appointments of Officers by full Council</u></b>
<b>To change the name of the district or parish</b> <sup>40</sup>	
<b>To confer title of honorary alderman / honorary alderwoman or to admit to be an honorary freeman / honorary freewoman of the district</b> <sup>41</sup>	
<b>To make, amend, revoke or re- enact byelaws</b> <sup>42</sup>	
<b>To promote or oppose local Bills in Parliament</b> <sup>43</sup>	
<b>To make arrangements for proper administration of financial affairs etc</b> <sup>44</sup>	Director of Resources is appointed as Section 151 Officer
<b>To appoint officers for particular purposes (appointment of proper officers)</b> <sup>45</sup>	Each Director is appointed as the Proper Officer for matters within his/her remit. The Chief Executive is appointed as the Proper Officer for the purpose of any other matter.
<b>To designate an officer as the head of the authority's paid service, and to provide staff etc</b> <sup>46</sup>	The Chief Executive is appointed as Head of Paid Service
<b>To designate an officer as the Monitoring Officer, and to provide staff etc</b> <sup>47</sup>	The Assistant Chief Executive (Corporate Governance) is appointed as the Monitoring Officer
<b>Duty to provide staff, etc to person nominated by Monitoring Officer</b> <sup>48</sup>	
<b>Powers relating to overview and scrutiny committees (voting rights of co-opted members)</b> <sup>49</sup>	

<sup>36</sup> Sections 33(2), 38 (2) and 40(2) of the Local Government and Public Involvement in Health Act 2007

<sup>37</sup> Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007

<sup>38</sup> Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007

<sup>39</sup> Section 53 of the Local Government and Public Involvement in Health Act 2007

<sup>40</sup> Items 1 and 2 of Para E of Schedule 1 of the 2000 Regulations

<sup>41</sup> Item 3 of Para E of Schedule 1 of the 2000 Regulations

<sup>42</sup> Para F of Schedule 1 of the 2000 Regulations

<sup>43</sup> Para G of Schedule 1 of the 2000 Regulations

<sup>44</sup> Item 39 of Para. I of Schedule 1 of the 2000 Regulations

<sup>45</sup> Item 40 of Para. I of Schedule 1 of the 2000 Regulations

<sup>46</sup> Item 43 of Para I of Schedule 1 of the 2000 Regulations

<sup>47</sup> Item 44 of Para I of Schedule 1 of the 2000 Regulations

<sup>48</sup> Item 44A of Para I of Schedule 1 of the 2000 Regulations

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<b>To appoint Members to police authorities<sup>50</sup></b>	
<p><b>To act as Appointing Body</b> for the purposes of making appointments to<sup>51</sup>:</p> <ul style="list-style-type: none"> <li>• West Yorkshire Joint Services Committee</li> <li>• West Yorkshire Police Authority joint committee (appointments panel)</li> <li>• West Yorkshire Fire and Rescue Authority</li> <li>• West Yorkshire Integrated Transport Authority</li> <li>• West Yorkshire Debt Management Joint Advisory Group</li> <li>• West Yorkshire Pension Fund Investment Panel</li> </ul>	

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<sup>49</sup> Item 44B of Para I of Schedule 1 of the 2000 Regulations

<sup>50</sup> Para.2 to 4 of Schedule 2 Police Act 1996. This is a local choice function, under Schedule 2 of the 2000 Regulations.

<sup>51</sup> This is a local choice function under Schedule 2 of the 2000 Regulations. Other appointments have been delegated to Member Management Committee.

**Summary of delegated functions (Council (non-executive) functions)**

Council (non-executive) functions <sup>52</sup>	<b><u>Decision Making Body</u></b>	<b>Delegation of functions to Officers</b> (to the extent set out in Section 2C)
<p><b>Functions relating to elections<sup>53</sup></b></p> <p><b>Functions relating to local government pensions<sup>54</sup></b></p> <p><b>Standing Orders</b> To make and amend Standing Orders and Contract Standing Orders<sup>55</sup></p>	<p><b>Full Council</b></p> <p><b>Full Council</b></p> <p><b>Full Council</b></p>	<p>The Chief Executive</p> <p>The Assistant Chief Executive (Corporate Governance)</p> <p>Director of Resources</p> <p>Director of Resources in relation to Financial Procedure Rules</p> <p>Assistant Chief Executive (Corporate Governance) in respect of any other Rules</p>
<p><b>Appointment of Staff<sup>56</sup></b></p> <p>To appoint staff at director level and make recommendations regarding the appointment or dismissal of Head of Paid Service; to take disciplinary action including dismissal in relation to staff at director level; to deal with appeals relating to grievances, grading and discipline in respect of employees at director level and above; and to suspend the Chief Executive, Monitoring Officer or Director of Resources, for up to 2 months.</p> <p>Other staff</p>	<p><b>Employment Committee</b></p>	<p>All Directors<sup>57</sup></p>

<sup>52</sup> Under the Local Authorities (Functions and Responsibilities) Regulations 2000 (the 2000 Regulations) as amended.

