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Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

U.K.

An Act to make provision with respect to local government and the functions and procedures of local authorities and certain other authorities; to make provision with respect to persons with functions of inspection and audit in relation to local government; to establish the Valuation Tribunal for England; to make provision in connection with local involvement networks; to abolish Patients' Forums and the Commission for Patient and Public Involvement in Health; to make provision with respect to local consultation in connection with health services; and for connected purposes. [30th October 2007]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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PART 1 E+W

STRUCTURAL AND BOUNDARY CHANGE IN ENGLAND

CHAPTER 1 E+W

STRUCTURAL AND BOUNDARY CHANGE

Change from two tiers to single tier of local government

1 "Principal authority" and "single tier of local government" E+W

(1) For the purposes of this Chapter, each of the following is a "principal authority"—
- (a) a county council in England;
- (b) a district council in England.

(2) For the purposes of this Chapter there is "a single tier of local government" for an area if—
- (a) there is a county council and no district councils for that area; or
- (b) there is a district council and no county council for that area.

(3) For the purposes of subsection (2)(b) there is a county council "for" an area which is a district if there is a county council which has in relation to that area the functions of a county council.

Commencement Information

I1 S. 1 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

2 Invitations and directions for proposals for single tier of local government E+W

(1) The Secretary of State may invite or direct any principal authority to make one of the following proposals—
- (a) a Type A proposal;
- (b) a Type B proposal;
- (c) a Type C proposal;
- (d) a combined proposal.

(2) A Type A proposal is a proposal that there should be a single tier of local government for the area which is the county concerned.

(3) A Type B proposal is a proposal that there should be a single tier of local government for an area which—
- (a) is currently a district, or two or more districts, in the county concerned; and
- (b) is specified in the proposal.

(4) A Type C proposal is a proposal that there should be a single tier of local government for an area specified in the proposal which currently consists of—
- (a) the county concerned or one or more districts in the county concerned; and

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(b) one or more relevant adjoining areas.

(5) A combined proposal is a proposal that consists of—
(a) two or more Type B proposals,
(b) two or more Type C proposals, or
(c) one or more Type B proposals and one or more Type C proposals,
but a proposal is not a combined proposal if it includes any Type B or C proposals that are alternatives.

(6) In this section "the county concerned" means—
(a) in relation to a principal authority which is the council for a county, that county;
(b) in relation to a principal authority which is the council for a district, the county in which the district is.

(7) In this section a "relevant adjoining area" means an area which adjoins the county concerned and is currently a county in England, a district in England, or two or more such counties or districts.

(8) An invitation or direction may either—
(a) be such that the authority may choose whether to make a Type A, Type B, Type C or combined proposal; or
(b) specify which one of those kinds of proposal is invited (or, in the case of a direction, required).

(9) Subsection (1) is subject to section 3(1).

Commencement Information
I2 S. 2 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

3 Invitations, directions and proposals: supplementary E+W

(1) A direction under section 2—
(a) may not be given after 25 January 2008; and
(b) may be given on or before that date only where the Secretary of State believes that giving the direction would be in the interests of effective and convenient local government.

(2) A direction under section 2 may specify a date by which a proposal must be made.

(3) An invitation under section 2 may specify a date by which a proposal may be made.

(4) A proposal made by virtue of section 2 may not specify an area as one for which there should be a single tier of local government unless the whole or any part of that area is currently a two-tier area (as defined by section 23(2)).

(5) In responding to an invitation under section 2, or complying with a direction under that section, an authority must have regard to any guidance from the Secretary of State as to—
(a) what a proposal should seek to achieve;
(b) matters that should be taken into account in formulating a proposal.

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(6) Where invitations or directions under section 2 are given to more than one authority, any authority that has received an invitation or direction may respond to the invitation, or comply with the direction, either by—
  (a) making its own proposal in accordance with the invitation or direction; or
  (b) making a proposal, in accordance with the invitation or direction, jointly with any of the other authorities.

(7) An invitation or direction under section 2 may be varied or revoked.

(8) But a direction under section 2 may not be varied after 25 January 2008 if—
  (a) the direction as originally given required the making of a Type A or Type B proposal; and
  (b) the direction as varied would require or permit the making of a Type C or combined proposal.

Commencement Information
I3 S. 3 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

4 Request for Boundary Committee for England's advice E+W

(1) This section applies where the Secretary of State receives a proposal in response to an invitation or direction under section 2.

(2) The Secretary of State may request the Boundary Committee to advise, no later than a date specified in the request, on any matter that—
  (a) relates to the proposal; and
  (b) is specified in the request.

(3) The Secretary of State may at any time substitute a later date for the date specified in a request under subsection (2) (or for any date previously substituted under this subsection).

Commencement Information
I4 S. 4 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

5 Boundary Committee's powers E+W

(1) This section applies where the Boundary Committee receive a request for advice under section 4.

(2) The Boundary Committee may provide the advice requested.

(3) Where they provide that advice, the Boundary Committee may also do any of the following that they think appropriate—
  (a) recommend that the Secretary of State implements the proposal without modification;
  (b) recommend that he does not implement it;
  (c) make an alternative proposal to him.

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(4) In subsection (3)(a) "the proposal" means the Type A, Type B, Type C or combined proposal to which the request for advice related.

(5) In subsection (3)(c) "an alternative proposal" means—

(a) a proposal that there should be a single tier of local government for an area that—

(i) is, or includes, the whole or part of the county concerned; and

(ii) is specified in the alternative proposal; or

(b) a proposal consisting of two or more proposals that are within paragraph (a) (and are not alternatives to one another).

(6) In this section "the county concerned" means—

(a) the county that, under section 2(6), is the county concerned in relation to the authority which made the proposal referred to in subsection (4) above; or

(b) where that proposal was made by more than one authority, any county that (under section 2(6)) is the county concerned in relation to any of the authorities which made that proposal.

(7) The area specified in an alternative proposal under this section may not extend into any area that is currently outside all local government areas.

Commencement Information

I5 S. 5 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

6 Boundary Committee's procedure E+W

(1) A local authority must if requested by the Boundary Committee to do so provide the Boundary Committee, by such date as the Boundary Committee may specify, with any information that the Boundary Committee may reasonably require in connection with any of their functions under section 5.

(2) In making a recommendation or alternative proposal under section 5 the Boundary Committee must have regard to any guidance from the Secretary of State about the exercise of the Boundary Committee's functions under that section.

(3) Any recommendation or alternative proposal under section 5 must be made no later than the relevant date.

(4) Before making an alternative proposal under section 5(3)(c) the Boundary Committee must—

(a) publish a draft of the proposal; and

(b) take such steps as they consider sufficient to secure that persons who may be interested are informed of—

(i) the draft proposal; and

(ii) the period within which representations about it may be made to the Boundary Committee.

(5) The Boundary Committee—

(a) must take into account any representations made to them within that period; and

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(b) if they make any proposal to the Secretary of State, must inform any person who made such representations—

(i) of the proposal made; and

(ii) that representations about the proposal may be made to the Secretary of State until the end of the relevant period.

(6) In subsection (5)(b) "the relevant period" means four weeks beginning with the relevant date.

(7) In this section and section 7 "the relevant date" means the date specified in the request under section 4(2) (or, if a later date is substituted under section 4(3), the date substituted (or last substituted) under that provision).

Commencement Information

I6 S. 6 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

7 Implementation of proposals by order E+W

(1) Where the Secretary of State has received a proposal in response to an invitation or direction under section 2, he may—

(a) by order implement the proposal, with or without modification;

(b) if he has received an alternative proposal from the Boundary Committee under section 5, by order implement that alternative proposal with or without modification; or

(c) decide to take no action.

(2) But where the Secretary of State has made a request under section 4 in relation to the proposal received in response to the invitation or direction, he may not make an order or decision under this section before the end of six weeks beginning with the relevant date (as defined by section 6(7)).

(3) The Secretary of State may not in any case make an order under subsection (1)(a) implementing a proposal unless he has consulted the following about the proposal—

(a) every authority affected by the proposal (except the authority or authorities which made it); and

(b) such other persons as he considers appropriate.

(4) For the purposes of this section an authority is "affected by" a proposal if it is a principal authority for an area which is, or any part of which is, in an area that the proposal suggests should have a single tier of local government.

(5) Subsection (3) does not apply if the proposal was made jointly by every authority affected by it, and in that case the Secretary of State may before making an order under subsection (1)(a) (or deciding not to) consult such other persons as he considers appropriate.

(6) In any case where he has received an alternative proposal from the Boundary Committee under section 5, the Secretary of State may request the Boundary Committee to provide him with information or advice on any matter relating to the proposal.

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(7) Where they receive such a request the Boundary Committee may provide the information or advice requested.

Commencement Information
I7 S. 7 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

Boundary change

8 Review by Boundary Committee of local government areas E+W

(1) The Boundary Committee may, either on their own initiative or at the request of the Secretary of State or a local authority, conduct a review of one or more local government areas.

(2) Where they have conducted a review under this section the Boundary Committee may (subject to subsection (4)) recommend to the Secretary of State such boundary change as in consequence of the review seems to them desirable.

(3) For the purposes of this section "boundary change" means any of the following or any combination of the following—
- (a) the alteration of a local government area boundary;
- (b) the abolition of a local government area;
- (c) the constitution of a new local government area.

(4) None of the following may be recommended under this section—
- (a) a change consisting of the alteration of the boundary of a single-tier area and consequent abolition of an area that is currently two-tier;
- (b) a change consisting of the alteration of the boundary of a two-tier area and consequent abolition of an area that is currently single-tier;
- (c) a change consisting of the constitution of a new local government area and consequent abolition of an existing local government area, where the new local government area would include—
  - (i) the whole or part of any area that is currently single-tier; and
  - (ii) the whole or part of any area that is currently two-tier;
- (d) a change consisting of the alteration of a local government area, or constitution of a new local government area, where the altered or new area would extend into an area that is currently outside all local government areas;
- (e) a change whose effect would be that England (excluding the Isles of Scilly, the City of London, the Inner Temple and the Middle Temple) is no longer divided into areas each of which is—
  - (i) a county divided into districts, or comprising one district; or
  - (ii) a London borough.

(5) Where the Boundary Committee have conducted a review under this section and consider that no boundary change is desirable, they may recommend to the Secretary of State that no boundary change should be made.

(6) In considering whether (and, if so, what) boundary change is desirable, the Boundary Committee must have regard to—

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(a) the need to secure effective and convenient local government; and
(b) the need to reflect the identities and interests of local communities.

(7) In exercising a function under subsection (1), (2), (5) or (6), a local authority or the Boundary Committee must have regard to any guidance from the Secretary of State about the exercise of that function.

(8) A local authority must if requested by the Boundary Committee to do so provide the Boundary Committee, by such date as the Boundary Committee may specify, with any information that the Boundary Committee may reasonably require in connection with any of their functions under this section.

Commencement Information
I8 S. 8 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

9 Boundary Committee's review: consultation etc E+W

(1) This section applies where the Boundary Committee conduct a review under section 8.

(2) In conducting the review the Committee must consult—
(a) the council of any local government area to which the review relates; and
(b) such other local authorities, parish councils and other persons as appear to them to have an interest.

(3) Before making any recommendation to the Secretary of State the Boundary Committee must—
(a) publish a draft of the recommendation; and
(b) take such steps as they consider sufficient to secure that persons who may be interested are informed of—
(i) the draft recommendation; and
(ii) the period within which representations about it may be made to the Boundary Committee.

(4) The Boundary Committee—
(a) must take into account any representations made to them within that period; and
(b) if they make any recommendation to the Secretary of State, must inform any person who made such representations—
(i) of the recommendation made; and
(ii) that representations about the recommendation may be made to the Secretary of State until the end of four weeks beginning with the recommendation date.

(5) In this section and section 10 “the recommendation date” means the date the recommendation was sent by the Boundary Committee to the Secretary of State.

Commencement Information
I9 S. 9 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

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10 Implementation of recommendations by order E+W

(1) Where the Boundary Committee make a recommendation to the Secretary of State under section 8(2), the Secretary of State may do any of the following—
  (a) by order implement the recommendation, with or without modification;
  (b) decide to take no action with respect to the recommendation;
  (c) make a request under section 8 for a further review.

(2) Where the Boundary Committee make a recommendation to the Secretary of State under section 8(5) the Secretary of State may—
  (a) make a request under section 8 for a further review; or
  (b) decide not to make such a request.

(3) The Secretary of State may not do as mentioned in paragraph (a), (b) or (c) of subsection (1) or paragraph (a) or (b) of subsection (2) before the end of six weeks beginning with the recommendation date (as defined by section 9(5)).

(4) Before doing as mentioned in any of those paragraphs the Secretary of State may request the Boundary Committee to provide him with information or advice on any matter relating to the recommendation.

(5) Where they receive such a request the Boundary Committee may provide the information or advice requested.

Commencement Information
I10 S. 10 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

Implementation of changes

11 Implementation orders: provision that may be included E+W

(1) An order under section 7 or 10 may in particular include provision, for the purpose of implementing a proposal or recommendation or in connection with the implementation of a proposal or recommendation, for or with respect to—
  (a) any of the matters mentioned in subsection (3);
  (b) any of the matters mentioned in subsection (4) (incidental, consequential etc matters).

(2) In subsection (1) "implementing" includes implementing with modifications and "implementation" is to be read accordingly.

(3) The matters referred to in subsection (1)(a) are—
  (a) the constitution of a new local government area;
  (b) the abolition of any existing local government area;
  (c) the boundary of any local government area;
  (d) whether a county or district is to be metropolitan or non-metropolitan;
  (e) the establishment, as a county council, district council or London borough council, of an authority for any local government area;
  (f) the winding up and dissolution of an existing local authority;

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(g) the transfer to a county council of the functions, in relation to an area, of district councils;

(h) the transfer to a district council of the functions, in relation to an area, of a county council.

(4) The matters referred to in subsection (1)(b) are—

(a) the name of any local government area;

(b) the name of any local authority;

(c) the boundary of any parish;

(d) electoral matters within the meaning of section 12;

(e) the establishment or membership of public bodies in any area affected by the order and the election of members of such bodies;

(f) the abolition or establishment, or the restriction or extension, of the jurisdiction of any public body in or over any part of any area affected by the order;

(g) the boundary of any police area in England.

(5) For the purposes of subsection (3)(e)—

(a) the "establishment" of an authority as a council for a county includes an existing district council's becoming the county council for the county;

(b) the "establishment" of an authority as a council for a district includes an existing county council's becoming the district council for the district.

(6) The power of the Secretary of State under section 7(1)(a) to implement a proposal with modifications includes power to make provision whose effect is that there will be a single tier of local government for an area ("the area concerned") that—

(a) includes all or part of an area specified in the proposal as one for which there should be a single tier of local government; but

(b) is not an area that could itself have been so specified.

(7) But subsection (6) does not authorise the area concerned to extend into any area that is currently outside all local government areas.

Commencement Information

I11 S. 11 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

12 Provision relating to membership etc of authorities E+W

(1) In section 11(4) "electoral matters" means any of the following—

(a) the total number of members of any local authority or parish council ("councillors");

(b) the number and boundaries of electoral areas for the purposes of the election of councillors;

(c) the number of councillors to be returned by any electoral area;

(d) the name of any electoral area;

(e) the election of councillors for any electoral areas;

(f) the order of retirement of councillors;

(g) the election of a mayor of a local authority;

(h) the election of an executive of a local authority;

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(i) the appointment by the Secretary of State of members of an existing local authority to be members of a new local authority for a transitional period;

(j) the appointment for a transitional period of an executive of a new local authority;

(k) the functions of a new local authority, and the discharge of those functions, during a transitional period.

(2) In subsection (1)(i) to (k)—

"a new local authority" means a local authority established by the order;

"a transitional period" means a period before the coming into office of members of the authority elected at the first election after the establishment of the authority.

(3) In subsection (2) "established" and "establishment" are to be read in accordance with section 11(5).

(4) An order under section 7 or 10 may provide for an electoral division of a non-metropolitan county to return more than one councillor, and in such a case section 6(2)(a) of the Local Government Act 1972 (c. 70) does not apply.

(5) As soon as practicable after the making of an order under section 7 or 10, the Electoral Commission must consider whether to exercise their power under section 13(3) of the Local Government Act 1992 (c. 19) (power to direct the Boundary Committee to conduct a review of a specified area and recommend whether an electoral change should be made).

(6) An order of the Electoral Commission under section 17 of the Local Government Act 1992 (c. 19) (electoral change) may, in consequence of any other provision of that order, revoke a provision of an order made under section 7 or 10 of this Act.

Commencement Information

I12 S. 12 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

13 Implementation orders: further provision E+W

(1) The power to make an order under section 7 or 10 includes (as well as power to make any provision authorised by section 11(1)(b)) power to make any other incidental, consequential, transitional or supplementary provision.

(2) Subsection (1) is to be read with section 15.

(3) Any incidental, consequential, transitional or supplementary provision included in an order under section 7 or 10 may relate either to other provisions of the order or to a previous order under section 7 or 10 (and the reference in section 12(2) to "the order" accordingly includes a previous order under section 7 or 10).

(4) The Secretary of State must exercise his powers under section 11(4)(g) in such a way as to ensure that none of the following is divided between two or more police areas—

(a) a county in which there are no district councils;

(b) a district;

(c) a London borough.

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Commencement Information

I13 S. 13 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

14 Regulations for supplementing orders E+W

(1) The Secretary of State may by regulations of general application make incidental, consequential, transitional or supplementary provision—

(a) for the purposes or in consequence of any orders under section 7 or 10; or

(b) for giving full effect to such orders.

(2) Subsection (1) is to be read with section 15.

(3) Regulations under this section have effect subject to any provision included in an order under section 7 or 10.

