

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Schedule 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 67

BOUNDARY AND ELECTORAL CHANGE: AMENDMENTS

Local Government Act 1972 (c. 70)

1 The Local Government Act 1972 is amended as follows.

Commencement Information

I1 Sch. 4 para. 1 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

2 (1) Section 6 is amended as follows.

(2) In subsection (2)(a), for “sections 14(8) and 17(7) of the Local Government Act 1992” substitute “ section 56(8) of the Local Democracy, Economic Development and Construction Act 2009 ”.

(3) In subsection (3)(b), at the end insert “ or Part 3 of the Local Democracy, Economic Development and Construction Act 2009 ”.

Commencement Information

I2 Sch. 4 para. 2 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

3 In sections 11A(10)(b), 12A(5)(b), 12B(6)(b) and 73(2), for “Electoral Commission” substitute “Local Government Boundary Commission for England”.

Commencement Information

I3 Sch. 4 para. 3 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

4 (1) In Schedule 2, paragraph 7 (electoral divisions and wards of London boroughs) is amended as follows.

(2) In sub-paragraph (1)(b) at the end insert “ or section 59 of the Local Democracy, Economic Development and Construction Act 2009 ”.

(3) In sub-paragraph (2) for the words from “order” to “2007” substitute “ order referred to in sub-paragraph (1)(b) above ”.

Commencement Information

I4 Sch. 4 para. 4 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

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- 5 In Schedule 3 (new authorities in England), in paragraph 10(1), (2) and (3), after “2007” insert “ or Part 3 of the Local Democracy, Economic Development and Construction Act 2009 ”.

Commencement Information

I5 Sch. 4 para. 5 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 6 (1) Schedule 11 (rules to be observed in considering electoral arrangements) is amended as follows.
- (2) Omit paragraphs 1 and 3.
- (3) In paragraph 4(1), omit “by either of the Commissions”.

Commencement Information

I6 Sch. 4 para. 6 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

Environment Act 1995 (c. 25)

- 7 (1) In Schedule 8 to the Environment Act 1995 (supplemental powers of National Park Authorities), paragraph 7 (power to promote Bills) is amended as follows.
- (2) In sub-paragraph (3)—
- (a) for “section 14(4) of the Local Government Act 1992” substitute “ Part 3 of the Local Democracy, Economic Development and Construction Act 2009 ”;
- (b) for “any local government area within the meaning of that Act” substitute “ the area of any principal council (within the meaning of that Part) or parish council ”.

Commencement Information

I7 Sch. 4 para. 7 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

Greater London Authority Act 1999 (c. 29)

- 8 The Greater London Authority Act 1999 is amended as follows.

Commencement Information

I8 Sch. 4 para. 8 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 9 In section 2(4) (Assembly constituencies), for “the Electoral Commission” substitute “ the Local Government Boundary Commission for England ”.

