

SCHEDULE 1

(introduced by section 51(1))

MINOR AND CONSEQUENTIAL AMENDMENTS: PART 1

Local Government, Planning and Land Act 1980 (c. 65)

- 1 Amend the Local Government, Planning and Land Act 1980 as follows.
- 2 In section 2, insert the following at the end of subsection (1)—
“or a Welsh improvement authority for the purposes of Part 1 of the Local Government (Wales) Measure 2009”.

Social Security Administration Act 1992 (c. 5)

- 3 Amend the Social Security Administration Act 1992 as follows.
- 4 In section 139A(2)(b), insert the following at the end—
“or Part 1 of the Local Government (Wales) Measure 2009”.
- 5 In section 139C(1)(b), insert the following at the end—
“or Part 1 of the Local Government (Wales) Measure 2009”.
- 6 In section 139D(1), for paragraph (ca) substitute the following—
“(ca) a copy of a report has been sent to a local authority under section 22(3) of the Local Government (Wales) Measure 2009 and to the Secretary of State under section 22(5) of that Measure;”.

Audit Commission Act 1998 (c. 18)

- 7 Amend the Audit Commission Act 1998 as follows.
- 8 In section 47A (reports relating to performance of English local authorities) omit subsection (5)(a).

Local Government Act 1999 (c. 27)

- 9 Amend the Local Government Act 1999 as follows.
- 10 In section 1 (best value authorities) omit subsections (1)(k), (6) and (7).
- 11 In section 2 (power to extend or disapply: Secretary of State) omit subsection (5A).
- 12 In section 3A (involvement of local representatives) omit subsection (3)(b).
- 13 In section 10 (inspections) omit subsection (5)(a).
- 14 In section 10A (inspections: Auditor General for Wales) omit subsections (1)(a) and (4)(a).
- 15 In section 13A (reports of inspections under section 10A) omit subsection (5).
- 16 In section 15 (Secretary of State’s powers) omit subsection (2)(aa).
- 17 In section 16 (power of Secretary of State to modify enactments and confer new powers) omit subsection (6)(b).
- 18 In section 19(5) (contracts: exclusion of non-commercial considerations), insert the following after paragraph (a)—

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“(aa) a Welsh improvement authority for the purposes of the Local Government (Wales) Measure 2009.”.

19 In section 23(4)(za) (accounts) omit the words “Welsh best value authorities or”.

20 In section 25(2) (coordination of inspections etc) omit paragraph (d).

21 In section 28(2) (orders and regulations) omit “6, 7”.

22 In section 29 (modifications for Wales)—

(a) in subsection (1A) omit “3, 10A, 12A, 13A, 15,” and “23, 25 and 26”;

(b) omit subsections (2A), (4) and (6).

Local Government Act 2003 (c. 26)

23 Amend the Local Government Act 2003 as follows.

24 In section 36(1) (grants in connection with designation for service excellence), after “(best value duty)” insert “or to a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009”.

25 In section 36A (grants by Ministers of the Crown in respect of best value authorities etc)—

(a) in subsection (1) after “best value authorities” insert “or a Welsh improvement authority or Welsh improvement authorities”;

(b) in subsection (2)(b) for the words “Welsh best value authority” substitute “Welsh improvement authority”;

(c) in subsection (3) insert at the end “or a Welsh improvement authority”;

(d) in subsection (7) for the words “Welsh best value authority” to the end of the subsection substitute—

““Welsh improvement authority” means an authority which is a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009.”.

26 In section 36B (grants by Welsh Ministers in respect of Welsh best value authorities)

(a) in subsection (1) from the words “the economic” to the end of the subsection substitute “compliance by a Welsh improvement authority or Welsh improvement authorities with the requirements of Part 1 of the Local Government (Wales) Measure 2009”;

(b) in subsection (2) after “best value authority” insert “or Welsh improvement authority”;

(c) in subsection (6) for the words “Welsh best value authority” to the end of the subsection substitute—

““Welsh improvement authority” means an authority which is a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009.”.

27 In section 93(9) (power to charge for discretionary services) after paragraph (a) insert—

“(aa) a Welsh improvement authority;”.