Commencement Information

I14 S. 14 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

15 Incidental etc provision in orders or regulations E+W

(1) In sections 13 and 14 references to incidental, consequential, transitional or supplementary provision include, in particular, provision—

(a) for the transfer of functions, property, rights or liabilities from a local authority or police authority for any area to another local authority or police authority whose area consists of or includes the whole or part of that area;

(b) for the transfer of property, rights or liabilities, and of related functions, from an authority which ceases to exist to a residuary body established under section 17;

(c) for legal proceedings commenced by or against any body to be continued by or against a body to whom functions, property, rights or liabilities are transferred;

(d) for the transfer of staff, compensation for loss of office, pensions and other staffing matters;

(e) for treating any body to whom a transfer is made for some or all purposes as the same person in law as the body from whom the transfer is made;

(f) with respect to the management or custody of transferred property (real or personal);

(g) with respect to the functions, areas of jurisdiction and costs and expenses of any public body or of—

(i) any justice of the peace other than a District Judge (Magistrates' Courts);

(ii) any coroner or keeper of the rolls;

(iii) any lord-lieutenant, lieutenant or high sheriff; or

(iv) any other officers (including police officers) within the area of any local authority affected by an order under section 7 or 10;

(h) with respect to the functions of any District Judge (Magistrates' Courts);

(i) with respect to charter trustees;

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(j) equivalent to any provision that could be contained in an agreement under section 16 (agreements about incidental matters).

(2) Any order under section 7 or 10 or regulations under section 14 may for any incidental, consequential, transitional or supplementary purpose—

(a) modify, exclude or apply (with or without modifications) any enactment;

(b) repeal or revoke any enactment with or without savings.

(3) In subsection (2)—

"enactment" includes—

(a) any enactment contained in this Act (other than a provision of this Part) or in an Act passed after this Act;

(b) any instrument made at any time under an enactment (including an enactment contained in this Act or in an Act passed after this Act);

(c) any charter, whenever granted;

"modify" includes amend.

Commencement Information

I15 S. 15 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

16 Agreements about incidental matters E+W

(1) Any public bodies affected by an order under section 7 or 10 may from time to time make agreements with respect to—

(a) any property, income, rights, liabilities and expenses (so far as affected by the order) of the parties to the agreement;

(b) any financial relations between the parties to the agreement.

(2) Such an agreement may in particular provide—

(a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for the joint use of any property;

(b) for the making of payments by any party to the agreement in respect of—

(i) property, rights and liabilities so transferred or retained;

(ii) such joint use; or

(iii) the remuneration or compensation payable to any person;

(c) for any such payment to be made by instalments or otherwise;

(d) for interest to be charged on any such instalments.

(3) In default of agreement about any disputed matter, the matter is to be referred to the arbitration of a single arbitrator—

(a) agreed on by the parties; or

(b) in default of agreement, appointed by the Secretary of State.

(4) The arbitrator's award may make any provision that could be contained in an agreement under this section.

(5) In subsection (3) "disputed matter" means any matter that—

(a) could be the subject of provision contained in an agreement under this section; and

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(b) is the subject of a dispute between two or more public bodies that is not resolved by or under any order or regulations under this Chapter.

(6) In this section "public body" includes a parish council.

Modifications etc. (not altering text)

C1 S. 16 applied (with modifications) by 1972 c. 70, s. 12(2) (as amended) (1.11.2007 for E.) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 1 para. 11(3)(a)**; S.I. 2007/3136, art. 2(b)

Commencement Information

I16 S. 16 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

17 Residuary bodies E+W

(1) The Secretary of State may by order establish one or more bodies corporate ("residuary bodies") for the purpose of taking over any property, rights or liabilities, and any related functions, of local authorities which cease to exist by virtue of orders under section 7 or 10.

(2) An order under subsection (1) may—

(a) make provision with respect to the constitution and membership of a residuary body;

(b) make provision with respect to the powers of a residuary body to make levies and to borrow and lend money and the treatment and distribution of capital and other money by such a body;

(c) make provision with respect to the keeping and auditing of accounts of a residuary body;

(d) make provision with respect to directions which may be given by the Secretary of State in relation to the carrying out by a residuary body of any of its functions;

(e) make provision enabling the Secretary of State to require a residuary body to submit to him a scheme for the winding up of the body and the disposal of its property, rights and liabilities and related functions.

(3) The Secretary of State may by order provide—

(a) for the transfer to any other body or bodies (including any body or bodies corporate established under the order for the purpose) of any property, rights or liabilities, and any related functions, of a residuary body; and

(b) for giving effect (with or without modifications) to any scheme submitted to him under a provision made by virtue of subsection (2)(e) and for the dissolution of a residuary body.

(4) An order under this section may include incidental, consequential, transitional or supplementary provision, including in particular provision of a kind mentioned in paragraphs (c) to (f) of section 15(1).

(5) Section 15(2) and (3) (power to apply etc enactments) apply to an order under this section as to an order under section 7.

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Commencement Information
I17 S. 17 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

18 Staff commissions E+W

(1) The Secretary of State may by order establish one or more staff commissions for the purpose of—
  (a) considering and keeping under review the arrangements for the recruitment of staff by relevant authorities affected by orders under this Chapter and for the transfer in consequence of any such order of staff employed by such authorities;
  (b) considering such staffing problems arising in consequence of such an order, and such other matters relating to staff employed by any such authority, as may be referred to the staff commission by the Secretary of State; and
  (c) advising the Secretary of State on the steps necessary to safeguard the interests of such staff.

(2) Such a commission may be established for the whole or any part of England.

(3) The Secretary of State may give directions to a staff commission with respect to their procedure.

(4) The Secretary of State may give directions to any relevant authority affected by an order under this Chapter with respect to—
  (a) the provision of any information requested and the implementation of any advice given by a staff commission;
  (b) the payment by such an authority of any expenses incurred by a staff commission in doing anything requested by the authority.

(5) Any expenses incurred by a staff commission under this section and not recovered from a relevant authority shall be paid by the Secretary of State out of money provided by Parliament.

(6) The Secretary of State may by order provide for the winding up of any staff commission established under this section.

(7) A direction under this section may be varied or revoked by a subsequent direction.

(8) In this section "relevant authority" means—
  (a) a local authority; or
  (b) a residuary body established under section 17.

Commencement Information
I18 S. 18 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

19 Certain county councils to be billing authorities E+W

(1) Where an order under this Chapter transfers the functions of district councils in relation to any area to a council for a county consisting of that area, the county council—

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(a) shall, for any financial year beginning at the same time as or after that transfer, be a billing authority for the purposes of Part 1 of the Local Government Finance Act 1992 (c. 14) in relation to the area;

(b) shall not, for any such year, be a major precepting authority for those purposes.

(2) This section does not limit any power to make provision by order under this Chapter or any power to make incidental, consequential, transitional or supplementary provision in connection with the provisions of any such order.

(3) In this section "financial year" means 12 months beginning with 1 April.

Commencement Information

I19 S. 19 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

Supplementary

20 Correction of orders E+W

(1) Where—

(a) an order under any provision of this Chapter has been made by the Secretary of State, and

(b) the Secretary of State is satisfied that there is a mistake in the order which cannot be rectified by a subsequent order made under that provision by virtue of section 14 of the Interpretation Act 1978 (c. 30) (power to amend),

the Secretary of State may rectify the mistake by order under this section.

(2) For the purposes of this section, a "mistake" in an order includes a provision contained in or omitted from the order in reliance on inaccurate or incomplete information supplied by any public body.

(3) In subsection (2) "public body" includes a parish council.

Commencement Information

I20 S. 20 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

21 Pre-commencement invitations etc E+W

(1) In this section a "pre-commencement invitation" means an invitation given by the Secretary of State before the commencement of this Chapter which, after that commencement, could have been given under the power in section 2.

(2) If before the commencement of this Chapter—

(a) a pre-commencement invitation was given,

(b) guidance as to what a proposal should seek to achieve, or as to matters that should be taken into account in formulating a proposal, was given by the Secretary of State in connection with such an invitation,

(c) a proposal was made in response to such an invitation, or

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(d) consultation was carried out by the Secretary of State in relation to such a proposal,

it is immaterial that the invitation or guidance was given, the proposal made, or the consultation carried out, before rather than after the commencement of this Chapter.

(3) Accordingly (and without prejudice to the generality of subsection (2))—

(a) any reference in this Chapter to an invitation under section 2 includes a pre-commencement invitation;

(b) any reference in this Chapter to a proposal made by virtue of section 2 includes a proposal (whenever made) made in response to a pre-commencement invitation;

(c) any reference in this Chapter to the Secretary of State's receiving a proposal in response to an invitation under section 2 includes his receiving before the commencement of this Chapter a proposal made in response to a pre-commencement invitation.

Commencement Information

I21 S. 21 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

22 Consequential amendments E+W

Schedule 1 (amendments consequential on this Chapter) has effect.

Commencement Information

I22 S. 22 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

23 Definitions for purposes of Chapter 1 E+W

(1) In this Chapter—

"the Boundary Committee" means the Boundary Committee for England;

"local authority" means a county council in England, a district council in England or a London borough council;

"local government area" means a county in England, a district in England or a London borough;

"principal authority" has the meaning given by section 1;

"public body" includes—

(a) a local authority;

(b) a police authority;

(c) a residuary body established under section 17;

(d) a joint board, or joint committee, on which a local authority is represented;

(e) a levying body within the meaning of section 74(1) of the Local Government Finance Act 1988 (c. 41);

"single-tier" has the meaning given by subsection (2);

"staff" includes officers and employees;

"two-tier" has the meaning given by subsection (2);

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"Type A", "Type B", "Type C" and "combined", in relation to a proposal, have the meanings given by section 2.

(2) For the purposes of this Chapter an area is—
- (a) "single-tier" if there is a single tier of local government for it (within the meaning of section 1) or it is a London borough; and
- (b) "two-tier" if it is—
  - (i) a district for which there is a district council and in relation to which a county council has the functions of a county council; or
  - (ii) a county for which there is a county council and in which there are districts all of which have district councils.

(3) Any reference in this Chapter to a proposal "in response to" an invitation or direction under section 2 is to a Type A, Type B, Type C or combined proposal which—
- (a) is in response to such an invitation or direction; and
- (b) is in accordance with the invitation or direction and section 3(4).

(4) Any reference in this Chapter, however framed, to a body affected by an order includes a body—
- (a) whose area or functions are affected by the order;
- (b) which is to cease to exist in pursuance of the order; or
- (c) which is established by or in consequence of the order.

Commencement Information
I23 S. 23 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

CHAPTER 2 E+W

CONTROL OF DISPOSALS ETC

24 Authorities dissolved by orders: control of disposals, contracts and reserves E+W

(1) The Secretary of State may direct that, with effect from a date specified in the direction, a relevant authority may not without the written consent of a person or persons so specified—
- (a) dispose of any land if the consideration for the disposal exceeds £100,000;
- (b) enter into any capital contract—
  - (i) under which the consideration payable by the relevant authority exceeds £1,000,000; or
  - (ii) which includes a term allowing the consideration payable by the relevant authority to be varied;
- (c) enter into any non-capital contract under which the consideration payable by the relevant authority exceeds £100,000, where—
  - (i) the period of the contract extends beyond a date specified in the direction; or
  - (ii) under the terms of the contract, that period may be extended beyond that date; or

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(d) include an amount of financial reserves in a calculation under section 32(3) or 43(3) of the Local Government Finance Act 1992 (c. 14).

(2) In this Chapter "relevant authority" means a local authority—

(a) which by virtue of an order under section 7 or 10 is to be dissolved; and

(b) which is specified, or of a description specified, in the direction.

(3) In this section—

"capital contract" means a contract as regards which the consideration payable by the relevant authority would be capital expenditure for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (c. 26) (capital finance);

"non-capital contract" means a contract which is not a capital contract.

(4) A person specified in the direction as a person whose consent is required may be the Secretary of State or such authority or other person as he thinks appropriate; and the direction may specify different persons—

(a) in relation to different matters for which consent is required;

(b) in relation to different relevant authorities or descriptions of relevant authority.

Commencement Information

I24 S. 24 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

25 Directions: further provision about reserves E+W

(1) A direction under section 24—

(a) may provide that the consent of the person or persons specified in the direction is not required for the inclusion, in a calculation under section 32(3) or 43(3) of the Local Government Finance Act 1992, of financial reserves of a description specified in the direction;

(b) may, in relation to any authority or description of authority, provide that that consent is not required for the inclusion in such a calculation of an amount of financial reserves not exceeding an amount specified in or determined under the direction.

(2) If a direction contains provision by virtue of subsection (1), the reference in section 24(1)(d) to an amount of financial reserves is to be read as a reference to an amount of financial reserves other than an amount permitted by the direction.

Commencement Information

I25 S. 25 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

26 Directions: supplementary E+W

(1) In this section "direction" means a direction under section 24.

(2) A consent for the purposes of a direction may be given—

(a) in respect of a particular disposal or contract, or in respect of disposals or contracts of any description;

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(b) unconditionally or subject to conditions.

(3) The following enactments have effect subject to any direction—

(a) section 123 of the Local Government Act 1972 (c. 70) (power to dispose of land);

(b) any other enactment relating to the disposal of land by local authorities.

(4) The consent required by a direction is in addition to any consent required by the enactments mentioned in subsection (3)(a) and (b).

(5) Where the consideration or any of the consideration under a contract is not in money, the limits specified in a direction by virtue of section 24(1)(a) to (c) apply to the value of the consideration.

(6) Where—

(a) a question arises in relation to a direction as to the value of any consideration, and

(b) the relevant authority concerned and the person or persons specified under section 24(1) fail to reach agreement,

the value is to be determined by the Secretary of State.

(7) A direction may be varied or revoked by a subsequent direction.

Commencement Information

I26 S. 26 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

27 Consideration to be taken into account for purposes of direction E+W

(1) In determining whether the limit specified in a direction by virtue of section 24(1)(a) is exceeded in the case of a disposal of land by a relevant authority, the consideration with respect to any other disposal of land made after 31 December 2006 by the relevant authority is to be taken into account.

(2) In determining whether a limit specified in a direction by virtue of section 24(1)(b) or (c) is exceeded in the case of a contract entered into by a relevant authority ("the contract in question"), the consideration payable by the relevant authority under any other relevant contract shall be taken into account.

(3) For the purposes of subsection (2) a "relevant contract" means a contract which is either or both—

(a) a contract entered into after 31 December 2006 by the relevant authority and the person with whom the contract in question is entered into;

(b) a contract entered into after that date by the relevant authority which relates to the same or a similar description of matter as that to which the contract in question relates.

Commencement Information

I27 S. 27 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

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28 Contraventions of direction E+W

(1) A disposal made in contravention of a direction under section 24 is void.

(2) A contract entered into by an authority ("the old authority") in contravention of a direction under section 24 is not enforceable against a successor.

(3) In subsection (2) a "successor" means a local authority (other than the old authority)—
- (a) which is established by an order under section 7 or 10; and
- (b) whose area consists of or includes the whole or part of the area of the old authority.

(4) A contract which apart from this subsection would be a certified contract for the purposes of the Local Government (Contracts) Act 1997 (c. 65) is not a certified contract for those purposes if it is entered into in contravention of a direction under section 24.

(5) If an authority includes financial reserves in a calculation under section 32(3) of the Local Government Finance Act 1992 (c. 14) in contravention of a direction under section 24, the authority is to be treated for the purposes of section 30(8) of that Act as not having made the calculations required by Chapter 3 of Part 1 of that Act.

(6) If an authority includes financial reserves in a calculation under section 43(3) of that Act in contravention of a direction under section 24, the authority is to be treated for the purposes of section 40(7) of that Act as not having made the calculations required by Chapter 4 of Part 1 of that Act.

Commencement Information
I28 S. 28 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

29 Power to amend E+W

(1) The Secretary of State may by order—
- (a) substitute another sum for any sum for the time being specified in section 24(1);
- (b) substitute another date for the date for the time being specified in section 27(1) and (3).

(2) An order under this section may include transitional or saving provision.

Commencement Information
I29 S. 29 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

30 Definitions for purposes of Chapter 2 E+W

(1) In this Chapter—

"local authority" means a county council in England, a district council in England or a London borough council;

"relevant authority" has the meaning given by section 24(2).

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(2) References in this Chapter to disposing of land include references to—
- (a) granting or disposing of any interest in land;
- (b) entering into a contract to dispose of land or grant or dispose of any such interest;
- (c) granting an option to acquire any land or any such interest.

Commencement Information
I30 S. 30 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(a)**

PART 2 E+W

ELECTORAL ARRANGEMENTS

CHAPTER 1 E+W

POWER OF DISTRICT COUNCILS IN ENGLAND TO CHANGE ELECTORAL SCHEME

Introductory

31 Schemes for elections E+W

For the purposes of this Chapter—
- (a) a council is "subject to a scheme for whole-council elections" if all of its councillors are to be elected in each year in which it holds ordinary elections of councillors;
- (b) a council is "subject to a scheme for elections by halves" if one-half (or as nearly as may be) of its councillors are to be elected in each year in which it holds ordinary elections of councillors;
- (c) a council is "subject to a scheme for elections by thirds" if one-third (or as nearly as may be) of its councillors are to be elected in each year in which it holds ordinary elections of councillors.

Commencement Information
I31 S. 31 in force at 30.12.2007, see s. 245(2)

Power of district councils to change to whole-council elections

32 Resolution for whole-council elections E+W

(1) A district council in England that is subject to a scheme for elections by halves or by thirds may resolve that it is to be subject instead to the scheme for whole-council elections under section 34.

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(2) A resolution under this section is referred to in this Chapter as a "resolution for whole-council elections".

Commencement Information
I32 S. 32 in force at 30.12.2007, see s. 245(2)

33 Resolution for whole-council elections: requirements E+W

(1) A council must comply with this section in passing a resolution for whole-council elections.

(2) The council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change.

(3) The resolution must be passed—
- (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
- (b) by a majority of at least two thirds of the members voting on it.

(4) The council must pass the resolution in a permitted resolution period.

(5) In subsection (3) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.

(6) In this section "permitted resolution period" means—
- (a) in relation to a metropolitan district council—
  - (i) the period ending with 31 December 2009, or
  - (ii) the period in 2013, or in any fourth year afterwards, that starts with the day after that council's annual meeting and ends with 31 December;
- (b) in relation to a non-metropolitan district council—
  - (i) the period ending with 31 December 2010, or
  - (ii) the period in 2014, or in any fourth year afterwards, that starts with the day after that council's annual meeting and ends with 31 December.

(7) The Secretary of State may by order provide that a permitted resolution period is to end later than the day determined in accordance with subsection (6).

Commencement Information
I33 S. 33 in force at 30.12.2007, see s. 245(2)

34 Scheme for whole-council elections E+W

(1) On passing a resolution for whole-council elections, a council becomes subject to the following electoral scheme.

(2) Ordinary elections of the councillors of the council are to be held in—
- (a) the election year which follows the end of the resolution period, and
- (b) every election year afterwards.

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(3) All councillors are to be elected in each year in which ordinary elections are held.