Commencement Information

I9 Sch. 4 para. 9 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

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- 10 (1) Schedule 1 (Assembly constituencies and orders under section 2(4)) is amended as follows.
- (2) For paragraph 1 substitute—
- “1 (1) This paragraph applies where the Secretary of State makes an order under section 10 of the Local Government and Public Involvement in Health Act 2007 which includes a boundary change (within the meaning of section 8(3) of that Act) affecting a London borough.
- (2) Where this paragraph applies, the Local Government Boundary Commission for England must consider whether to conduct a review of Assembly constituencies for the purpose of making recommendations as to—
- (a) whether the boundary change referred to in sub-paragraph (1) requires changes to Assembly constituencies in order to comply with the rules set out in paragraph 7 below, and
- (b) if so, what those changes should be.”
- (3) For paragraph 2 substitute—
- “2 (1) The Local Government Boundary Commission for England may at any time—
- (a) conduct a review of Assembly constituencies, and
- (b) make recommendations as to—
- (i) the area into which Greater London should be divided to form the Assembly constituencies, and
- (ii) the name by which each Assembly constituency should be known.
- (2) No recommendations may be made by the Local Government Boundary Commission for England pursuant to a review under this paragraph unless the recommendations comply with the rules set out in paragraph 7 below.”
- (4) For paragraphs 3 to 5 substitute—
- “3 (1) As soon as reasonably practicable after deciding to conduct a review under paragraph 1 or 2, the Local Government Boundary Commission for England must take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of—
- (a) the fact that the review is to take place, and
- (b) any particular matters to which the review is to relate.
- (2) In conducting a review under paragraph 1 or 2 the Local Government Boundary Commission for England must—
- (a) prepare and publish draft recommendations,
- (b) take such steps as its considers sufficient to secure that persons who may be interested in the recommendations are informed of them and of the period within which representations with respect to them may be made, and
- (c) take into consideration any representations made to the Commission within that period.
- (3) The Local Government Boundary Commission for England may at any time before publishing draft recommendations under sub-paragraph (2)(a) consult such persons as it considers appropriate.
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- (4) As soon as practicable after conducting a review under paragraph 1 or 2 the Local Government Boundary Commission for England must—
- (a) publish a report stating its recommendations, and
 - (b) take such steps as it considers sufficient to secure that persons who may be interested in the recommendations are informed of them.
- 4 (1) Where a report under paragraph 3 contains recommendations for changes to any Assembly constituency or the name by which any Assembly constituency is known, an order under section 2(4) may give effect to the recommendations.
- (2) An order under section 2(4) may contain incidental, consequential, supplementary or transitional provision, or savings.
- (3) The provision referred to in sub-paragraph (2) may include provision—
- (a) applying any instrument made under an enactment, with or without modifications,
 - (b) extending, excluding or amending any such instrument, or
 - (c) repealing or revoking any such instrument.
- (4) Where the Local Government Boundary Commission for England is satisfied that—
- (a) a mistake has occurred in the preparation of an order under section 2(4), and
 - (b) the mistake is such that it cannot be rectified by a subsequent order under that section by virtue of section 14 of the Interpretation Act 1978 (c. 30) (implied power to amend),
- the Commission may by order under section 2(4) make such provision as it thinks necessary or expedient for rectifying the mistake.
- (5) In sub-paragraph (4), “mistake”, in relation to an order, includes a provision contained in or omitted from the order in reliance on inaccurate or incomplete information supplied by any public body.
- (6) A draft of a statutory instrument containing an order under section 2(4) is to be laid before Parliament before the instrument is made.”
- (5) In paragraph 7 (rules about Assembly constituencies), for “paragraphs 1(4), 2(2) and 4(3)” substitute “ paragraphs 1(2) and 2(2) ”.
- (6) Omit Part 2 (orders under section 2(4)).

Commencement Information

I10 Sch. 4 para. 10 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

Local Government and Public Involvement in Health Act 2007 (c. 28)

- 11 The Local Government and Public Involvement in Health Act 2007 is amended as follows.

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Commencement Information

I11 Sch. 4 para. 11 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 12 (1) Section 4 (request for Boundary Committee for England's advice) is amended as follows.
- (2) In the heading, for “Boundary Committee for England's” substitute “Local Government Boundary Commission's”.
- (3) In subsection (2), for “Boundary Committee” substitute “ Local Government Boundary Commission ”.

Commencement Information

I12 Sch. 4 para. 12 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 13 (1) Section 5 (Boundary Committee's powers) is amended as follows.
- (2) In the heading, for “Boundary Committee's” substitute “Local Government Boundary Commission's”.
- (3) In subsections (1), (2) and (3), for “Boundary Committee” substitute “ Local Government Boundary Commission ”.

Commencement Information

I13 Sch. 4 para. 13 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 14 (1) Section 6 (Boundary Committee's procedures) is amended as follows.
- (2) In the heading, for “Boundary Committee's” substitute “Local Government Boundary Commission's”.
- (3) In subsection (1)—
- (a) for “Boundary Committee”, in the first place, substitute “ Local Government Boundary Commission ”;
- (b) for “Boundary Committee”, in the remaining three places, substitute “ Commission ”.
- (4) In subsection (2)—
- (a) for “Boundary Committee” substitute “ Local Government Boundary Commission ”;
- (b) for “Boundary Committee's” substitute “Commission's”.
- (5) In subsection (4)—
- (a) for “Boundary Committee”, in the first place, substitute “ Local Government Boundary Commission ”;
- (b) for “Boundary Committee”, in the second place, substitute “ Commission ”.
- (6) In subsection (5), for “Boundary Committee” substitute “ Local Government Boundary Commission ”.