28 In section 95(7) (power to trade in function-related activities through a company), in the definition of “relevant authority” after paragraph (a) insert—

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

- “(aa) a Welsh improvement authority;”.
- 29 In section 97(11) (power to modify enactments in connection with charging or trading), in the definition of “relevant authority” after paragraph (a) insert—
“(aa) a Welsh improvement authority;”.
- 30 In section 101 (staff transfer matters: general)—
(a) after subsection (5) insert—
“(5A) The duties under Part 1 of the Local Government (Wales) Measure 2009 (local government improvement) have effect subject to subsections (1) and (3).”;
- (b) in subsection (7A) after paragraph (a) insert—
“(aa) a Welsh improvement authority;”.
- 31 In section 124 (general interpretation) after the definition of “valuation tribunal” insert—
““Welsh improvement authority” means an authority which is a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009.”.

Fire and Rescue Services Act 2004 (c. 21)

- 32 Amend section 24 of the Fire and Rescue Services Act 2004 (best value) as follows.
- 33 After subsection (2) insert the following—
“(3) Subsection (1) does not apply to a fire and rescue authority in Wales.
(4) Sections 21, 22, 26 and 27 of the Local Government (Wales) Measure 2009 apply in relation to a fire and rescue authority in Wales' compliance with section 21(7) as they apply in relation to a Welsh improvement authority's compliance with the requirements of Part 1 of that Measure.
(5) As applied by subsection (4), those sections have effect as if—
(a) in section 21(1), paragraphs (a) and (b) and the word “if” preceding paragraph (a) were omitted;
(b) sections 21(2)(b), (3), (5), (8) and (10) and 22(4) were omitted;
(c) in section 22(1), for the words “a special inspection” there were substituted “an inspection under section 21”;
(d) in section 22(2)(b), for the words “do either or both of the following” to the end there were substituted “make an order under section 22 of the Fire and Rescue Services Act 2004”;
(e) in section 26(11), the words “or an inspection under section 21 as applied by section 24(4) of the Fire and Rescue Services Act 2004” were inserted at the end;
(f) in section 27(1), the words “or inspections under section 21 as applied by section 24(4) of the Fire and Rescue Services Act 2004” were inserted at the end.”.

Public Audit (Wales) Act 2004 (c. 23)

- 34 Amend the Public Audit (Wales) Act 2004 as follows.

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- 35 In section 41(1) (studies for improving economy etc in services) at the end of paragraph (a) insert—
 “or Welsh improvement authorities for the purposes of Part 1 of the Local Government (Wales) Measure 2009”.
- 36 In section 54 (restriction on disclosure of information)—
- (a) in subsection (1)(a) after the words “the Local Government Act 1999 (c. 27)” insert “or Part 1 of the Local Government (Wales) Measure 2009”;
 - (b) in subsection (1)(b)—
 - (i) after the word “study” insert “assessment”;
 - (ii) at the end insert “or Part 1 of the Local Government (Wales) Measure 2009”.
 - (c) in subsection (2)(b) after the words “the Local Government Act 1999 (c. 27)” insert “or Part 1 of the Local Government (Wales) Measure 2009”.

SCHEDULE 2

(introduced by section 51(2))

MINOR AND CONSEQUENTIAL AMENDMENTS: PART 2

Local Government Act 2000 (c. 22)

- 1 Amend the Local Government Act 2000 as follows.
- 2 In section 2 (promotion of well-being)—
- (a) in subsection (3) after “a local authority” insert “in England”;
 - (b) after subsection (3A) insert—

“(3B) In determining whether or how to exercise the power under subsection (1), a local authority in Wales must have regard to the community strategy for its area published under section 39(4) of the Local Government (Wales) Measure 2009 or, where the strategy has been amended following a review under section 41 of that Measure, the strategy most recently published under section 41(6).”.
- 3 In section 4 (strategies for promoting well-being)—
- (a) in subsection (1) after “every local authority” insert “in England”;
 - (b) omit subsection (5).