(4) On the fourth day after ordinary elections are held—

(a) the councillors elected in those elections are to come into office, and

(b) the sitting councillors are to retire.

(5) In this section—

"election year" means—

(a) in relation to a metropolitan district council: 2010 and every fourth year afterwards;

(b) in relation to a non-metropolitan district council: 2011 and every fourth year afterwards;

"resolution period" means the permitted resolution period in which the council passes a resolution for whole-council elections.

(6) If the council passes a resolution for whole-council elections in a permitted resolution period which has been extended by an order under section 33(7), subsection (2)(a) has effect as if it referred to the election year in which that period ends.

Commencement Information

I34 S. 34 in force at 30.12.2007, see s. 245(2)

35 Publicity E+W

(1) A council must comply with this section as soon as practicable after passing a resolution for whole-council elections.

(2) The council must produce an explanatory document.

(3) The council must make the explanatory document—

(a) available for public inspection at the council's principal office at all reasonable times, and

(b) available to the public by such other means as the council thinks appropriate.

(4) The council must publicise these matters—

(a) that the council has become subject to the scheme for whole-council elections under section 34;

(b) when elections will first take place in accordance with the scheme;

(c) how the explanatory document is available in accordance with subsection (3);

(d) the address of the council's principal office.

(5) It is for the council to decide how those matters are to be publicised.

(6) An explanatory document is a document which sets out details of the new electoral scheme as it applies to the council.

Commencement Information

I35 S. 35 in force at 30.12.2007, see s. 245(2)

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36 Notice to Electoral Commission E+W

(1) A council must comply with this section as soon as practicable after passing a resolution for whole-council elections.

(2) The council must give the Electoral Commission notice that it has passed the resolution.

Commencement Information
I36 S. 36 in force at 30.12.2007, see s. 245(2)

Power of district councils to revert to partial-council elections

37 Resolution for elections by halves E+W

(1) A non-metropolitan district council in England that—
  (a) was formerly subject to a scheme for elections by halves, but
  (b) is for the time being subject to a scheme for whole-council elections,
may resolve that it is to revert to being subject to a scheme for elections by halves.

(2) For the purposes of this section, a council that is subject to a scheme for whole-council elections was "formerly subject" to a scheme for elections by halves if it was subject to such a scheme at any time in the period beginning with—
  (a) 1 April 1974, or
  (b) if later, the date on which the council was created.

(3) A resolution under this section is referred to in this Chapter as a "resolution for elections by halves".

Commencement Information
I37 S. 37 in force at 30.12.2007, see s. 245(2)

38 Resolution for elections by halves: requirements E+W

(1) A council must comply with this section in passing a resolution for elections by halves.

(2) The council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change.

(3) The resolution must be passed—
  (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
  (b) by a majority of at least two thirds of the members voting on it.

(4) The council must pass the resolution in a permitted resolution period.

(5) In subsection (3) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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(6) In this section "permitted resolution period" means the period in 2008, or in any fourth year afterwards, that starts with the day after that council's annual meeting and ends with 31 December.

(7) The Secretary of State may by order provide that a permitted resolution period is to end later than the day determined in accordance with subsection (6).

Commencement Information
I38 S. 38 in force at 30.12.2007, see s. 245(2)

39 Resolution for elections by thirds E+W

(1) A district council in England that—
  (a) was formerly subject to a scheme for elections by thirds, but
  (b) is for the time being subject to a scheme for whole-council elections,
may resolve that it is to revert to being subject to a scheme for elections by thirds.

(2) For the purposes of this section, a council that is subject to a scheme for whole-council elections was "formerly subject" to a scheme for elections by thirds if it was subject to such a scheme at any time in the period beginning with—
  (a) 1 April 1974, or
  (b) if later, the date on which the council was created.

(3) A resolution under this section is referred to in this Chapter as a "resolution for elections by thirds".

Commencement Information
I39 S. 39 in force at 30.12.2007, see s. 245(2)

40 Resolution for elections by thirds: requirements E+W

(1) A council must comply with this section in passing a resolution for elections by thirds.

(2) The council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change.

(3) The resolution must be passed—
  (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
  (b) by a majority of at least two thirds of the members voting on it.

(4) The council must pass the resolution in a permitted resolution period.

(5) In subsection (3) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.

(6) In this section "permitted resolution period" means—

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(a) in relation to a metropolitan district council: the period in 2011, or in any fourth year afterwards, that starts with the day after that council's annual meeting and ends with 31 December;

(b) in relation to a non-metropolitan district council: the period in 2008, or in any fourth year afterwards, that starts with the day after that council's annual meeting and ends with 31 December.

(7) The Secretary of State may by order provide that a permitted resolution period is to end later than the day determined in accordance with subsection (6).

Commencement Information

I40 S. 40 in force at 30.12.2007, see s. 245(2)

41 Publicity for resolution E+W

(1) A council must comply with this section as soon as practicable after passing a resolution for elections by halves or a resolution for elections by thirds.

(2) The council must produce an explanatory document.

(3) The council must make the explanatory document—

(a) available for public inspection at the council's principal office at all reasonable times, and

(b) available to the public by such other means as the council thinks appropriate.

(4) The council must publicise these matters—

(a) that the council has resolved to become subject to the new electoral scheme;

(b) that the Electoral Commission is to make provision by order about the operation of, and transition to, the new electoral scheme;

(c) how the explanatory document is available in accordance with subsection (3);

(d) the address of the council's principal office.

(5) It is for the council to decide how these matters are to be publicised.

(6) An explanatory document is a document which sets out details of the new electoral scheme (so far as the details are known at the time the document is prepared).

Commencement Information

I41 S. 41 in force at 30.12.2007, see s. 245(2)

42 Notice to Electoral Commission E+W

(1) A council must comply with this section as soon as practicable after passing a resolution for elections by halves or a resolution for elections by thirds.

(2) The council must give the Electoral Commission notice that it has passed the resolution.

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Commencement Information
I42 S. 42 in force at 30.12.2007, see s. 245(2)

43 Electoral Commission to consider whether electoral review is necessary E+W

(1) This section applies if the Electoral Commission receive notice under section 42 that a council has passed a resolution for elections by halves or a resolution for elections by thirds.

(2) As soon as practicable after receiving the notice, the Commission must consider whether to exercise their power under section 13(3) of the Local Government Act 1992 (c. 19) to direct the Boundary Committee to conduct a review of the district in question (or any part of it).

(3) As soon as practicable after deciding whether or not to direct the Boundary Committee to conduct an electoral review, the Commission must give the council notice of the decision.

Commencement Information
I43 S. 43 in force at 30.12.2007, see s. 245(2)

44 Electoral Commission to make order for new electoral scheme E+W

(1) Where the Electoral Commission receive notice under section 42 that a council has passed a resolution, they must—
  (a) in the case of a resolution for elections by halves, make an order for elections by halves in relation to the council (see sections 45 and 46);
  (b) in the case of a resolution for elections by thirds, make an order for elections by thirds in relation to the council (see sections 47 and 48).

(2) But the Commission must not make the order—
  (a) before they have decided whether or not to give the Boundary Committee a direction to conduct an electoral review (see section 43(2)), or
  (b) if they give such a direction, before the Boundary Committee have concluded the review.

Commencement Information
I44 S. 44 in force at 30.12.2007, see s. 245(2)

45 Order for elections by halves: years in which elections are to be held E+W

(1) An order for elections by halves in relation to a council must secure that the ordinary elections of councillors of the council are held in years determined in accordance with this section.

(2) Ordinary elections of the councillors of the council are to be held in—

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(a) the first relevant year after the year in which the Electoral Commission make the order, and

(b) each subsequent year for elections by halves.

(3) In this section—

"relevant year" means 2011 and every fourth year afterwards;

"year for elections by halves" means 2012 and every second year afterwards.

Commencement Information

I45 S. 45 in force at 30.12.2007, see s. 245(2)

46 Orders for elections by halves: councillors to be elected at ordinary elections E+W

(1) An order for elections by halves in relation to a council must make provision for the election and retirement of councillors in accordance with this section.

(2) In the case of the ordinary elections held in the year determined in accordance with section 45(2)(a)—

(a) all of the councillors are to be elected;

(b) on the fourth day after the elections are held—

(i) the councillors elected in those elections are to come into office, and

(ii) all of the sitting councillors are to retire.

(3) In the case of ordinary elections held subsequently—

(a) one half (or as nearly as may be) of the councillors are to be elected;

(b) on the fourth day after the elections are held—

(i) the councillors elected in those elections are to come into office, and

(ii) the specified sitting councillors are to retire.

(4) The order must include provision for identifying which councillors are to retire in each year in which ordinary elections are to be held (other than the first), including provision for identifying—

(a) the wards affected;

(b) the councillors affected within particular wards.

(5) In this section "specified sitting councillors", in relation to ordinary elections, means the sitting councillors who are to retire in the year of those elections by virtue of the order.

Commencement Information

I46 S. 46 in force at 30.12.2007, see s. 245(2)

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47 Order for elections by thirds: years in which elections are to be held E+W

(1) An order for elections by thirds in relation to a council must secure that the ordinary elections of councillors of the council are held in years determined in accordance with this section.

(2) Ordinary elections of the councillors of the council are to be held in—
- (a) the first relevant year after the year in which the Electoral Commission make the order, and
- (b) each subsequent year, unless it is a fallow year.

(3) In this section—

"fallow year" means 2013 and every fourth year afterwards;

"relevant year" means—
- (a) in relation to a metropolitan district council: 2014 and every fourth year afterwards;
- (b) in relation to a non-metropolitan district council: 2011 and every fourth year afterwards.

Commencement Information

I47 S. 47 in force at 30.12.2007, see s. 245(2)

48 Order for elections by thirds: councillors to be elected at ordinary elections E+W

(1) An order for elections by thirds in relation to a council must make provision for the election and retirement of councillors in accordance with this section.

(2) In the case of the ordinary elections held in the year determined in accordance with section 47(2)(a)—
- (a) all of the councillors are to be elected;
- (b) on the fourth day after the elections are held—
  - (i) the councillors elected in those elections are to come into office, and
  - (ii) all of the sitting councillors are to retire.

(3) In the case of ordinary elections held subsequently—
- (a) one third (or as nearly as may be) of the councillors are to be elected;
- (b) on the fourth day after the elections are held—
  - (i) the councillors elected in those elections are to come into office, and
  - (ii) the specified sitting councillors are to retire.

(4) The order must include provision for identifying which councillors are to retire in each year in which ordinary elections are to be held (other than the first), including provision for identifying—
- (a) the wards affected;
- (b) the councillors affected within particular wards.

(5) In this section "specified sitting councillors", in relation to ordinary elections, means the sitting councillors who are to retire in the year of those elections by virtue of the order.

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Commencement Information
I48 S. 48 in force at 30.12.2007, see s. 245(2)

49 Order for elections by halves or elections by thirds: transitional provision E+W

(1) An order under section 44 (order for elections by halves or for elections by thirds) may include provision about the transition to the council's new electoral scheme.

(2) Provision made by virtue of this section may, in particular, include provision for the retirement of some councillors after their initial election at times different from those otherwise applying, and for identifying which of them are so to retire.

Commencement Information
I49 S. 49 in force at 30.12.2007, see s. 245(2)

50 Power of Electoral Commission to make incidental etc provision E+W

The Commission may by order make incidental, consequential, transitional or supplemental provision in connection with provision made by order under section 44 (order for elections by halves or for elections by thirds).

Commencement Information
I50 S. 50 in force at 30.12.2007, see s. 245(2)

51 Position if Electoral Commission act under existing powers E+W

In a case in which—

(a) the Commission give the Boundary Committee a direction to conduct an electoral review (see section 43(2)), and

(b) in response to that request the Boundary Committee make recommendations to the Commission for electoral changes,

nothing in this Chapter requires the Commission to make any provision in relation to matters dealt with, or to be dealt with, by the Commission in an order under section 17 of the Local Government Act 1992 (c. 19) giving effect to those recommendations.

Commencement Information
I51 S. 51 in force at 30.12.2007, see s. 245(2)

52 Publicity for order by Electoral Commission E+W

(1) A council must comply with this section as soon as practicable after the Electoral Commission have made an order under section 44 (order for elections by halves or for elections by thirds) in relation to it.

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(2) The council must produce an explanatory document.

(3) The council must make the explanatory document—
- (a) available for public inspection at the council's principal office at all reasonable times, and
- (b) available to the public by such other means as the council thinks appropriate.

(4) The council must publicise these matters—
- (a) that the council has become subject to the new electoral scheme;
- (b) how the explanatory document is available in accordance with subsection (3);
- (c) the address of the council's principal office.

(5) It is for the council to decide how these matters are to be publicised.

(6) An explanatory document is a document which sets out details of the new electoral scheme.

Commencement Information
I52 S. 52 in force at 30.12.2007, see s. 245(2)

Power of district councils to alter years of ordinary elections of parish councillors

53 Power of council to alter years of ordinary elections of parish councillors E+W

(1) This section applies if a council passes a resolution under this Chapter.

(2) The council may by order make provision that changes the years in which the ordinary elections of parish councillors for any parish situated in the council's area are to be held.

(3) The power may only be exercised so as to secure that those elections are to be held in years in which ordinary elections of district councillors for a ward in which any part of the parish is situated are to be held.

(4) The order may include transitional provision—
- (a) for the retirement of existing parish councillors at times different from those otherwise applying;
- (b) for the retirement of some parish councillors after their initial election after the order comes into force at times different from those otherwise applying.

Commencement Information
I53 S. 53 in force at 30.12.2007, see s. 245(2)

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Amendment of existing provisions about schemes for ordinary elections

54 Amendment of existing provisions about schemes for ordinary elections E+W

(1) In section 7 of the Local Government Act 1972 (c. 70) (elections of councillors) omit subsections (4) to (6).

(2) In section 8 of the Local Government Act 1972 (constitution and membership of London borough councils), omit subsections (2) and (3).

(3) In section 86 of the Local Government Act 2000 (c. 22) (power to specify scheme for elections)—

(a) before subsection (1) insert—

"(A1) The Secretary of State may by order make provision to secure that the scheme for the ordinary elections of councillors of any specified council in England is the scheme under the first option set out in section 85.";

(b) in subsection (1) after "specified council" insert " in Wales ".

(4) If—

(a) a local authority makes a request under section 7(4) of the Local Government Act 1972, and

(b) immediately before subsection (1) above comes into force in relation to that authority, the request has not yet been dealt with,

the repeal of section 7(4) to (6) of the 1972 Act does not apply to the request unless, and until, it is dealt with.

(5) For the purposes of subsection (4) a request under section 7(4) of the 1972 Act is "dealt with" in either of these cases—

(a) if the Secretary of State notifies the local authority that he has decided not to make an order under section 7(6) of the 1972 Act in response to the request;

(b) if the Secretary of State makes an order under section 7(6) in response to the request.

(6) The repeal of section 7(6) or 8(2) of the Local Government Act 1972 or of section 86(1) of the Local Government Act 2000 (so far as it relates to England) does not affect any order made under that provision before its repeal.

Commencement Information

I54 S. 54 in force at 30.12.2007, see s. 245(2)

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CHAPTER 2 E+W

MISCELLANEOUS

Requests for single-member electoral areas in England

55 Requests for single-member electoral areas E+W

In the Local Government Act 1992 (c. 19), after section 14 insert—

"14A Requests for single-member electoral areas

(1) A principal council which falls within subsection (3) may request the Electoral Commission—
  (a) to give the Boundary Committee for England a direction under section 13(3) relating to the council's area, and
  (b) to direct that Committee (under section 13(6)) that their recommendations under section 13(3) must contain recommendations as to single-member electoral areas.

(2) In subsection (1) "recommendations as to single-member electoral areas" means a recommendation, as respects each electoral area in the council's area, as to whether the electoral area should return one councillor.

(3) A principal council falls within this subsection if—
  (a) it is not the case that each of the electoral areas in the council's area returns one councillor, and
  (b) the council is subject to a scheme for whole-council elections.

(4) A council is "subject to a scheme for whole-council elections" if, in each year in which ordinary elections of councillors of the council are to be held, all the councillors are to be elected.

(5) If the Electoral Commission grant a request under this section—
  (a) they must notify the Boundary Committee for England of the request when they give the directions requested, and
  (b) subject to subsection (6), where the Boundary Committee for England make recommendations under section 13(3) in response to those directions they must recommend that each electoral area in the council's area should return one councillor.

(6) Subsection (5)(b) does not require the Boundary Committee for England to make any recommendation that they consider would be inappropriate having regard to the matters which they are required by section 13(5)(a) to (c) to have regard to.

(7) If the Electoral Commission decide not to grant a request under this section they must notify the council that made the request of—
  (a) their decision, and
  (b) the reasons for it.

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14B Provision supplementary to section 14A

(1) Nothing in section 14A prevents the Electoral Commission—

(a) from making a direction under section 13 where there has been no request under section 14A, or

(b) if they grant a request under section 14A, from making directions under section 13(6) in addition to the one requested.

(2) Nothing in section 14A prevents the Boundary Committee for England, when making a recommendation as to whether electoral areas should return one councillor, from making other recommendations under section 13(3).

(3) In section 14A(2) and (5) references to electoral areas are, in relation to a case where the Boundary Committee for England make recommendations for change to the number or boundaries of electoral areas in the council's area, to the recommended electoral areas.”

Commencement Information

I55 S. 55 in force at 30.12.2007, see s. 245(2)

Electoral Commission and Boundary Committee: reviews and recommendations

56 Electoral Commission and Boundary Committee: reviews and recommendations E+W

(1) Section 13 of the Local Government Act 1992 (c. 19) (reviews and recommendations of Electoral Commission and Boundary Committee) is amended as follows.

(2) For subsection (5)(d) substitute—

“(d) in the case of a district council that is subject to a scheme for elections by halves or by thirds, or that has resolved to revert to being subject to such a scheme under Chapter 1 of Part 2 of the Local Government and Public Involvement in Health Act 2007, the desirability of securing that each ward in the district returns an appropriate number of councillors.”

(3) After subsection (5) insert—

“(5A) For the purposes of this section—

(a) a council is “subject to a scheme for elections by halves” if one half (or as nearly as may be) of its councillors are to be elected in each year in which it holds ordinary elections of councillors;

(b) a council is “subject to a scheme for elections by thirds” if one third (or as nearly as may be) of its councillors are to be elected in each year in which it holds ordinary elections of councillors;

(c) the number of councillors returned by a ward is “appropriate”—

(i) in the case of a scheme for elections by halves, if it is divisible by 2, and

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(ii) in the case of a scheme for elections by thirds, if it is divisible by 3."