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Commencement Information

I14 Sch. 4 para. 14 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 15 (1) Section 7 (implementation of proposals by order) is amended as follows.
- (2) In subsection (1)(b), for “Boundary Committee” substitute “ Local Government Boundary Commission ”.
- (3) In subsection (6)—
- (a) for “Boundary Committee”, in the first place, substitute “ Local Government Boundary Commission ”;
 - (b) for “Boundary Committee”, in the second place, substitute “ Commission ”.
- (4) In subsection (7), for “Boundary Committee” substitute “ Local Government Boundary Commission ”.

Commencement Information

I15 Sch. 4 para. 15 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 16 (1) Section 8 (review by Boundary Committee of local government areas) is amended as follows.
- (2) In the heading, for “Boundary Committee” substitute “ Local Government Boundary Commission ”.
- (3) In subsections (1), (2), (5), (6) and (7), for “Boundary Committee” substitute “ Local Government Boundary Commission ”.
- (4) In subsection (8)—
- (a) for “Boundary Committee”, in the first place, substitute “ Local Government Boundary Commission ”;
 - (b) for “Boundary Committee”, in the remaining three places, substitute “ Commission ”.

Commencement Information

I16 Sch. 4 para. 16 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 17 (1) Section 9 (Boundary Committee's review: consultation etc) is amended as follows.
- (2) In the heading, for “Boundary Committee's” substitute “Local Government Boundary Commission's”.
- (3) In subsection (2), for “Committee” substitute “ Local Government Boundary Commission ”.
- (4) In subsection (3)—
- (a) for “Boundary Committee”, in the first place, substitute “ Local Government Boundary Commission ”;
 - (b) for “Boundary Committee”, in the second place, substitute “ Commission ”.

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- (5) In subsections (4) and (5), for “Boundary Committee” substitute “Local Government Boundary Commission”.

Commencement Information

I17 Sch. 4 para. 17 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 18 In section 10 (implementation of recommendations by order), in subsections (1), (2), (4) and (5), for “Boundary Committee” substitute “Local Government Boundary Commission”.

Commencement Information

I18 Sch. 4 para. 18 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 19 In section 12 (provision relating to membership etc of authorities), in subsection (5), for the words from “the Electoral Commission” to the end substitute “the Local Government Boundary Commission must consider whether to exercise its power under section 56(2) of the Local Democracy, Economic Development and Construction Act 2009 (electoral reviews)”.

Commencement Information

I19 Sch. 4 para. 19 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 20 (1) In section 23 (definitions), subsection (1) is amended as follows.
- (2) Omit the definition of “the Boundary Committee”.
- (3) After the definition of “local government area” insert—
- ““the Local Government Boundary Commission” means the Local Government Boundary Commission for England;”.

Commencement Information

I20 Sch. 4 para. 20 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 21 (1) Section 36 (notice to Electoral Commission) is amended as follows.
- (2) In the heading, for “Electoral Commission” substitute “Local Government Boundary Commission for England”.
- (3) In subsection (2), for “Electoral Commission” substitute “Local Government Boundary Commission”.
- (4) After subsection (2) insert—
- “(3) In this Chapter, “Local Government Boundary Commission” means the Local Government Boundary Commission for England.”

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Commencement Information

I21 Sch. 4 para. 21 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 22 In section 41 (publicity for resolution), in subsection (4)(b), for “Electoral Commission” substitute “ Local Government Boundary Commission ”.

Commencement Information

I22 Sch. 4 para. 22 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 23 (1) Section 42 (notice to Electoral Commission) is amended as follows.
- (2) In the heading, for “Electoral Commission” substitute “ Local Government Boundary Commission ”.
- (3) In subsection (2), for “Electoral Commission” substitute “ Local Government Boundary Commission ”.

Commencement Information

I23 Sch. 4 para. 23 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 24 (1) Section 43 (Electoral Commission to consider whether electoral review is necessary) is amended as follows.
- (2) In the heading, for “Electoral Commission” substitute “ Local Government Boundary Commission ”.
- (3) In subsection (1), for “Electoral Commission” substitute “ Local Government Boundary Commission ”.
- (4) In subsection (2), for the words from “the Commission” to “the Boundary Committee” substitute “ the Local Government Boundary Commission must consider whether to exercise its power under section 56(2) of the Local Democracy, Economic Development and Construction Act 2009 ”.
- (5) In subsection (3), for the words from “to direct” to “the Commission” substitute “ to conduct such a review, the Local Government Boundary Commission ”.