Planning and Compulsory Purchase Act 2004 (c. 5)

- 4 Amend section 62 of the Planning and Compulsory Purchase Act 2004 (local development plan) as follows.
- 5 For subsection (5)(d) and (e) substitute—
 “(d) any relevant community strategy;”.
- 6 For subsection (7) substitute—
 “A community strategy is relevant if—

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- (a) in the case of an authority which is a county council or county borough council, it has been published by the authority under section 39 of the Local Government (Wales) Measure 2009 or, if the strategy has been amended, it is the strategy most recently published under section 41 of that Measure;
- (b) in the case of an authority which is a National Park authority—
 - (i) its production involved the authority as a community planning partner within the meaning of section 38 of that Measure; and
 - (ii) it has been published under section 39 of that Measure or, if the strategy has been amended, it is the strategy most recently published under section 41 of that Measure.”.

SCHEDULE 3

(introduced by section 51(3))

TRANSITIONAL PROVISION AND SAVINGS

Local Government Act 2000 (c. 22)

- 1 The amendments made to section 2 of the Local Government Act 2000 by paragraph 2 of Schedule 2 to this Measure have effect subject to paragraph 2 below.
- 2 The amendments do not apply to a local authority until the authority has published a community strategy under section 39(4) of this Measure.

Planning and Compulsory Purchase Act 2004 (c. 5)

- 3 The amendments made to section 62 of the Planning and Compulsory Purchase Act 2004 by paragraphs 4 to 6 of Schedule 2 to this Measure have effect subject to the following provisions.
- 4 In relation to a local planning authority which is a county council or a county borough council, the amendments do not apply until the authority has published a community strategy under section 39(4) of this Measure.
- 5 While the amendments do not apply by virtue of paragraph 4, section 62 of the Planning and Compulsory Purchase Act 2004 has effect as if the following were inserted at the end of subsection (7)—
 - “at the date on which paragraphs 4 to 6 of Schedule 2 to the Local Government (Wales) Measure 2009 came into force.”
- 6 In relation to a local planning authority which is a National Park authority, the amendments do not apply until each county council or county borough council whose area comprises any part of the area of the National Park authority has published a community strategy under section 39(4) of this Measure.
- 7 While the amendments do not apply by virtue of paragraph 6, section 62 of the Planning and Compulsory Purchase Act 2004 has effect as if for paragraph (e) of subsection (5) there were substituted—
 - “(e) the community strategy prepared under section 4 of the Local Government Act 2000 (at the date on which paragraphs 4 to 6 of Schedule 2 to the Local Government (Wales) Measure 2009 came

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into force) by any other authority whose area comprises any part of the area of the local planning authority or, where such an authority has published a community strategy under section 39(4) of the Local Government (Wales) Measure 2009, that strategy;”.

Community Strategies produced under section 4 of the Local Government Act 2000

8 In relation to a county council or county borough council, section 4 of this Measure has effect as described in paragraph 9 until the council has published a community strategy under section 39(4) of this Measure.

9 or paragraph (a) of subsection (3) there is substituted—

“in the case of a county council or county borough council, any objectives contained in the council’s community strategy under section 4 of the Local Government Act 2000 at the date on which this section came into force;”.

SCHEDULE 4

(introduced by section 52)

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Audit Commission Act 1998 (c. 18)	In section 47A, subsection (5) (a).
Local Government Act 1999 (c. 27)	In section 1, subsections (1) (k), (6) and (7). In section 2, subsection (5A). Section 2A. In section 3A, subsection (3) (b). Sections 4, 6, 7, 8A, 8B and 9. In section 10, subsection (5) (a). In section 10A, subsections (1)(a) and (4)(a). In section 13A, subsection (5). In section 15, subsection (2) (aa). In section 16, subsection (6) (b). Sections 17A and 17B.

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
	In section 23(4)(za), the words “Welsh best value authorities or”.
	In section 25(2), paragraph (d).
	In section 28(2), “6, 7”.
	In section 29(1A), “3, 10A, 12A, 13A, 15,” and “23, 25 and 26”.
Local Government Act 2000 (c. 22)	In section 4, subsection (5).