Commencement Information

I56 S. 56 in force at 30.12.2007, see s. 245(2)

57 Procedure in connection with reviews E+W

(1) The Local Government Act 1992 (c. 19) is amended as follows.

(2) In section 13 (electoral reviews and recommendations), after subsection (7) insert—

"(8) A local authority must, if requested by the Boundary Committee for England to do so, provide that Committee, by such date as that Committee may specify, with any information that that Committee may reasonably require in connection with any of their functions under this section."

(3) In section 15 (procedure on a review)—

(a) in subsection (1)—

(i) at the end of paragraph (a) insert " and ";

(ii) omit paragraph (c) and the word "and" immediately preceding it;

(b) omit subsection (2);

(c) in subsection (3)—

(i) omit paragraph (a);

(ii) in paragraph (b) after "prepare" insert " and publish ";

(iii) at the end of paragraph (b) insert " and ";

(iv) omit paragraph (c);

(d) for subsections (4) and (5) substitute—

"(4) In conducting a review, the Boundary Committee for England may at any time before publishing draft recommendations consult such persons as they consider appropriate.

(5) As soon as the Boundary Committee for England are in a position to submit recommendations to the Electoral Commission they must—

(a) submit them; and

(b) publish the recommendations and take such steps as they consider sufficient to secure that persons who may be interested in the recommendations are informed of them.";

(e) in subsection (6)—

(i) for "the report on a review is" substitute " recommendations are ";

(ii) for "(4) above" substitute " (5) above ";

(iii) in paragraph (a), omit the words "a further report under subsection (4) containing";

(iv) in paragraph (b), for "report relates" substitute " recommendations relate ";

(f) after subsection (6) insert—

"(6A) Where the Boundary Committee for England submit recommendations under subsection (6)(a), they must publish the

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recommendations and take such steps as they consider sufficient to secure that persons who may be interested in the recommendations are informed of them.";

(g) omit subsection (8).

(4) Omit section 15A.

(5) In section 17(2) (implementation of recommendations by order), omit the words "or the submission of a report".

Commencement Information
I57 S. 57 in force at 30.12.2007, see s. 245(2)

Electoral areas in England

58 Metropolitan districts: councillors per ward E+W

(1) Section 6 of the Local Government Act 1972 (c. 70) (term of office and retirement of councillors) is amended as follows.

(2) For subsection (2)(b) substitute—

"(b) every metropolitan district shall be divided into wards, each returning such number of councillors as may be provided as mentioned in subsection (3) below;".

(3) For subsection (3) substitute—

"(3) The number of councillors referred to in subsection (2)(b) or (c) above may be provided—

(a) under or by virtue of the provisions of section 7 below;

(b) by an order under Part 2 of the Local Government Act 1992 (c. 19);

(c) by an order under section 14 of the Local Government and Rating Act 1997 (c. 29);

(d) by an order under Part 1 of the Local Government and Public Involvement in Health Act 2007."

Commencement Information
I58 S. 58 in force at 30.12.2007, see s. 245(2)

59 Change of name of electoral area E+W

(1) A local authority may, by resolution, change the name of any of the authority's electoral areas.

(2) A local authority must comply with subsections (3) to (5) in passing a resolution to change the name of an electoral area.

(3) The local authority must not pass the resolution unless it has taken reasonable steps to consult such persons as it considers appropriate on the proposed name.

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(4) The resolution must be passed—

(a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and

(b) by a majority of at least two thirds of the members voting on it.

(5) If the name of the electoral area is protected, the resolution may not be passed unless the Electoral Commission has first agreed to the proposed change.

(6) As soon as practicable after a resolution is passed, the local authority must give notice of the change of name to all of the following—

(a) the Electoral Commission;

(b) the Boundary Commission for England;

(c) the Office of National Statistics;

(d) the Director General of the Ordnance Survey;

(e) if the local authority is a county council, the district council (if any) within whose area the electoral area lies;

(f) if the local authority is a district council, the county council (if any) within whose area the electoral area lies.

(7) The change of name does not take effect until the Electoral Commission have been given notice of the change.

(8) For the purposes of this section the name of an electoral area is "protected" if—

(a) the name was given to the electoral area by or in pursuance of an order under section 17 of the Local Government Act 1992 (c. 19) or section 14 of the Local Government and Rating Act 1997 (c. 29), and

(b) that order was made during the period of five years ending with the day on which a resolution to change the name is to be passed.

(9) In subsection (4) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.

(10) In this section—

"electoral area", in relation to a local authority, means any area for which councillors are elected to the authority;

"local authority" means—

(a) a county council in England;

(b) a district council in England; or

(c) a London borough council.

Commencement Information

I59 S. 59 in force at 30.12.2007, see s. 245(2)

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Election dates

60 Power to change date of local elections to date of European Parliamentary general election E+W

(1) In section 37 of the Representation of the People Act 1983 (c. 2) (ordinary days of local elections in England and Wales), after subsection (2) insert—

"(2A) Subsection (1) is subject to any order under—
(a) section 37A (local government areas in England), or
(b) section 37B (local government areas in Wales)."

(2) After that section insert—

"**37A Power to change date of local elections to date of European Parliamentary general election: England**

(1) The Secretary of State may by order provide that in a year in which a European Parliamentary general election is to be held—
(a) the ordinary day of election of councillors for counties in England, districts and London boroughs,
(b) the ordinary day of election of councillors for parishes, and
(c) as respects Authority elections, the day on which the poll is to be held at an ordinary election,

shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.

(2) An order under subsection (1) may make provision under all of paragraphs (a) to (c) or under one or more of those paragraphs.

(3) An order under subsection (1) must relate to a single year and must be made at least six months before—
(a) the local election day in that year, or
(b) if earlier, the date of the poll at the European Parliamentary general election in that year.

(4) For this purpose "the local election day" in a particular year is—
(a) the first Thursday in May, or
(b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.

(5) Before making an order under this section, the Secretary of State must consult—
(a) the Electoral Commission, and
(b) such other persons as he considers appropriate.

(6) An order under subsection (1) may make incidental, supplementary or consequential provision or savings.

(7) Where the Welsh Ministers make an order under section 37B, the Secretary of State may by order make such consequential provision in relation to elections in England as he thinks fit.

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(8) The powers under subsections (6) and (7) include power to make—
  (a) different provision for different purposes;
  (b) provision disapplying or modifying the application of an enactment or an instrument made under an enactment.

(9) An order under this section must be made by statutory instrument.

(10) A statutory instrument containing an order made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

37B Power to change date of local elections to date of European Parliamentary general election: Wales

(1) The Welsh Ministers may by order provide that, in a year in which a European Parliamentary general election is to be held, the ordinary day of election of councillors for—
  (a) counties in Wales and county boroughs, and
  (b) communities,

  shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.

(2) An order under subsection (1) may make provision under paragraphs (a) and (b) or under one of those paragraphs.

(3) An order under subsection (1) must relate to a single year and must be made at least six months before—
  (a) the local election day in that year, or
  (b) if earlier, the date of the poll at the European Parliamentary general election in that year.

(4) For this purpose "the local election day" in a particular year is—
  (a) the first Thursday in May, or
  (b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.

(5) Before making an order under this section, the Welsh Ministers must consult—
  (a) the Electoral Commission, and
  (b) such other persons as they consider appropriate.

(6) An order under subsection (1) may make incidental, supplementary or consequential provision or savings.

(7) Where the Secretary of State makes an order under section 37A, the Welsh Ministers may by order make such consequential provision in relation to elections in Wales as they think fit.

(8) The powers under subsections (6) and (7) include power to make—
  (a) different provision for different purposes;
  (b) provision disapplying or modifying the application of an enactment or an instrument made under an enactment.

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(9) An order under this section must be made by statutory instrument.

(10) A statutory instrument containing an order made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales."

(3) In section 3 of the Greater London Authority Act 1999 (c. 29) (time of ordinary elections), in subsection (3), after "section 37(2)" insert " or 37A ".

Commencement Information
I60 S. 60 in force at 30.12.2007, see s. 245(2)

CHAPTER 3 E+W

CONSEQUENTIAL AMENDMENTS

61 Consequential amendments E+W

Schedule 2 (electoral arrangements: consequential amendments) has effect.

Commencement Information
I61 S. 61 in force at 30.12.2007, see s. 245(2)

PART 3 E+W

EXECUTIVE ARRANGEMENTS FOR ENGLAND

62 Executive arrangements for England E+W

(1) Section 11 of the Local Government Act 2000 (c. 22) is amended in accordance with this section.

(2) For subsection (1) substitute—

"(1) The executive of a local authority must take a form specified in subsections (2) to (5) that is applicable to the authority."

(3) In subsection (2) for the words before paragraph (a) substitute—

"(2) In the case of any local authority in England or Wales, the executive may consist of—".

(4) After subsection (2) insert—

"(2A) In the case of any local authority in England, the executive may consist of—

(a) a councillor of the authority (referred to in this Part as the executive leader) elected as leader of the executive by the authority, and

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(b) two or more councillors of the authority appointed to the executive by the executive leader.

Such an executive is referred to in this Part as a leader and cabinet executive (England).”

(5) In subsection (3)—

(a) for the words before paragraph (a) substitute—

“(3) In the case of any local authority in Wales, the executive may consist of—”;

(b) in the words after paragraph (b)(ii), for “leader and cabinet executive” substitute “ leader and cabinet executive (Wales) ”.

(6) In subsection (4) for the words before paragraph (a) substitute—

“(4) In the case of any local authority in Wales, the executive may consist of—”.

(7) In subsection (5) for “It” substitute “ In the case of a local authority in England or Wales, the executive ”.

(8) In subsection (9)—

(a) for “amend subsection (8) so as to provide for” substitute “ specify ”;

(b) for “that subsection” substitute “ subsection (8) ”;

(c) after “exercised” insert “ in relation to Wales ”.

(9) After subsection (9) insert—

“(9A) In this Part, a reference to a leader and cabinet executive is a reference to either or both of the following, as appropriate in the context—

(a) a leader and cabinet executive (England);

(b) a leader and cabinet executive (Wales).”

(10) In subsection (10) for “subsection (3)(a)” substitute “ subsection (2A)(a) or (3)(a) ”.

Commencement Information

I62 S. 62 in force at 30.12.2007, see s. 245(2)

63 Discharge of functions E+W

(1) The Local Government Act 2000 (c. 22) is amended as follows.

(2) For the title of section 14 substitute “ Discharge of functions: general ”.

(3) For section 14(1) substitute—

“(1) Subject to any provision made under section 18, 19 or 20, any functions which, under executive arrangements, are the responsibility of—

(a) a mayor and cabinet executive, or

(b) a leader and cabinet executive (England),

are to be discharged in accordance with this section.”

(4) In section 14(2) and (3) for “elected mayor” substitute “ senior executive member ”.

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(5) In section 14(4)—
- (a) for "elected mayor" substitute " senior executive member ";
- (b) for "that member" substitute " the member who may discharge the function ".

(6) In section 14(5) for "elected mayor" substitute " senior executive member ".

(7) In section 14(6)—
- (a) for "an elected mayor" substitute " a senior executive member ";
- (b) for "the elected mayor" substitute " the senior executive member ".

(8) After section 14(6) insert—

"(7) In this section "senior executive member" means—
- (a) in the case of a mayor and cabinet executive: the elected mayor;
- (b) in the case of a leader and cabinet executive (England): the executive leader.".

(9) In section 15—
- (a) for the title substitute " Discharge of functions: leader and cabinet executive (Wales) ";
- (b) in subsection (1) for "leader and cabinet executive" substitute " leader and cabinet executive (Wales) ".

Commencement Information
I63 S. 63 in force at 30.12.2007, see s. 245(2)

64 Changing governance arrangements E+W

After section 33 of the Local Government Act 2000 (c. 22) insert—

"Changing governance arrangements: general provisions

33A Executive arrangements: different form of executive

A local authority in England which is operating executive arrangements may—
- (a) vary the arrangements so that they provide for a different form of executive, and
- (b) if it makes such a variation, vary the arrangements in such other respects (if any) as it considers appropriate.

33B Executive arrangements: other variation of arrangements

A local authority in England which is operating executive arrangements may vary the arrangements so that they—
- (a) differ from the existing arrangements in any respect, but
- (b) still provide for the same form of executive.

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33C Alternative arrangements: move to executive arrangements

A local authority in England which is operating alternative arrangements may—

(a) cease to operate alternative arrangements, and

(b) start to operate executive arrangements.

33D Alternative arrangements: variation of arrangements

A local authority in England which is operating alternative arrangements may vary the arrangements so that they differ from the existing arrangements in any respect.

33E Proposals by local authority

(1) This section applies to a local authority which wishes to make a change in governance arrangements.

(2) The local authority must draw up proposals for the change.

(3) The proposals must include—

(a) a timetable with respect to the implementation of the proposals, and

(b) details of any transitional arrangements which are necessary for the implementation of the proposals.

(4) The following subsections apply if the proposed change is of the kind set out in—

(a) section 33A (different form of executive), or

(b) section 33C (move to executive arrangements).

(5) The proposals may provide for the change in governance arrangements to be subject to approval in a referendum.

(6) Before drawing up its proposals, the local authority must take reasonable steps to consult the local government electors for, and other interested persons in, the authority's area.

(7) In drawing up the proposals, the local authority must consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

(8) After drawing up the proposals, the local authority must—

(a) secure that copies of a document setting out the proposals are available at their principal office for inspection by members of the public at all reasonable times, and

(b) publish in one or more newspapers circulating in its area a notice which—

(i) states that the authority has drawn up the proposals,

(ii) describes the main features of the proposals,

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(iii) states that copies of a document setting out the proposals are available at their principal office for inspection by members of the public at such times as may be specified in the notice, and

(iv) specifies the address of their principal office.

33F Resolution of local authority

(1) A resolution of a local authority is required in order for the authority to make a change in governance arrangements.

(2) Section 29(2) applies to a resolution under this section as it applied to a resolution to operate executive arrangements.

33G Implementation: new executive or move to executive arrangements

(1) This section applies if a local authority passes a resolution which makes a change in governance arrangements of the kind set out in—

(a) section 33A (new form of executive), or

(b) section 33C (move to executive arrangements).

(2) On the third day after the relevant elections, the local authority must—

(a) cease operating the old form of executive, or the alternative arrangements, and

(b) start operating the form of executive which the change in governance arrangements provides for.

(3) Subject to subsection (2), the local authority must implement the change in governance arrangements in accordance with the timetable in the proposals.

(4) In this section "relevant elections" means, if the change in governance arrangements provides for the local authority to operate—

(a) a leader and cabinet executive (England): the appropriate elections of councillors;

(b) a mayor and cabinet executive: the first election of the mayor.

(5) For the purposes of subsection (4)(a), the "appropriate elections of councillors" are the elections determined in accordance with whichever of the following paragraphs is applicable—

(a) if the local authority is currently operating a mayor and cabinet executive, the "appropriate elections of councillors" are the ordinary elections of councillors of the local authority held on the day on which the next ordinary election of a mayor was expected to be held when the resolution to make the change in governance arrangements was passed;

(b) if the local authority—

(i) is not currently operating a mayor and cabinet executive, and

(ii) is required to pass the resolution to make the change in governance arrangements during a permitted resolution period,

the "appropriate elections of councillors" are the first ordinary elections of councillors of the local authority to be held after the end of the permitted resolution period in which the resolution is passed;

(c) if the local authority—

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(i) is not currently operating a mayor and cabinet executive, and

(ii) is not required to pass the resolution to make the change in governance arrangements during a permitted resolution period,

the "appropriate elections of councillors" are the first ordinary elections of councillors of the local authority to be held after the resolution is passed.

33H Implementation: other change in governance arrangements

(1) This section applies if a local authority passes a resolution which makes a change in governance arrangements of the kind set out in—

(a) section 33B (variation of executive arrangements), or

(b) section 33D (variation of alternative arrangements).

(2) The local authority must implement the change in governance arrangements in accordance with the timetable in the proposals.

33I General

(1) Except as provided for in sections 33A to 33D or in regulations under section 34, 35 or 36, a local authority which is operating executive arrangements or alternative arrangements may not vary, or cease to operate, those arrangements.

(2) In making a change in governance arrangements, the local authority must comply with any directions given by the Secretary of State in connection with the making of such a change.

(3) Sections 33J to 33N contain further requirements which, in certain cases, apply to proposals or resolutions.

Further requirements for certain changes

33J New form of executive or move to executive: general requirements

(1) This section applies to a change in governance arrangements of the kind set out in—

(a) section 33A (new form of executive), or

(b) section 33C (move to executive arrangements).

(2) The proposals must state the extent to which the functions specified in regulations under section 13(3)(b) are to be the responsibility of the executive which will be operated if the proposals are implemented.

(3) The proposals (particularly any provision about timetables and transitional matters included in accordance with section 33E(3)) must be such as to ensure that the proposed change can take effect (so far as required to) in accordance with section 33G(2).

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33K Changes subject to approval in a referendum: additional requirements

(1) This section applies to a change in governance arrangements if—
- (a) the change is of the kind set out in section 33A (new form of executive) or section 33C (move to executive arrangements), and
- (b) the change is subject to approval in a referendum.

(2) The local authority must hold a referendum on its proposals before taking any steps to implement them.

(3) The local authority may not pass a resolution which makes the proposed change unless the result of the referendum is to approve the proposals.

(4) Any such resolution must be passed within the period of 28 days beginning with the day when the referendum is held.

(5) Any such resolution must be passed at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object.

(6) If the result of the referendum is not to approve the proposals, the local authority must publish in one or more newspapers circulating it its area a notice which—
- (a) summarises the proposals,
- (b) states that the referendum did not approve the proposals,
- (c) summarises the authority's existing executive arrangements, and
- (d) states that the authority will be continuing to operate those arrangements.

33L Change not subject to approval in a referendum: additional requirements

(1) This section applies to a change of governance arrangements if—
- (a) the change is of the kind set out in section 33A (new form of executive) or section 33C (move to executive arrangements), and
- (b) the change is not subject to approval in a referendum.

(2) Any resolution to make the change in governance arrangements must be passed during a permitted resolution period.