Commencement Information

I24 Sch. 4 para. 24 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 25 (1) Section 44 (Electoral Commission to make order for new electoral scheme) is amended as follows.
- (2) In the heading, for “Electoral Commission” substitute “ Local Government Boundary Commission ”.
- (3) In subsection (1), for “Electoral Commission” substitute “ Local Government Boundary Commission ”.
- (4) For subsection (2) substitute—

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“(2) But the Local Government Boundary Commission must not make the order—

- (a) before it has decided whether or not conduct an electoral review (see section 43(2)), and
- (b) if it has decided to conduct such a review, before the review is concluded.”

Commencement Information

I25 Sch. 4 para. 25 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 26 In sections 45(2)(a) (orders for elections by halves) and 47(2)(a) (orders for elections by thirds), for “Electoral Commission make” substitute “ Local Government Boundary Commission makes ”.

Commencement Information

I26 Sch. 4 para. 26 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 27 (1) Section 50 (power to Electoral Commission to make incidental etc provision) is amended as follows.
- (2) In the heading, for “Electoral Commission” substitute “ Local Government Boundary Commission ”.
 - (3) For “Commission” substitute “ Local Government Boundary Commission ”.

Commencement Information

I27 Sch. 4 para. 27 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 28 (1) Section 51 (position if Electoral Commission act under existing powers) is amended as follows.
- (2) In the heading, for “Electoral Commission” substitute “ Local Government Boundary Commission ”.
 - (3) For paragraphs (a) and (b) substitute—
 - “(a) the Local Government Boundary Commission decides to conduct an electoral review (see section 43(2)), and
 - (b) pursuant to that review the Commission makes recommendations for electoral changes,”.
 - (3) In the words after paragraph (b), for “section 17 of the Local Government Act 1992 (c. 19)” substitute “ section 59 of the Local Democracy, Economic Development and Construction Act 2009 ”.

Commencement Information

I28 Sch. 4 para. 28 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 29 (1) Section 52 (publicity for order by Electoral Commission) is amended as follows.

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Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Schedule 4. (See end of Document for details)

- (2) In the heading, for “Electoral Commission” substitute “ Local Government Boundary Commission ”.
- (3) In subsection (1), for “Electoral Commission have” substitute “ Local Government Boundary Commission has ”.

Commencement Information

I29 Sch. 4 para. 29 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 30 (1) Section 59 (change of name of electoral area), is amended as follows.
 - (2) In subsections (5), (6)(a) and (7), for “Electoral Commission” substitute “ Local Government Boundary Commission ”.
 - (3) In subsection (8)(a), after “Local Government Act 1992 (c. 19)” insert “ , section 59 of the Local Democracy, Economic Development and Construction Act 2009 ”.

Commencement Information

I30 Sch. 4 para. 30 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 31 (1) Section 86 (reorganisation of community governance) is amended as follows.
 - (2) In subsections (2) and (3), for “Electoral Commission” substitute “ Local Government Boundary Commission ”.
 - (3) In subsection (5), after paragraph (b) insert—
 - “(ba) section 59 of the Local Democracy, Economic Development and Construction Act 2009,”.
 - (4) In subsection (6)(b) after “under” insert “ section 59 of the Local Democracy, Economic Development and Construction Act 2009, ”.

Commencement Information

I31 Sch. 4 para. 31 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 32 In sections 92(2), (3), (4) and (5) (consequential recommendations), 96(7)(b) (publicising outcome), 98(1)(b), (2) and (7) (orders and regulations) and 100(2) (guidance), for “Electoral Commission” substitute “ Local Government Boundary Commission ”.

Commencement Information

I32 Sch. 4 para. 32 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

- 33 In section 102 (interpretation), in subsection (2), after the definition of “local government elector” insert—
 - ““Local Government Boundary Commission” means the Local Government Boundary Commission for England.”

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Commencement Information

I33 Sch. 4 para. 33 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

34 In section 240 (orders, regulations and guidance), in subsections (2) and (7)(a), for “Electoral Commission” substitute “Local Government Boundary Commission for England”.

Commencement Information

I34 Sch. 4 para. 34 in force at 1.4.2010 by S.I. 2009/3318, art. 4(ff)

Status:

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Changes to legislation:

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