<sup>53</sup> Items 2-5, 7-15 and 17-21 Para D of Schedule 1 of the 2000 Regulations

<sup>54</sup> Item 1 of Para H of Schedule 1 of the 2000 Regulations

<sup>55</sup> Items 36 and 38 of Para I of Schedule 1 of the 2000 Regulations

<sup>56</sup> Item 37 of Para I of Schedule 1 of the 2000 Regulations

<sup>57</sup> See further paragraph 2 of Part 3 Section 2C of the Constitution.

*Responsibilities for Council (non-executive) Functions*

<b>Council (non-executive) Functions<sup>1</sup></b>	<b><u>Decision Making Body</u></b>	<b>Delegation of functions to Officers</b> (to the extent set out in Section 2C)
<p><b>Maladministration</b> To make payments or provide benefits in cases of maladministration<sup>58</sup></p> <p><b>Statement of Accounts<sup>59</sup></b></p>	<p><b>General Purposes Committee</b></p> <p><b>Corporate Governance and Audit Committee</b></p>	<p>All Directors<sup>60</sup></p>
<p><b>Functions relating to licensing<sup>61</sup></b></p> <p><b>Designated Public Places Orders</b> To make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption<sup>62</sup></p> <p><b>Alcohol Disorder Zones</b> The power to designate an area as an Alcohol Disorder Zone<sup>63</sup></p> <p><b>Hackney carriages and private hire vehicles<sup>64</sup></b></p> <p><b>Sexual entertainment venues, sex shops and sex cinemas<sup>65</sup></b></p> <p><b>Performances of hypnotism<sup>66</sup></b></p> <p><b>Charitable collections<sup>67</sup></b></p>	<p><b>Licensing Committee</b></p> <p><b>Licensing Committee</b></p> <p><b>Licensing Committee</b></p> <p><b>Licensing Committee</b></p> <p><b>Licensing Committee</b></p> <p><b>Licensing Committee</b></p>	<p>Director of Environment and Neighbourhoods</p> <p>Assistant Chief Executive (Corporate Governance)</p> <p>Assistant Chief Executive (Corporate Governance)</p> <p>Assistant Chief Executive (Corporate Governance)</p> <p>Assistant Chief Executive (Corporate Governance)</p>

<sup>58</sup> Item 48 of Para I of Schedule 1 of the 2000 Regulations

<sup>59</sup> Item 45 of Para I of Schedule 1 of the 2000 Regulations

<sup>60</sup> See further paragraph 2 of Part 3 Section 2C of the Constitution.

<sup>61</sup> Item 14A Para B of Schedule 1 of the 2000 Regulations and (in relation to gambling) Sections 154 (1), s232, Schedule 10 paragraph 6, Schedule 12 paragraph 28, Schedule 13 paragraph 3 and Schedule 14 paragraph 7 of the Gambling Act 2005

<sup>62</sup> Item 49 Para I of Schedule 1 of the 2000 Regulations

<sup>63</sup> Item 50 Para I of Schedule 1 to the 2000 Regulations

Part 3 Section 2A



*Responsibilities for Council (non-executive) Functions*

<b>Council (non-executive) Functions<sup>1</sup></b>	<b><u>Decision Making Body</u></b>	<b>Delegation of functions to Officers</b> (to the extent set out in Section 2C)
<b>Public Rights of Way<sup>76</sup></b>  <b>The preservation of trees and the protection of important hedgerows<sup>77</sup></b>  <b>Complaints about high hedges<sup>78</sup></b>	<b>Plans Panels</b>  <b>Plans Panels</b>  <b>Plans Panels</b>	Director of City Development  Chief Planning Officer  Chief Planning Officer
See Terms of Reference, Section 2B	<b>Standards Committee</b>	

<sup>76</sup> Part 1 of Para I of Schedule 1 of the 2000 Regulations

<sup>77</sup> Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

<sup>78</sup> Item 47A of Para I of Schedule 1 of the 2000 Regulations