(3) Subsection (4) applies if—
- (a) the local authority is operating a mayor and cabinet executive, and
- (b) the proposed new form of executive is a leader and cabinet executive (England).

(4) In such a case—
- (a) the consultation required by section 33E(6) must last for at least 12 weeks; and
- (b) the local authority's proposals must include statements of the following things—
  - (i) the arguments in favour of making the proposed change;
  - (ii) any arguments against making the proposed change;

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(iii) the local authority's reasons for wishing to make the proposed change.

(5) Subsection (6) applies if—
(a) the local authority is operating a mayor and cabinet executive, and
(b) the proposed new form of executive is a form prescribed in regulations under section 11(5).

(6) In such a case, the resolution to make the change in governance arrangements must be passed—
(a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object;
(b) by a majority of at least two thirds of members voting on it.

(7) In subsection (6) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.

33M Cases in which change subject to approval in referendum

(1) For the purposes of sections 33K and 33L a change in governance arrangements is subject to approval in a referendum in either of the following cases.

(2) The first case is where the proposals for implementing the local authority's current form of executive were themselves approved in a referendum.

(3) The second case is where the local authority's proposals under section 33E provide for the change in governance arrangements to be subject to approval in a referendum.

33N Variation of mayoral executive

(1) This section applies to a change in governance arrangements of the kind set out in section 33B (variation of executive arrangements) if the local authority is operating a mayor and cabinet executive.

(2) The local authority may not make any proposals for the change in governance arrangements unless the elected mayor has given written consent to the proposed change.

Miscellaneous

33O Interpretation

(1) This section applies for the purposes of sections 33A to 33N.

(2) References to a change in governance arrangements are references to any change of a kind set out in sections 33A to 33D.

(3) References to a different form of executive are references to any of the following kinds of executive that a local authority is not operating—
(a) a leader and cabinet executive (England);
(b) a mayor and cabinet executive;

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(c) a form of executive prescribed under section 11(5).

(4) In sections 33A to 33N—

"permitted resolution period", in relation to a local authority, means a period specified in the second column of the following table in relation to that type of authority;

"proposals" means proposals under section 33E;

"proposed change" means the change in governance arrangements which is proposed in proposals.

(5) This is the table referred to in the definition of "permitted resolution period"—

Type of local authority	***Permitted resolution periods***
Metropolitan district	(1) The period ending with 31 December 2009. (2) The period in 2013, or in any fourth year afterwards, which— (a) starts with the day after that council's annual meeting, and (b) ends with 31 December.
County	(1) The period ending with 31 December 2008. (2) The period in 2012, or in any fourth year afterwards, which— (a) starts with the day after that council's annual meeting, and (b) ends with 31 December.
London borough	(1) The period ending with 31 December 2009. (2) The period in 2013, or in any fourth year afterwards, which— (a) starts with the day after that council's annual meeting, and (b) ends with 31 December.
Non-metropolitan district	(1) The period ending with 31 December 2010. (2) The period in 2014, or in any fourth year afterwards, which— (a) starts with the day after that council's annual meeting, and (b) ends with 31 December.

(6) The Secretary of State may by order provide that a permitted resolution period is to end later than the last day of that period specified in the table."

Commencement Information

I64 S. 64 in force at 30.12.2007, see s. 245(2)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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65 Referendum following petition E+W

(1) Section 34 of the Local Government Act 2000 (c. 22) (referendum following petition) is amended in accordance with subsections (2) to (4).

(2) In subsection (1) for the words from "operate" to the end substitute " operate a relevant form of executive ".

(3) After subsection (1) insert—

"(1A) In this section "relevant form of executive" means—

(a) in relation to England, an executive which takes such form permitted by or under section 11 as may be specified in the regulations;

(b) in relation to Wales, executive arrangements involving a form of executive for which a referendum is required."

(4) In subsection (3) after "33" insert " or of any of sections 33A to 33O ".

(5) In section 35(3) of the Local Government Act 2000 (c. 22) (referendum following direction) after "33" insert " or of any of sections 33A to 33O ".

(6) In section 36(3) of the Local Government Act 2000 (referendum following order) after "33" insert " or of any of sections 33A to 33O ".

Commencement Information

I65 S. 65 in force at 30.12.2007, see s. 245(2)

66 Elected mayors E+W

(1) Section 39 of the Local Government Act 2000 (elected mayors etc) is amended as follows.

(2) For subsection (5) substitute—

"(5A) A reference in any enactment (whenever passed or made) to—

(a) a member of a local authority, or

(b) a councillor of a local authority,

does not include a reference to an elected mayor of the authority.

(5B) But subsection (5A) is subject to—

(a) regulations made by the Secretary of State under this paragraph which provide that an elected mayor is to be treated as member or councillor of a local authority for the purposes of an enactment (whenever passed or made), and

(b) any other contrary intention that appears in any enactment (whenever passed or made).

(5C) Sections 2(2A) and 21(1A) of, and paragraph 5C(1) of Schedule 2 to, the Local Government Act 1972 are not to be taken to indicate any contrary intention for the purposes of subsection (5B)(b)."

(3) For subsection (6) substitute—

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"(6) Elections for the return of an elected mayor of a local authority in England are to take place on the ordinary day of election in each of the relevant election years.

(7) The term of office of an elected mayor of a local authority is to be four years.

(8) This section is subject to regulations under section 41."

Commencement Information
I66 S. 66 in force at 30.12.2007, see s. 245(2)

67 Leader and cabinet executives (England) E+W

After section 44 of the Local Government Act 2000 insert—

"Leader and cabinet executives (England)

44A Election of leader: whole-council elections

(1) This section applies to a local authority if it—
  (a) is subject to whole-council elections, and
  (b) is, on the day of a post-election annual meeting, operating a leader and cabinet executive (England).

(2) The executive leader is to be elected at the post-election annual meeting.

(3) But if the council fails to elect the executive leader at the post-election annual meeting, an executive leader is to be elected at a subsequent meeting of the council.

(4) For the purposes of this section and section 44D—
  (a) a local authority is subject to whole-council elections if, under the scheme for the ordinary elections of its councillors, all of the councillors are elected in each year in which the elections are held;
  (b) "post-election annual meeting" means the first annual meeting of a local authority to be held after ordinary elections take place.

44B Election of leader: partial-council elections

(1) This section applies to a local authority if it—
  (a) is subject to partial-council elections, and
  (b) is, on the day of a relevant annual meeting, operating a leader and cabinet executive (England).

(2) The executive leader is to be elected at the relevant annual meeting.

(3) But if the council fails to elect the executive leader at the relevant annual meeting, the executive leader is to be elected at a subsequent meeting of the council.

(4) For the purposes of this section and section 44E—

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(a) a local authority is subject to partial-council elections if, under the scheme for the ordinary elections of its councillors, one-half or one-third (or, in either case, as nearly as may be) of the councillors are elected in each year in which the elections are held;

(b) "relevant annual meeting" means—

(i) the first annual meeting to be held after the local authority starts to operate the leader and cabinet executive (England), or

(ii) any subsequent annual meeting held on a day when an executive leader's term of office is to end by virtue of section 44E(3).

44C Removal of leader

(1) Executive arrangements by a local authority which provide for a leader and cabinet executive (England) may include provision for the council to remove the executive leader by resolution.

(2) If a council passes a resolution to remove the executive leader, a new executive leader is to be elected—

(a) at the meeting at which the leader is removed from office, or

(b) at a subsequent meeting.

44D Term of office of leader: whole-council elections

(1) This section applies to the executive leader of a local authority which—

(a) is operating a leader and cabinet executive (England), and

(b) is subject to whole-council elections.

(2) The executive leader's term of office starts on the day of his election as leader.

(3) The executive leader's term of office ends on the day of the post-election annual meeting which follows his election as leader.

(4) But if the executive leader is removed from office in accordance with section 44C, his term of office ends on the day of his removal.

44E Term of office of leader: partial-council elections

(1) This section applies to the executive leader of a local authority which—

(a) is operating a leader and cabinet executive (England), and

(b) is subject to partial-council elections.

(2) The executive leader's term of office starts on the day of his election.

(3) The executive leader's term of office ends on the day when the council holds its first annual meeting after the leader's normal day of retirement as a councillor.

(4) But that is subject to subsections (5) and (6).

(5) If the executive leader is removed from office in accordance with section 44C, his term of office ends on the day of his removal.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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(6) If the local authority becomes subject to whole-council elections, the executive leader's term of office ends on the day of the annual meeting which follows the first whole-council elections.

(7) For the purposes of this section an executive leader's normal day of retirement as a councillor is the day when the leader would next be required to retire as a councillor of the council if section 44F were disregarded.

44F Leader to continue to hold office as councillor

(1) The executive leader of a leader and cabinet executive (England) remains a member of the council during his term of office as leader.

(2) Accordingly, any enactment which provides for his earlier retirement as a councillor does not apply.

(3) This section does not affect anything by which the executive leader may cease to be a councillor otherwise than by retirement (including disqualification or resignation).

44G No other means of electing or removing leader

(1) This section applies to a local authority which operate a leader and cabinet executive (England).

(2) An executive leader may not be elected except in accordance with section 44A, 44B or 44C or regulations under section 44H.

(3) An executive leader may not be removed from office except in accordance with section 44C or regulations under section 44H.

44H Regulations

(1) The Secretary of State may by regulations make provision—
   (a) as to the dates on which and years in which executive leaders of leader and cabinet executives (England) are to be elected by local authorities,
   (b) as to the intervals between elections of executive leaders of leader and cabinet executives (England),
   (c) as to the term of office of an executive leader of a leader and cabinet executive (England), and
   (d) as to the filling of vacancies in the office of executive leader of a leader and cabinet executive (England).

(2) Sections 44A to 44E are subject to regulations under this section.”

Commencement Information
I67 S. 67 in force at 30.12.2007, see s. 245(2)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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68 Power to make incidental, consequential provision etc E+W

(1) Section 47 of the Local Government Act 2000 (power to make incidental, consequential provision etc) is amended as follows.

(2) After subsection (3) insert—

"(4) The provision which may be made under subsection (1) includes provision relating to changes in local authority governance arrangements (including changes of the kinds set out in sections 33A to 33D).

(5) That includes—

(a) provision relating to the old governance arrangements, the new governance arrangements, or both kinds of governance arrangements,

(b) provision as to the dates on which and years in which relevant elections may or must be held,

(c) provision as to the intervals between relevant elections, and

(d) provision as to the term of office of any member of any form of executive.

(6) In subsection (5) "relevant election" means—

(a) an election for the return of an elected mayor;

(b) the election by a local authority of the executive leader of a leader and cabinet executive (England).

(7) Nothing in subsection (2), (3), (4) or (5) affects the generality of the power in subsection (1)."

Commencement Information

I68 S. 68 in force at 30.12.2007, see s. 245(2)

69 Time limit for holding further referendum E+W

(1) Section 45 of the Local Government Act 2000 (c. 22) (provision with respect to referendums) is amended as follows.

(2) For subsection (1) substitute—

"(1) A local authority—

(a) in England may not hold more than one referendum in any period of ten years;

(b) in Wales may not hold more than one referendum in any period of five years."

(3) In subsection (9) after "section 27" insert " or 33K ".

(4) Section 45 as amended by subsection (1) applies to referendums held before, and referendums held after, this section comes into force.

Commencement Information

I69 S. 69 in force at 30.12.2007, see s. 245(2)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

70 Interpretation E+W

(1) Section 48 of the Local Government Act 2000 (c. 22) is amended as follows.

(2) In subsection (1) in the definition of "executive leader", for "section 11(3)(a)" substitute " section 11(2A)(a) or (3)(a) ".

(3) In subsection (1) insert the following definition at the appropriate place—

""ordinary day of election", in relation to a local authority, means the day of ordinary elections of councillors of the authority,".

(4) After subsection (1) insert—

"(1A) In this Part "relevant election years", in relation to a local authority, means the years specified in the second column of the following table in relation to that type of authority.

Type of local authority	*Relevant election years*
Metropolitan district	2010 and every fourth year afterwards
County	2009 and every fourth year afterwards
London borough	2010 and every fourth year afterwards
Non-metropolitan district	2011 and every fourth year afterwards"

Commencement Information

I70 S. 70 in force at 30.12.2007, see s. 245(2)

71 Larger authorities to cease operating alternative arrangements E+W

(1) This section applies to a local authority if—

(a) the authority is operating alternative arrangements, and

(b) the resident population of the authority's area on 30th June 1999 was 85,000 or more.

(2) The local authority must draw up proposals for—

(a) ceasing to operate alternative arrangements, and

(b) starting to operate executive arrangements which provide for a leader and cabinet executive (England).

(3) The proposals must include all of the following—

(a) a statement of the extent to which the functions specified in regulations under section 13(3)(b) of the Local Government Act 2000 are to be the responsibility of the leader and cabinet executive (England);

(b) a timetable with respect to the implementation of the proposals;

(c) details of any transitional arrangements which are necessary for the implementation of the proposals.

(4) The timetable must be such as to ensure that the local authority will make the proposed move to executive arrangements no later than the day of the authority's annual meeting in 2009.

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(5) After drawing up the proposals, the local authority must—
  (a) secure that copies of a document setting out the proposals are available at the authority's principal office for inspection by members of the public at all reasonable times, and
  (b) publish in one or more newspapers circulating in its area a notice which—
    (i) states that the authority has drawn up the proposals,
    (ii) describes the main features of the proposals,
    (iii) states that copies of a document setting out the proposals are available at their principal office for inspection by members of the public at such times as may be specified in the notice, and
    (iv) specifies the address of the principal office.

(6) A resolution of the local authority is required in order for the authority to adopt the proposed leader and cabinet executive (England).

(7) Section 29(2) of the Local Government Act 2000 (c. 22) applies to a resolution under subsection (6) as it applied to a resolution to operate executive arrangements.

(8) If the local authority passes the resolution under subsection (6), the authority must make the move to the proposed leader and cabinet executive (England) in accordance with the timetable in the proposals.

(9) Executive arrangements which come into operation in accordance with this section are to be treated as being operated after the passing of a resolution of the local authority under section 33F of the Local Government Act 2000.

(10) In complying with this section, the local authority must comply with any directions given by the Secretary of State in connection with this section.

(11) For the purposes of this section the resident population of any area on 30th June 1999 is to be taken to be the Registrar General's estimate of that population on that date.

Commencement Information
I71 S. 71 in force at 30.12.2007, see s. 245(2)

72 Failure to cease operating alternative arrangements E+W

(1) This section applies if—
  (a) section 71 applies to a local authority, and
  (b) it appears to the Secretary of State that the local authority will fail to start to operate a leader and cabinet executive (England) by the day of the authority's annual meeting in 2009.

(2) The Secretary of State may by order specify executive arrangements for the local authority which provide for a leader and cabinet executive (England).

(3) The leader and cabinet executive (England) which is provided for under subsection (2) shall come into operation on the day of the local authority's annual meeting in 2009.

(4) Arrangements which the Secretary of State specifies under subsection (2) are to be treated as having been made by the local authority itself.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) Arrangements which come into operation in accordance with subsection (3) are to be treated as being operated after the passing of a resolution of the authority under section 33F of the Local Government Act 2000 (c. 22).

(6) As soon as practicable after executive arrangements are specified under subsection (2), the local authority must comply with the following provisions of the Local Government Act 2000—
  (a) section 29(2)(a);
  (b) section 29(2)(b)(ii) to (v).

Commencement Information
I72 S. 72 in force at 30.12.2007, see s. 245(2)

73 Sections 71 and 72: supplementary E+W

(1) Section 33C of the Local Government Act 2000 does not apply to a local authority to which section 71 applies.

(2) Section 33I(1) of the Local Government Act 2000 is subject to sections 71 and 72.

(3) Subsection (4) applies to a local authority which—
  (a) starts to operate a leader and cabinet executive (England) in accordance with section 71 or 72, and
  (b) draws up proposals for a change in those governance arrangements of the kind set out in section 33A of the Local Government Act 2000 (new form of executive).

(4) For the purposes of section 33L of the Local Government Act 2000, the first permitted resolution period is to be the period which—
  (a) starts with 1 October 2010, and
  (b) ends with 31 December 2010;

  (rather than the other period ending with 31 December 2010 that is specified in the table in section 33O(5) of the Local Government Act 2000).

(5) Expressions used in section 71 or 72 that are also used in Part 2 of the Local Government Act 2000 have the same meanings in that section as in that Part.

Commencement Information
I73 S. 73 in force at 30.12.2007, see s. 245(2)

74 Further amendments & transitional provision E+W

(1) Schedule 3 (executives: further amendments) has effect.

(2) Schedule 4 (new arrangements for executives: transitional provision) has effect.

Commencement Information
I74 S. 74(2) in force at Royal Assent, see s. 245(1)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

I75 S. 74(1) in force at 30.12.2007, see s. 245(2)

VALID FROM 13/02/2008

PART 4 E+W

PARISHES

CHAPTER 1 E+W

PARISHES

75 Parishes: alternative styles E+W

(1) The Local Government Act 1972 (c. 70) is amended as follows.

(2) After section 11 insert—

"**11A Grouping: alternative styles**

(1) An order under section 11(1) which forms a new group may make the provision set out in subsection (3).

(2) But the order must make that provision in either of these cases—
- (a) if at least one of the parishes which is to be grouped does not have an alternative style, and at least one of them does have an alternative style;
- (b) if at least one of the parishes which is to be grouped has an alternative style, and at least one of them has a different alternative style.

(3) The provision referred to in subsections (1) and (2) is—
- (a) provision that each of the parishes in the group shall have an alternative style, or
- (b) provision that each of the parishes in the group which has an alternative style shall cease to have an alternative style.

(4) Provision made by virtue of subsection (3)(a)—
- (a) must provide for each of the parishes to have the same alternative style;
- (b) may provide for each of the parishes to have an alternative style which any of them already has;
- (c) has the effect that each parish in the new group shall cease to have any different alternative style which it had before the provision was made.

(5) An order under section 11(1) which adds one or more parishes to an existing group must make the provision set out in subsection (6) if—
- (a) the parishes in the group do not have an alternative style, and

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(b) at least one of the parishes which is to be added has an alternative style.

(6) The provision referred to in subsection (5) is provision that each added parish which has an alternative style shall cease to have an alternative style.

(7) An order under section 11(1) which adds one or more parishes to an existing group must make the provision set out in subsection (8) if—
(a) the parishes in the group have an alternative style, and
(b) at least one of the parishes which is to be added—
(i) has a different alternative style, or
(ii) does not have any of the alternative styles.

(8) The provision referred to in subsection (7) is provision that each added parish shall (if it does not already have the style) have the same alternative style as the parishes already in the group.

(9) If an order makes provision under subsection (1) or (2) for parishes to have an alternative style, the group shall have the appropriate one of the following styles—
(a) "group of communities";
(b) "group of neighbourhoods";
(c) "group of villages".

(10) As soon as practicable after making an order which includes any provision under this section, the council which makes the order must give notice of the change of style to all of the following—
(a) the Secretary of State;
(b) the Electoral Commission;
(c) the Office of National Statistics;
(d) the Director General of the Ordnance Survey;
(e) any district council or county council within whose area the parish lies.

11B De-grouping: alternative styles

(1) This section applies if—
(a) the parishes in a group of parishes have an alternative style, and
(b) an order under section 11(4) dissolves the group or separates one or more parishes from the group.

(2) The order under section 11(4) must provide for each de-grouped parish to continue to have the alternative style.

(3) In subsection (2) "de-grouped parish" means—
(a) in the case of dissolution of the group, each parish in the group;
(b) in the case of separation of one or more parishes from the group, each parish that is separated."

(3) After section 12 insert—

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"**12A Parishes: alternative styles**

(1) This section applies to a parish which is not grouped with any other parish.

(2) The appropriate parish authority may resolve that the parish shall have one of the alternative styles.

(3) If the parish has an alternative style, the appropriate parish authority may resolve that the parish shall cease to have that style.

(4) A single resolution may provide for a parish—
- (a) to cease to have an alternative style, and
- (b) to have another of the alternative styles instead.

(5) As soon as practicable after passing a resolution under this section, the appropriate parish authority must give notice of the change of style to all of the following—
- (a) the Secretary of State;
- (b) the Electoral Commission;
- (c) the Office of National Statistics;
- (d) the Director General of the Ordnance Survey;
- (e) any district council, county council or London borough council within whose area the parish lies.

(6) In this section "appropriate parish authority" means—
- (a) the parish council, or
- (b) if the parish does not have a parish council, the parish meeting.

12B Groups of parishes: alternative styles

(1) This section applies to a group of parishes.

(2) The common parish council of the group may resolve that each of the grouped parishes shall have the same alternative style.

(3) If each of the grouped parishes has an alternative style, the common parish council of the group may resolve that each of the grouped parishes shall cease to have that style.

(4) A single resolution may provide for each of the grouped parishes—
- (a) to cease to have an alternative style, and
- (b) to have the same one of the other alternative styles instead.

(5) If the common parish council passes a resolution under this section for each of the grouped parishes to have an alternative style, the group of parishes shall have the appropriate one of the following styles—
- (a) "group of communities";
- (b) "group of neighbourhoods";
- (c) "group of villages".

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(6) As soon as practicable after passing a resolution under this section, the common parish council of a group must give notice of the change of style to all of the following—

(a) the Secretary of State;

(b) the Electoral Commission;

(c) the Office of National Statistics;

(d) the Director General of the Ordnance Survey;

(e) any district council, county council or London borough council within whose area the group lies."

(4) In section 13 (constitution of parish meeting etc) after subsection (5) insert—

"(5A) If the parish has the style of community—

(a) the parish meeting shall have the style of "community meeting";

(b) the parish trustees shall be known by the name of "The Community Trustees" with the addition of the name of the community.

(5B) If the parish has the style of neighbourhood—

(a) the parish meeting shall have the style of "neighbourhood meeting";

(b) the parish trustees shall be known by the name of "The Neighbourhood Trustees" with the addition of the name of the neighbourhood.

(5C) If the parish has the style of village—

(a) the parish meeting shall have the style of "village meeting";

(b) the parish trustees shall be known by the name of "The Village Trustees" with the addition of the name of the village."

(5) In section 14 (constitution and powers of parish council), after subsection (2) insert—

"(2A) If the parish has the style of community, the council shall be known by the name "The Community Council" with the addition of the name of the community.

(2B) If the parish has the style of neighbourhood, the council shall be known by the name "The Neighbourhood Council" with the addition of the name of the neighbourhood.

(2C) If the parish has the style of village, the council shall be known by the name "The Village Council" with the addition of the name of the village.

(2D) If parishes are grouped under a common parish council—

(a) subsection (2), (2A), (2B) or (2C) (as appropriate) applies to that council as the subsection would apply in the case of the council of an individual parish; but

(b) the names of all of the parishes, communities, neighbourhoods or villages in the group are to be included in the name of the common council."

(6) In section 15 (chairman and vice-chairman of parish council or meeting), after subsection (10) insert—

"(11) If the parish has the style of community, the chairman and vice-chairman shall (respectively) have the style—

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(a) "chairman of the community council";
(b) "vice-chairman of the community council".

(12) If the parish has the style of neighbourhood, the chairman and vice-chairman shall (respectively) have the style—
(a) "chairman of the neighbourhood council";
(b) "vice-chairman of the neighbourhood council".

(13) If the parish has the style of village, the chairman and vice-chairman shall (respectively) have the style—
(a) "chairman of the village council";
(b) "vice-chairman of the village council".

(14) If parishes which have an alternative style are grouped under a common parish council, subsection (11), (12) or (13) (as appropriate) applies to the chairman and vice-chairman of that council as the subsection would apply in the case of the council of an individual parish."

(7) In section 16 (parish councillors), after subsection (5) insert—

"(6) If the parish has the style of community, the councillors shall have the style of "councillors of the community council".

(7) If the parish has the style of neighbourhood, the councillors shall have the style of "councillors of the neighbourhood council".

(8) If the parish has the style of village, the councillors shall have the style of "councillors of the village council".

(9) If parishes which have an alternative style are grouped under a common parish council, subsection (6), (7) or (8) (as appropriate) applies to the councillors of that council as the subsection would apply in the case of the council of an individual parish."

(8) Before section 18 (and the cross-heading preceding it) insert—

"17A **Alternative styles: supplementary**

(1) This section applies for the purposes of sections 9 to 16A.

(2) "Alternative style" means one of the following styles—
(a) "community";
(b) "neighbourhood";
(c) "village".

(3) References to a parish having an alternative style, or a particular alternative style, are references to the parish having that style by virtue of—
(a) a relevant order, or
(b) a resolution under section 12A or 12B.

(4) The provisions of a relevant order which provide for a parish to have, or to cease to have, an alternative style are subject to any resolution under section 12A or 12B relating to that parish.

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(5) A resolution under section 12A or 12B relating to a parish is subject to any provisions of a relevant order which provide for a parish to have, or to cease to have, an alternative style.

(6) A parish shall cease to have an alternative style if the parish begins to have the status of a town by virtue of section 245(6).

(7) In this section "relevant order" means an order under—
- (a) section 11 of this Act, or
- (b) section 86 of the Local Government and Public Involvement in Health Act 2007."

VALID FROM 01/04/2008

76 Appointed councillors E+W

(1) The Local Government Act 1972 (c. 70) is amended as follows.

(2) In section 15 (chairman and vice-chairman of parish council)—
- (a) in subsection (1) after "from among the" insert " elected ";
- (b) in subsection (6) for "a member" substitute " one of the elected members ".

(3) In section 16 (parish councillors), in subsection (1) after "number of" insert " elected ".

(4) After section 16 insert—

"**16A Appointed councillors**

(1) A parish council may appoint persons to be councillors of the council.

(2) The Secretary of State may by regulations make provision about—
- (a) the appointment of persons under this section;
- (b) the holding of office after appointment under this section.

(3) The regulations may, in particular, make provision about any of the following matters—
- (a) persons who may be appointed;
- (b) the number of persons who may be appointed;
- (c) the term of office of persons appointed;
- (d) the right of persons appointed to participate in decision-making by the council (including voting);
- (e) purposes for which a person appointed is to be treated as an elected councillor;
- (f) the filling of vacancies.

(4) In exercising a function under or by virtue of this section a parish council must have regard to any guidance issued by the Secretary of State about the exercise of that function.

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(5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament."

VALID FROM 01/04/2008

CHAPTER 2 E+W

POWER TO PROMOTE WELL-BEING

77 Extension of power to certain parish councils E+W

(1) Section 1 of the Local Government Act 2000 (c. 22) (meaning of local authority in Part 1 of 2000 Act) is amended as follows.

(2) The provision of that section becomes subsection (1) of section 1.

(3) In subsection (1), after paragraph (a)(v) insert—

"(vi) an eligible parish council,".

(4) After subsection (1) insert—

"(2) A parish council is "eligible" for the purposes of this Part if the council meets the conditions prescribed by the Secretary of State by order for the purposes of this section."

VALID FROM 31/12/2008

78 Community strategies E+W

(1) The Local Government Act 2000 is amended as follows.

(2) In section 2 (promotion of well-being), after subsection (3) insert—

"(3A) But, in the case of an eligible parish council, that is subject to section 4A."

(3) After section 4 (strategies for promoting well-being) insert—

"**4A Strategies: parishes**

(1) The duty in section 4 to prepare a community strategy does not apply to an eligible parish council.

(2) But in exercising the power under section 2(1), an eligible parish council must have regard to any community strategy prepared by a relevant principal council.

(3) In this section "relevant principal council", in relation to a parish council, means any county council, district council or London borough council whose area the parish lies within."

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CHAPTER 3 E+W

REORGANISATION

Key terms used

79 Community governance reviews E+W

(1) A community governance review is a review of the whole or part of the principal council's area, for the purpose of making recommendations of the kinds set out in sections 87 to 92 (if, and so far as, those sections are applicable).

(2) In undertaking a community governance review the principal council must comply with—
  (a) this Chapter, and
  (b) the terms of reference of the review.

(3) A district council which is to undertake a community governance review must notify the county council for its area (if any)—
  (a) that the review is to be undertaken, and
  (b) of the terms of reference of the review (including any modification of those terms).

80 Community governance petitions E+W

(1) A community governance petition is a petition for a community governance review to be undertaken.

(2) A petition is not a valid community governance petition unless the conditions in subsections (3) to (6) are met (so far as they are applicable).

(3) The petition must be signed as follows—
  (a) if the petition area has fewer than 500 local government electors, the petition must be signed by at least 50% of the electors;
  (b) if the petition area has between 500 and 2,500 local government electors, the petition must be signed by at least 250 of the electors;
  (c) if the petition area has more than 2,500 local government electors, the petition must be signed by at least 10% of the electors.

(4) The petition must—
  (a) define the area to which the review is to relate (whether on a map or otherwise), and
  (b) specify one or more recommendations which the petitioners wish a community governance review to consider making.

(5) If the specified recommendations include the constitution of a new parish, the petition must define the area of the new parish (whether on a map or otherwise).

(6) If the specified recommendations include the alteration of the area of an existing parish, the petition must define the area of the parish as it would be after alteration (whether on a map or otherwise).

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(7) If the specified recommendations include the constitution of a new parish, the petition is to be treated for the purposes of this Chapter as if the specified recommendations also include the recommendations in section 87(5) to (7).

(8) If the specified recommendations include the establishment of a parish council or parish meeting for an area which does not exist as a parish, the petition is to be treated for the purposes of this Chapter as if the specified recommendations also include recommendations for such a parish to come into being (either by constitution of a new parish or alteration of the area of an existing parish).

81 Terms of reference of review E+W

(1) The terms of reference of a community governance review are the terms on which the review is to be undertaken.

(2) The terms of reference of a community governance review must specify the area under review.

(3) Sections 83 and 84 make further provision about the terms of reference of community governance reviews.

(4) Subject to subsection (2), and sections 83 and 84, it is for a principal council—
- (a) to decide the terms of reference of any community governance review which the council is to undertake; and
- (b) to decide what modifications (if any) to make to terms of reference.

(5) As soon as practicable after deciding terms of reference, the principal council must publish the terms.

(6) As soon as practicable after modifying terms of reference, the principal council must publish the modified terms.

Undertaking community governance reviews

82 Council's power to undertake review E+W

A principal council may undertake a community governance review.

83 No review being undertaken: duty to respond to petition E+W

(1) This section applies if these conditions are met—
- (a) a principal council is not in the course of undertaking a community governance review;
- (b) the council receives a community governance petition which relates to the whole or part of the council's area.

(2) The principal council must undertake a community governance review that has terms of reference that allow for the petition to be considered.

(3) But the duty in subsection (2) does not apply if—
- (a) the principal council has concluded a previous community governance review within the relevant two-year period, and

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(b) in the council's opinion the petition area covers the whole or a significant part of the area to which the previous review related.

For further provision about this case, see section 85.

84 Review being undertaken: duty to respond to petition E+W

(1) This section applies if the following conditions are met—
(a) a principal council is in the course of undertaking a community governance review of part of the council's area ("the current review");
(b) the council receives a community governance petition which relates to part of the council's area;
(c) the petition area is wholly outside the area under review.

(2) The principal council must follow one of the options in subsection (4), (5) or (6).

(3) But the duty in subsection (2) does not apply if—
(a) the principal council has concluded a previous community governance review within the relevant two-year period, and
(b) in the council's opinion the petition area covers the whole or a significant part of the area to which the previous review related.

For further provision about this case, see section 85.

(4) The first option mentioned in subsection (2) is for the principal council to modify the terms of reference of the current review so that they allow for the petition to be considered.

(5) The second option is for the principal council to undertake a community governance review that—
(a) is separate from the current review, and
(b) has terms of reference that allow for the petition to be considered.

(6) The third option is for the principal council to—
(a) modify the terms of reference of the current review,
(b) undertake a community governance review that is separate from the current review ("the new review"), and
(c) secure that (when taken together)—
(i) the terms of reference of the current review (as modified), and
(ii) the terms of reference of the new review,
allow for the petition to be considered.

85 Power to respond to petition E+W

(1) In any of the following cases where a principal council receive a community governance petition, it is for the council to decide what action (if any) to take under section 82 (power to undertake review) or 81(4)(b) (power to modify terms of review) in response to that petition.

(2) The first case is where—
(a) section 83 applies (no review being undertaken when petition received), but

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(b) the duty in section 83(2) does not apply because of section 83(3) (no duty to respond to petition because previous review concluded in relevant two-year period).

(3) The second case is where—

(a) section 84 applies (review being undertaken when petition received: petition area wholly outside area under review), but

(b) the duty in section 84(2) does not apply because of section 84(3) (no duty to respond to petition because previous review concluded in relevant two-year period).

(4) The third case is where these conditions are met—

(a) a principal council is in the course of undertaking a community governance review of part of the council's area;

(b) the council receives a community governance petition which relates to part of the council's area;

(c) the petition area is not wholly outside the area under review.

(5) The fourth case is where these conditions are met—

(a) a principal council is in the course of undertaking a community governance review of part of the council's area;

(b) the council receives a community governance petition which relates to the whole of the council's area.

(6) The fifth case is where these conditions are met—

(a) a principal council is in the course of undertaking a community governance review of the whole of the council's area;

(b) the council receives a community governance petition which relates to the whole or part of the council's area.

Reorganisation of community governance

86 Reorganisation of community governance E+W

(1) This section applies if a community governance review is undertaken.

(2) The principal council may, by order, give effect to the recommendations made in the review (except recommendations made to the Electoral Commission in accordance with section 92).

(3) But such an order may not include provision giving effect to any recommendations to change protected electoral arrangements, unless the Electoral Commission agrees to that provision.

(4) An order under this section must include a map showing in general outline the area affected by the order.

(5) An order under this section may vary or revoke a provision of an order previously made under—

(a) this section,

(b) Part 1 of this Act,

(c) section 17 of the Local Government Act 1992 (c. 19), or

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(d) section 16 or 17 of the Local Government and Rating Act 1997 (c. 29).

(6) For the purposes of this section electoral arrangements are "protected" if—

(a) the electoral arrangements relate to the council of an existing parish,

(b) the electoral arrangements were made, or altered, by or in pursuance of an order under section 17 of the Local Government Act 1992 (c. 19) or section 14 of the Local Government and Rating Act 1997 (c. 29), and

(c) that order was made during the period of five years ending with the day on which the community governance review starts.

Recommendations of review

87 Constitution of new parish **E+W**

(1) A community governance review must make recommendations as to what new parish or parishes (if any) should be constituted in the area under review.

(2) A new parish is constituted in any one of the following ways—

(a) by establishing an unparished area as a parish;

(b) by aggregating one or more unparished areas with one or more parished areas;

(c) by aggregating parts of parishes;

(d) by amalgamating two or more parishes;

(e) by separating part of a parish;

but the aggregation of one or more unparished areas with a single parish is not the constitution of a new parish.

(3) For the purposes of subsection (2)—

"parished area" means an area which—

(a) is a parish, or

(b) is part of a parish;

"unparished area" means an area which—

(a) is not a parish, and

(b) is not part of a parish.

(4) The following subsections apply if the review recommends that a new parish should be constituted.

(5) The review must also make recommendations as to the name of the new parish.

(6) The review must also make recommendations as to whether or not the new parish should have a parish council.

(7) The review must also make recommendations as to whether or not the new parish should have one of the alternative styles.

88 Existing parishes under review **E+W**

(1) A community governance review must make the following recommendations in relation to each of the existing parishes under review (if any).

(2) The review must make one of the following recommendations—

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(a) recommendations that the parish should not be abolished and that its area should not be altered;
(b) recommendations that the area of the parish should be altered;
(c) recommendations that the parish should be abolished.

(3) The review must make recommendations as to whether or not the name of the parish should be changed.

(4) The review must make one of the following recommendations—
(a) if the parish does not have a council: recommendations as to whether or not the parish should have a council;
(b) if the parish has a council: recommendations as to whether or not the parish should continue to have a council.

(5) But the review may not make any recommendations for the parish—
(a) to begin to have an alternative style (if it does not already have one), or
(b) to cease to have an alternative style, or to have a different alternative style, (if it already has one).

(6) In this section—
(a) "existing parishes under review" means each of the parishes (if any) which are already in existence in the area under review;
(b) references to the alteration of an area of a parish are references to any alteration which is not the constitution of a new parish (within the meaning of section 87(2)).

89 New council: consequential recommendations E+W

(1) This section applies if, under a relevant provision, a community governance review makes recommendations that a parish should have a parish council.

(2) The review must also make recommendations as to what electoral arrangements should apply to the council.

(3) These are the relevant provisions for the purposes of this section—
(a) section 87 (new parishes);
(b) section 88 (existing parishes)

90 Council retained: consequential recommendations E+W

(1) This section applies if, under a section 88, a community governance review makes recommendations that a parish should continue to have a parish council.

(2) The review must also make recommendations as to what changes (if any) should be made to the electoral arrangements that apply to the council.

91 Grouping or de-grouping parishes E+W

(1) A community governance review may make recommendations as to whether or not grouping or de-grouping provision should be made.

(2) If the review recommends that grouping or de-grouping provision should be made, those recommendations must in particular include recommendations as to what

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changes (if any) should be made to the electoral arrangements that apply to any council affected by the provision.

(3) The reference to grouping or de-grouping provision is a reference to provision equivalent to the provision of an order under section 11 of the Local Government Act 1972 (c. 70).

92 County, district or London borough: consequential recommendations E+W

(1) This section applies if a community governance review makes recommendations under any other provision of this Chapter.

(2) The review may make recommendations to the Electoral Commission as to what related alteration (if any) should be made to the boundaries of the electoral areas of any affected principal council.

(3) The Electoral Commission may by order give effect to recommendations made under subsection (2).

(4) The Electoral Commission must notify each relevant principal council of whether or not the Commission have given effect to recommendations made under subsection (2).

(5) If the Electoral Commission have given effect to the recommendations, they must also send each relevant principal council two copies of the order under this section.

(6) In this section—

"affected principal council" means any principal council whose area the community governance review relates to (including the council carrying out the review);

"related" means related to the other recommendations made under this Chapter.

"relevant principal council", in relation to recommendations under subsection (2), means—

(a) the principal council that made the recommendations, and

(b) if the recommendations are made by a district council for an area for which there is a county council, the county council.

Duties of council undertaking review

93 Duties when undertaking a review E+W

(1) The principal council must comply with the duties in this section when undertaking a community governance review.

(2) But, subject to those duties, it is for the principal council to decide how to undertake the review.

(3) The principal council must consult the following—

(a) the local government electors for the area under review;

(b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.

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(4) The principal council must have regard to the need to secure that community governance within the area under review—
  (a) reflects the identities and interests of the community in that area, and
  (b) is effective and convenient.

(5) In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)—
  (a) that have already been made, or
  (b) that could be made,

  for the purposes of community representation or community engagement in respect of the area under review.

(6) The principal council must take into account any representations received in connection with the review.

(7) As soon as practicable after making any recommendations, the principal council must—
  (a) publish the recommendations; and
  (b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.

(8) The principal council must conclude the review within the period of 12 months starting with the day on which the council begins the review.

94 Recommendations to create parish councils E+W

(1) This section applies where a community governance review is required to make any of the following recommendations—
  (a) recommendations under section 87(6) as to whether or not a new parish should have a parish council;
  (b) recommendations under section 88(4)(a) as to whether or not an existing parish should have a parish council.

(2) If the parish has 1,000 or more local government electors, the review must recommend that the parish should have a council.

(3) If the parish has 150 or fewer local government electors, the review must recommend that the parish should not have a council.

(4) But subsection (3) does not apply if any part of the parish mentioned in subsection (1) is currently—
  (a) a parish which has a council, or
  (b) part of such a parish.

(5) If neither subsection (2) nor (3) applies, it is for the principal council to decide whether or not the parish should have a council.

95 Electoral recommendations: general considerations E+W

(1) This section applies to the principal council when deciding a recommendation of a kind listed in the following table.

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Recommendation	***Made under***
What electoral arrangements should apply to a new parish council	Section 89(2)
What changes (if any) should be made to the electoral arrangements which apply to a parish council	Section 90(2)

(2) The principal council must consider the questions in subsection (3) when deciding whether to recommend that a parish should, or should not, be or continue to be divided into wards for the purpose of electing councillors.

(3) Those questions are—
- (a) whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;
- (b) whether it is desirable that any area or areas of the parish should be separately represented on the council.

(4) If the principal council decides to recommend that a parish should be divided into wards, the principal council must have regard to the factors in subsection (5) when considering—
- (a) the size and boundaries of the wards, and
- (b) the number of councillors to be elected for each ward.

(5) Those factors are—
- (a) the number of local government electors for the parish;
- (b) any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts;
- (c) the desirability of fixing boundaries which are, and will remain, easily identifiable;
- (d) any local ties which will be broken by the fixing of any particular boundaries.

(6) If the principal council decides to recommend that a parish should not be divided into wards, the principal council must have regard to the factors in subsection (7) when considering the number of councillors to be elected for the parish.

(7) Those factors are—
- (a) the number of local government electors for the parish;
- (b) any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

Publicising outcome of review

96 Publicising outcome E+W

(1) This section applies if a community governance review is undertaken.

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(2) As soon as practicable after a principal council has decided to what extent it will give effect to the recommendations made in a community governance review, the council must—
  (a) publish—
    (i) that decision, and
    (ii) the council's reasons for making that decision; and
  (b) take such steps as the council considers sufficient to secure that persons who may be interested in the review are informed of that decision and those reasons.

(3) The following subsections apply if the council makes a reorganisation order.

(4) As soon as practicable after making the order, the council must deposit at its principal office—
  (a) a copy of the reorganisation order, and
  (b) a map which shows the effects of the order in greater detail than the map included in the order.

(5) The council must make the copy of the order and the map available for public inspection at all reasonable times.

(6) The council must publicise that the order and map are available for public inspection in accordance with subsection (5).

(7) As soon as practicable after making the order, the principal council must inform all of the following that the order has been made—
  (a) the Secretary of State;
  (b) the Electoral Commission;
  (c) the Office of National Statistics;
  (d) the Director General of the Ordnance Survey;
  (e) any other principal council whose area the order relates to.

Miscellaneous

97 Supplementary regulations E+W

(1) The Secretary of State may by regulations of general application make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, reorganisation orders.

(2) Regulations under this section are to have effect subject to any provision made by a reorganisation order.

98 Orders and regulations under this Chapter E+W

(1) If a principal council makes a reorganisation order, the council must send—
  (a) two copies of the order to the Secretary of State; and
  (b) two copies of the order to the Electoral Commission.

(2) If the Secretary of State makes regulations under section 97, he must send two copies of the regulations to the Electoral Commission.

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(3) A reorganisation order may include such incidental, consequential, transitional or supplementary provision as may appear to the principal council to be necessary or proper for the purposes of, or in consequence of, or for giving full effect to, the order.

(4) A reorganisation order, or regulations under section 97, may include any of the following provision—
- (a) provision with respect to the transfer and management or custody of property (whether real or personal);
- (b) provision with respect to the transfer of functions, property, rights and liabilities.

(5) Provision made under subsection (4)(b) may include any of the following—
- (a) provision for legal proceedings commenced by or against any body to be continued by or against a body to whom functions, property, rights or liabilities are transferred;
- (b) provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters;
- (c) provision for treating any body to whom a transfer is made for some or all purposes as the same person in law as the body from whom the transfer is made.

(6) A reorganisation order, or regulations under section 97, may include provision for the exclusion or modification of the application of any of the following—
- (a) section 16(3) or 90 of the Local Government Act 1972 (c. 70), or
- (b) rules under section 36 of the Representation of the People Act 1983 (c. 2), whenever made.

(7) An order under section 92 may include such incidental, consequential, transitional or supplementary provision as may appear to the Electoral Commission to be necessary or proper for the purposes of, or in consequence of, or for giving full effect to, the order.

99 Agreements about incidental matters E+W

(1) Any public bodies affected by a reorganisation of community governance may from time to time make agreements with respect to—
- (a) any property, income, rights, liabilities and expenses (so far as affected by the order) of the parties to the agreement;
- (b) any financial relations between the parties to the agreement.

(2) Such an agreement may in particular provide—
- (a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for the joint use of any property;
- (b) for the making of payments by any party to the agreement in respect of—
  - (i) property, rights and liabilities so transferred or retained;
  - (ii) such joint use; or
  - (iii) the remuneration or compensation payable to any person;
- (c) for any such payment to be made by instalments or otherwise;
- (d) for interest to be charged on any such instalments.

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(3) In default of agreement about any disputed matter, the matter is to be referred to the arbitration of a single arbitrator—

(a) agreed on by the parties; or

(b) in default of agreement, appointed by the Secretary of State.

(4) The arbitrator's award may make any provision that could be contained in an agreement under this section.

(5) In this section—

"disputed matter" means any matter that—

(a) could be the subject of provision contained in an agreement under this section; and

(b) is the subject of a dispute between two or more public bodies that is not resolved by or under any order or regulations under this Chapter;

"public body" has the same meaning as in section 16;

"reorganisation of community governance" means any changes made by giving effect to a community governance review.

100 Guidance E+W

(1) The Secretary of State may issue guidance about undertaking community governance reviews.

(2) The Electoral Commission may issue guidance about the making of recommendations under sections 89(2) or 90(2) (electoral arrangements for parish councils) or 92 (consequential recommendations about county, district or London borough councils).

(3) The Secretary of State may issue guidance about giving effect to recommendations made in community governance reviews.

(4) A principal council must have regard to guidance issued under this section.

101 Consequential amendments E+W

Schedule 5 (consequential amendments) has effect.

102 Interpretation E+W

(1) This section applies for the purposes of this Chapter.

(2) The following expressions have the meanings given—

"alternative style" has the same meaning as in sections 9 to 16A of the Local Government Act 1972 (c. 70) (see section 17A of that Act);

"area under review", in relation to a community governance review, means however much of the area of a principal council is subject to the review;

"community governance petition" has the meaning given by section 80;

"community governance review" has the meaning given by section 79;

"electoral arrangements", in relation to a parish council, means all of the following—

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(a) the year in which ordinary elections of councillors are to be held;
(b) the number of councillors to be elected to the council, or (in the case of a common council) the number of councillors to be elected to the council by each parish;
(c) the division (or not) of the parish, or (in the case of a common council) any of the parishes, into wards for the purpose of electing councillors;
(d) the number and boundaries of any such wards;
(e) the number of councillors to be elected for any such ward;
(f) the name of any such ward;

"local government elector" has the same meaning as in the Local Government Act 1972 (see section 270);

"petition area" means the area to which a community governance petition relates;

"principal council" means—
(a) a district council in England,
(b) a county council in England for an area in which there are no district councils, or
(c) a London borough council;

"reorganisation order" means an order under section 86;

"relevant two-year period", in relation to receipt of a community governance petition, means the period of two years ending with the day on which the petition is received by the principal council;

"specified recommendations", in relation to a community governance petition, means the recommendations—
(a) specified in the petition, or
(b) treated by section 80 as included in the recommendations specified in the petition;

"terms of reference" has the meaning given by section 81.

(3) A principal council "begins" a community governance review when the council publishes the terms of reference of the review.

(4) A principal council "concludes" a community governance review when the council publishes the recommendations made in the review.

(5) A principal council is "in the course of undertaking" a community governance review in the period between—
(a) beginning the review, and
(b) concluding the review.

(6) The terms of reference of a community governance review "allow for a community governance petition to be considered" if the terms of reference of the review are such that—
(a) the area under review includes the whole of the petition area; and
(b) the recommendations to be considered by the review include all of the petition's specified recommendations.

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PART 5 E+W

CO-OPERATION OF ENGLISH AUTHORITIES WITH LOCAL PARTNERS, ETC

CHAPTER 1 E+W

LOCAL AREA AGREEMENTS AND COMMUNITY STRATEGIES

103 Application of Chapter: responsible local authorities E+W

For the purposes of this Chapter, each of the following is a responsible local authority—

(a) a county council in England;

(b) a district council in England, other than a council for a district in a county for which there is a county council;

(c) a London borough council;

(d) the Council of the Isles of Scilly;

(e) the Common Council of the City of London in its capacity as a local authority.

Commencement Information

I76 S. 103 in force at 30.12.2007, see s. 245(2)

104 Application of Chapter: partner authorities E+W

(1) For the purposes of this Chapter, each of the following is a partner authority in relation to a responsible local authority—

(a) any person mentioned in subsection (2) who acts or is established for an area which, or any part of which, coincides with or falls within the responsible local authority's area;

(b) any person mentioned in subsection (3) who provides services at or from a hospital or other establishment or facility which falls within the responsible local authority's area; and

(c) any person mentioned in subsection (4).

(2) The persons referred to in subsection (1)(a) are—

(a) any district council which is not a responsible local authority;

(b) a fire and rescue authority;

(c) a National Park authority;

(d) the Broads Authority;

(e) a police authority;

(f) a chief officer of police;

(g) a joint waste authority established under section 207(1);

(h) a waste disposal authority established under section 10 of the Local Government Act 1985 (c. 51);

(i) a metropolitan county passenger transport authority established by section 28 of the Local Government Act 1985 (joint arrangements);

(j) Transport for London;

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(k) a Primary Care Trust;

(l) a development agency established by section 1 of the Regional Development Agencies Act 1998 (c. 45);

(m) a local probation board established by section 4 of the Criminal Justice and Court Services Act 2000 (c. 43);

(n) a youth offending team established under section 39 of the Crime and Disorder Act 1998 (c. 37).

(3) The persons referred to in subsection (1)(b) are—

(a) a National Health Service trust;

(b) an NHS foundation trust.

(4) The persons referred to in subsection (1)(c) are—

(a) the Arts Council of England;

(b) the English Sports Council;

(c) the Environment Agency;

(d) the Health and Safety Executive;

(e) the Historic Buildings and Monuments Commission;

(f) the Learning and Skills Council for England;

(g) the Museums, Libraries and Archives Council;

(h) Natural England;

(i) the Secretary of State, but only in relation to—

(i) his functions under section 2 of the Employment and Training Act 1973 (c. 50) (arrangements with respect to obtaining etc employment or employees);

(ii) functions which he has as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66); and

(iii) functions which he has as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).

(5) In this section, "fire and rescue authority" means—

(a) a fire and rescue authority constituted by—

(i) a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21); or

(ii) a scheme to which section 4 of that Act applies;

(b) a metropolitan county fire and rescue authority; or

(c) the London Fire and Emergency Planning Authority.

(6) In subsection (1)(a), references to the area for which a person acts or is established are references—

(a) in the case of the Commissioner of Police of the Metropolis, to the metropolitan police district (within the meaning of the Police Act 1996 (c. 16));

(b) in the case of the Commissioner of the City of London Police, to the City of London police area (within the meaning of that Act);

(c) in the case of any other chief officer of police, to the police area listed in Schedule 1 to that Act for which his police force is maintained;

(d) in the case of Transport for London, Greater London.

(7) The Secretary of State may by order—

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(a) amend subsection (2), (3) or (4) by—
  (i) adding to it any person who has functions of a public nature;
  (ii) removing from it any person for the time being mentioned in it; or
  (iii) adding to subsection (4)(i) any function of the Secretary of State or removing from it any function for the time being mentioned in it; and
(b) make such other amendments of this section as appear to him to be necessary or expedient in consequence of provision made under paragraph (a).

(8) Before making an order under subsection (7) the Secretary of State must consult such representatives of local government and such other persons (if any) as he considers appropriate.

Commencement Information
I77 S. 104 in force at 30.12.2007, see s. 245(2)

105 "Local improvement targets": interpretation E+W

(1) In this Chapter, "local improvement target" means a target for improvement in the economic, social or environmental well-being of the responsible local authority's area which relates to any or all of the following—
  (a) the responsible local authority;
  (b) one or more partner authorities;
  (c) one or more other persons acting, or having functions exercisable, in the area of the responsible local authority.

(2) For the purposes of this Chapter, a target specified in a local area agreement relates to the responsible local authority if the exercise by the authority of any of its functions, or anything done by the authority, could contribute to the attainment of the target.

(3) For the purposes of this Chapter, a target specified in a local area agreement relates to a person other than the responsible local authority if—
  (a) the exercise by the person of any of his functions, or anything done by the person, could contribute to the attainment of the target; and
  (b) the person has consented to the target being specified in the local area agreement (and, where the target has been amended under section 110 or 112, to the amendment).

Commencement Information
I78 S. 105 in force at 30.12.2007, see s. 245(2)

106 Duty to prepare and submit draft of a local area agreement E+W

(1) When the Secretary of State so directs, a responsible local authority must prepare and submit to him a draft of a document ("a local area agreement") specifying—
  (a) local improvement targets;
  (b) in relation to each local improvement target, the persons to whom the target is to relate; and
  (c) the period for which the local area agreement is to have effect.

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(2) In preparing the draft local area agreement, the responsible local authority must—
  (a) consult—
    (i) each partner authority; and
    (ii) such other persons as appear to it to be appropriate;
  (b) co-operate with each partner authority in determining the local improvement targets relating to the partner authority which are to be specified in the draft local area agreement; and
  (c) have regard to—
    (i) its community strategy prepared under section 4 of the Local Government Act 2000 (c. 22) (strategies for promoting well-being); and
    (ii) any guidance issued by the Secretary of State.

(3) In determining the local improvement targets relating to it which are to be specified in the draft local area agreement, each partner authority must—
  (a) co-operate with the responsible local authority; and
  (b) have regard to any guidance issued by the Secretary of State.

(4) Before issuing any guidance under this section, the Secretary of State must consult such representatives of local government (including representatives of partner authorities) and such other persons (if any) as he considers appropriate.

(5) A direction under subsection (1) may specify the date by which a draft of a local area agreement must be submitted to the Secretary of State.

(6) A direction under subsection (1) may be varied or revoked.

Commencement Information
I79 S. 106 in force at 30.12.2007, see s. 245(2)

107 Approval of draft local area agreement by Secretary of State E+W

(1) Where a draft of a local area agreement has been submitted to him under section 106(1), the Secretary of State may by notice in writing to the responsible local authority—
  (a) approve the draft; or
  (b) require the responsible local authority to modify the draft.

(2) Where the Secretary of State approves a draft local area agreement under subsection (1)(a), a local area agreement in the form of the draft has effect for the area of the responsible local authority for the period specified in the local area agreement by virtue of section 106(1)(c).

(3) A requirement under subsection (1)(b) to modify a draft of a local area agreement operates for the purposes of section 106 as a direction under subsection (1) of that section to prepare and submit a further draft of a local area agreement.

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Commencement Information
I80 S. 107 in force at 30.12.2007, see s. 245(2)

108 Duty to have regard to local improvement targets E+W

Where a local area agreement has effect under section 107(2)—

(a) the responsible local authority, and

(b) each partner authority,

must, in exercising its functions, have regard to every local improvement target specified in the local area agreement which relates to it.

Commencement Information
I81 S. 108 in force at 30.12.2007, see s. 245(2)

109 Designated targets E+W

(1) Where the Secretary of State approves a draft of a local area agreement under section 107, he may, within one month beginning with the date on which he approved the draft, designate any local improvement target specified in the local area agreement.

(2) Where the Secretary of State approves a revision proposal under section 112, he may, within one month beginning with the date on which he approved the revision proposal, designate any local improvement target which is added to the local area agreement by virtue of the approval.

(3) A designation under this section may be revoked.

(4) The power to make or revoke a designation under this section is exercisable by notice in writing to the responsible local authority.

Commencement Information
I82 S. 109 in force at 30.12.2007, see s. 245(2)

110 Revision and addition of targets E+W

(1) A designated target may not be amended or removed from a local area agreement except in accordance with sections 111 and 112.

(2) Any other local improvement target for the time being specified in a local area agreement may be—

(a) amended, or

(b) removed from the local area agreement,

by the responsible local authority, in accordance with subsection (4).

(3) But subsection (2) does not apply—

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(a) during the period of one month beginning with the date on which a draft of the local area agreement was approved by the Secretary of State under section 107; or

(b) in relation to any local improvement target which is added to the local area agreement by virtue of the approval of a revision proposal, during the period of one month beginning with the date on which the revision proposal was approved by the Secretary of State under section 112.

(4) A responsible local authority may amend or remove a local improvement target under subsection (2) only—

(a) with the consent of each partner authority to which the target relates; and

(b) after consulting each other person to whom it relates.

(5) Local improvement targets may not be added to a local area agreement except in accordance with—

(a) subsection (6); or

(b) sections 111 and 112.

(6) The responsible local authority may, with the consent of each person to whom the target in question is to relate, specify a new local improvement target in a local area agreement.

Commencement Information

I83 S. 110 in force at 30.12.2007, see s. 245(2)

111 Designated targets: revision proposals E+W

(1) At any time while a local area agreement has effect, a responsible local authority—

(a) may prepare and submit to the Secretary of State a revision proposal; and

(b) must do so if the Secretary of State so directs.

(2) In this Chapter, "revision proposal", in relation to a local area agreement, means a document proposing any or all of the following—

(a) changes to designated targets specified in the local area agreement;

(b) the removal of designated targets from the local area agreement;

(c) that additional local improvement targets be specified in the local area agreement.

(3) A revision proposal must—

(a) if it proposes changes to a designated target under subsection (2)(a), specify the persons to whom the target relates who have consented to the changes;

(b) if it proposes an additional local improvement target under subsection (2)(c), specify the persons to whom the target is to relate.

(4) In preparing a revision proposal, the responsible local authority must—

(a) consult—

(i) each partner authority; and

(ii) such other persons as appear to it to be appropriate;

(b) co-operate with each partner authority in determining changes to or the removal of designated targets, or additional local improvement targets,

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relating to the partner authority which are to be proposed by the revision proposal; and

(c) have regard to—

(i) its community strategy prepared under section 4 of the Local Government Act 2000 (c. 22) (strategies for promoting well-being); and

(ii) any guidance issued by the Secretary of State.

(5) In determining changes to or the removal of designated targets, or additional local improvement targets, relating to it which are to be proposed by the revision proposal, each partner authority must—

(a) co-operate with the responsible local authority; and

(b) have regard to any guidance issued by the Secretary of State.

(6) Before issuing any guidance under this section, the Secretary of State must consult such representatives of local government (including representatives of partner authorities) and such other persons (if any) as he considers appropriate.

(7) A direction under subsection (1)(b) may specify the date by which a revision proposal must be submitted to the Secretary of State.

(8) A direction under subsection (1)(b) may be varied or revoked.

Commencement Information

I84 S. 111 in force at 30.12.2007, see s. 245(2)

112 Approval of revision proposal E+W

(1) Where a revision proposal relating to a local area agreement has been submitted to him under section 111(1), the Secretary of State may by notice to the responsible local authority—

(a) approve the revision proposal;

(b) if the revision proposal was submitted to him pursuant to a direction under section 111(1)(b), require the responsible local authority to modify the revision proposal; or

(c) reject the revision proposal.

(2) If the Secretary of State approves the revision proposal, the local area agreement has effect subject to the changes set out in the revision proposal.

(3) Where a designated target is modified by virtue of subsection (2), the designation under section 109 continues to apply to the target as so modified (until revoked under that section).

(4) A requirement under subsection (1)(b) to modify a revision proposal operates for the purposes of section 111 as a direction under subsection (1)(b) of that section to prepare and submit a further revision proposal.

Commencement Information

I85 S. 112 in force at 30.12.2007, see s. 245(2)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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113 Duty to publish information about local area agreement E+W

(1) The responsible local authority must publish a memorandum relating to a local area agreement—

(a) whenever the Secretary of State—

(i) designates a local improvement target under section 109; or

(ii) revokes a designation under that section; and

(b) whenever the local area agreement is modified—

(i) under section 110(2) or (6); or

(ii) by virtue of section 112(2).

(2) A memorandum under subsection (1) must state—

(a) the period for which the local area agreement has effect;

(b) the local improvement targets for the time being specified in the local area agreement;

(c) in relation to each of those targets—

(i) whether it is for the time being a designated target;

(ii) the persons who are required by section 108 to have regard to the target; and

(iii) any other persons to whom the target relates;

and must take such form as the Secretary of State may direct.

(3) Different directions may be given under subsection (2) in relation to different responsible local authorities or different descriptions of responsible local authority.

(4) A direction under subsection (2) may be varied or revoked.

Commencement Information

I86 S. 113 in force at 30.12.2007, see s. 245(2)

114 Preparation of community strategy E+W

(1) Section 4 of the Local Government Act 2000 (c. 22) (strategies for promoting well-being) is amended as follows.

(2) In subsection (3)(a), for "such persons as they consider appropriate, and" substitute "—

(i) in the case of a responsible local authority, each partner authority and such other persons as the responsible local authority consider appropriate, or

(ii) in any other case, such persons as the authority consider appropriate, and".

(3) At the end insert—

"(6) In subsection (3)(a), "responsible local authority" and "partner authority", in relation to a responsible local authority, have the same meanings as in Chapter 1 (local area agreements) of Part 5 of the Local Government and Public Involvement in Health Act 2007 (see sections 103 and 104 of that Act)."

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Commencement Information

I87 S. 114 in force at 30.12.2007, see s. 245(2)

115 Orders under Part 1 of Local Government Act 2000: Wales E+W

(1) Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc) is amended as follows.

(2) In section 3(7) (limits on power to promote well-being) and section 4(5) (strategies for promoting well-being), for "the National Assembly for Wales" substitute " the Welsh Ministers ".

(3) In section 5 (power to amend or repeal enactments relating to power to promote well-being), for subsection (4) substitute—

"(4) In exercising the power under subsection (1), the Secretary of State must not make any provision which has effect in relation to Wales unless he has consulted the Welsh Ministers.

(4A) In exercising the power under subsection (1), the Secretary of State—

(a) must not make any provision amending, repealing or disapplying any Measure or Act of the National Assembly for Wales without the consent of the National Assembly for Wales, and

(b) must not make any provision amending, revoking or disapplying subordinate legislation made by the Welsh Ministers (or the National Assembly for Wales established under the Government of Wales Act 1998) without the consent of the Welsh Ministers.

(4B) Subsection (4A) does not apply to the extent that the Secretary of State is making incidental or consequential provision."

(4) In subsection (5) of that section, for "The National Assembly for Wales" substitute " The Welsh Ministers ".

(5) In section 6 (power to modify enactments concerning plans etc)—

(a) in subsection (1), at the end insert "so far as that enactment has effect in relation to a local authority in England";

(b) in subsection (2)(a) and (b), after "authorities" insert " in England ";

(c) in subsection (2)(c), after "authority" insert " in England "; and

(d) omit subsections (5) and (6).

(6) In section 7 (power to modify enactments concerning plans etc: Wales)—

(a) in subsection (1)—

(i) for "the National Assembly for Wales" substitute " the Welsh Ministers "; and

(ii) for "to which subsection (2) applies" substitute " (whenever passed or made) which requires a local authority to prepare, produce or publish any plan or strategy relating to any particular matter ";

(b) omit subsection (2);

(c) in subsection (4), for "the National Assembly for Wales considers" substitute " the Welsh Ministers consider "; and

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(d) omit subsection (6).

(7) At the end of that section insert—

"(8) An order under this section may not make a provision which, if it were a provision of a Measure of the National Assembly for Wales, would be outside the Assembly's legislative competence.

(9) For the purposes of subsection (8), section 94(4) of the Government of Wales Act 2006 has effect as if paragraph (a) (matters within legislative competence) were omitted.

(10) Subject to subsection (11), a statutory instrument which contains an order under this section is not to be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.

(11) A statutory instrument containing an order under this section which is made only for the purpose of amending an earlier such order—

(a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or

(b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description,

is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.".

(8) In section 9 (procedure for orders under section 5 or 6)—

(a) in subsection (2), for "the National Assembly for Wales" substitute " the Welsh Ministers "; and

(b) in subsection (3)(d), for "the National Assembly for Wales" substitute " the Welsh Ministers ".

(9) After section 9 insert—

"**9A Procedure for orders under section 7**

(1) Before the Welsh Ministers make an order under section 7 they must consult—

(a) such local authorities in Wales,

(b) such representatives of local government in Wales, and

(c) such other persons (if any),

as appear to them to be likely to be affected by their proposals.

(2) If, following consultation under subsection (1), the Welsh Ministers propose to make an order under section 7 they must lay before the National Assembly for Wales a document which—

(a) explains their proposals,

(b) sets them out in the form of a draft order, and

(c) gives details of consultation under subsection (1).

(3) Where a document relating to proposals is laid before the National Assembly for Wales under subsection (2), no draft of an order under section 7 to give effect to the proposals (with or without modifications) is to be laid before the

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National Assembly for Wales until after the expiry of the period of sixty days beginning with the day on which the document was laid.

(4) In calculating the period mentioned in subsection (3) no account is to be taken of any time during which the National Assembly is dissolved or is in recess for more than four days.

(5) In preparing a draft order under section 7 the Welsh Ministers must consider any representations made during the period mentioned in subsection (3).

(6) A draft order under section 7 which is laid before the National Assembly for Wales must be accompanied by a statement of the Welsh Ministers giving details of—
  (a) any representations considered in accordance with subsection (5), and
  (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (2).

(7) Nothing in this section applies to an order under section 7 which is made only for the purpose of amending an earlier order under that section—
  (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
  (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description."

Commencement Information
I88 S. 115 in force at 30.12.2007, see s. 245(2)

VALID FROM 01/04/2008

116 Health and social care: joint strategic needs assessments **E+W**

(1) An assessment of relevant needs must be prepared in relation to the area of each responsible local authority.

(2) A further assessment of relevant needs in relation to the area of a responsible local authority—
  (a) must be prepared if the Secretary of State so directs; and
  (b) may be prepared at any time.

(3) A direction under subsection (2)(a) may be revoked.

(4) It is for—
  (a) the responsible local authority, and
  (b) each of its partner PCTs,

to prepare any assessment of relevant needs under this section in relation to the area of the responsible local authority.

(5) The responsible local authority must publish each assessment of relevant needs prepared under this section in relation to its area.

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(6) For the purposes of this section, there is a relevant need in relation to so much of the area of a responsible local authority as falls within the area for which a partner PCT acts if there appears to the responsible local authority and the partner PCT to be a need to which subsection (7) applies.

(7) This subsection applies to a need—

(a) which—

(i) is capable of being met to a significant extent by the exercise by the responsible local authority of any of its functions; and

(ii) could also be met, or could otherwise be affected, to a significant extent by the exercise by the partner PCT of any of its functions; or

(b) which—

(i) is capable of being met to a significant extent by the exercise by the partner PCT of any of its functions; and

(ii) could also be met, or could otherwise be affected, to a significant extent by the exercise by the responsible local authority of any of its functions.

(8) In preparing an assessment under this section, the responsible local authority and each partner PCT must—

(a) co-operate with one another;

(b) have regard to any guidance issued by the Secretary of State; and

(c) if the responsible local authority is a county council, consult each relevant district council.

(9) In this section—

"partner PCT", in relation to a responsible local authority, means any Primary Care Trust which is a partner authority of the responsible local authority;

"relevant district council" means—

(a) in relation to a responsible local authority, any district council which is a partner authority of it; and

(b) in relation to a partner PCT of a responsible local authority, any district council which is a partner authority of the responsible local authority and whose district falls wholly or partly within the area for which the partner PCT acts.

117 Interpretation of Chapter E+W

In this Chapter—

"designated target" means a local improvement target designated by the Secretary of State under section 109;

"local area agreement" has the meaning given by section 106;

"local improvement target" has the meaning given by section 105;

"partner authority", in relation to a responsible local authority, has the meaning given by section 104;

"responsible local authority" has the meaning given by section 103; and "the responsible local authority", in relation to a local area agreement, means the

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responsible local authority required under section 106 to prepare a draft of the local area agreement;

"revision proposal" has the meaning given by section 111.

Commencement Information

I89 S. 117 in force at 30.12.2007, see s. 245(2)

118 Transitional provision E+W

(1) Subsection (2) applies in relation to each responsible local authority when it is first directed by the Secretary of State under subsection (1) of section 106 to prepare and submit a draft of a local area agreement.

(2) If the direction so provides—

(a) it is immaterial, for the purpose of satisfying the duty imposed by that subsection, whether the draft of the local area agreement was prepared before or after the direction was given; and

(b) subsections (2) and (3) of that section do not apply in relation to the preparation of that draft local area agreement.

(3) The Offender Management Act 2007 (c. 21) is amended as follows.

(4) In paragraph 5 of Schedule 3 (which adds functions of the Secretary of State in relation to probation services to the functions in relation to which the Secretary of State is a partner authority)—

(a) in sub-paragraph (1), for "Section 80" substitute " Section 104 ";

(b) in sub-paragraph (2), for "subsection (3)(g)" substitute " subsection (4)(i) "; and

(c) in sub-paragraph (3), in the inserted subsection (5A), for "subsection (3)(g)(iv)" substitute " subsection (4)(i)(iv) ".

(5) In Part 1 of Schedule 5 (repeals relating to probation services), in the entry relating to this Act—

(a) for "section 80(3)" substitute " section 104(4) "; and

(b) for "(g)(ii)" substitute " (i)(ii) ".

Commencement Information

I90 S. 118 in force at 30.12.2007, see s. 245(2)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 12/12/2008

CHAPTER 2 E+W

OVERVIEW AND SCRUTINY COMMITTEES

119 Reference of matter by councillor to overview and scrutiny committee E+W

After section 21 of the Local Government Act 2000 (c. 22) insert—

"21A Reference of matters to overview and scrutiny committee etc

(1) Executive arrangements by a local authority must include provision which—
- (a) enables any member of an overview and scrutiny committee of the authority to refer to the committee any matter which is relevant to the functions of the committee,
- (b) enables any member of a sub-committee of such a committee to refer to the sub-committee any matter which is relevant to the functions of the sub-committee, and
- (c) in the case of a local authority in England, enables any member of the authority to refer to an overview and scrutiny committee of the authority of which he is not a member any local government matter which is relevant to the functions of the committee.

(2) For the purposes of subsection (1), provision enables a person to refer a matter to a committee or sub-committee if it enables him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.

(3) In considering whether to exercise the power which he has by virtue of subsection (1)(c) in any case, a member of an authority must have regard to any guidance for the time being issued by the Secretary of State.

(4) Guidance under subsection (3) may make different provision for different cases.

(5) Subsections (6) to (8) apply where a local government matter is referred to an overview and scrutiny committee by a member of a local authority in accordance with provision made pursuant to subsection (1)(c).

(6) In considering whether or not to exercise any of its powers under section 21(2) in relation to the matter, the committee may have regard to—
- (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
- (b) any representations made by the member as to why it would be appropriate for the committee to exercise any of its powers under section 21(2) in relation to the matter.

(7) If the committee decides not to exercise any of those powers in relation to the matter, it must notify the member of—

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) its decision, and
(b) the reasons for it.

(8) The committee must provide the member with a copy of any report or recommendations which it makes to the authority or the executive under section 21(2) in relation to the matter.

(9) Subsection (8) is subject to section 21D.

(10) In this section "local government matter", in relation to a member of a local authority, means a matter which—
(a) relates to the discharge of any function of the authority,
(b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and
(c) is not an excluded matter.

(11) In subsection (10)(c), "excluded matter" means any matter which is—
(a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
(b) a matter of any description specified in an order made by the Secretary of State for the purposes of this section."

VALID FROM 01/04/2009

120 Power of overview and scrutiny committee to question members of authority **E+W**

(1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees), in subsection (13), before "and" immediately following paragraph (a) insert—

"(aa) may require any other member of the authority to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England),".

(2) In subsection (14) of that section, for the words following "mentioned in" substitute " paragraph (a) or (aa) of subsection (13) to comply with any requirement mentioned in that paragraph ".

VALID FROM 01/04/2009

121 Powers to require information from partner authorities **E+W**

(1) After section 22 of the Local Government Act 2000 insert—

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"22A Overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities

(1) The Secretary of State may by regulations make provision, in relation to a relevant committee—
  (a) as to information which relevant partner authorities must provide to the relevant committee, and
  (b) as to information which may not be disclosed by a relevant partner authority to the relevant committee.

(2) In subsection (1), references to information do not include information in respect of which provision may be made in exercise of the power conferred by—
  (a) section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters), or
  (b) section 244(2)(d) or (e) of the National Health Service Act 2006 (functions of overview and scrutiny committees).

(3) For the purposes of subsection (1), "relevant committee" and "relevant partner authority" have the meanings given by section 21C.

(4) The Secretary of State may also by regulations make provision, in relation to a relevant district council committee—
  (a) as to information which associated authorities must provide to the relevant district council committee, and
  (b) as to information which may not be disclosed by an associated authority to the relevant district council committee.

(5) In subsection (4), references to information do not include information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters).

(6) For the purposes of subsection (4)—

"relevant district council committee" means—
  (a) an overview and scrutiny committee of a district council which is not a responsible local authority ("the district council"), or
  (b) a sub-committee of such a committee;

"associated authority", in relation to a relevant district council committee, means—
  (a) the county council which is the responsible local authority in relation to the district council, or
  (b) any person (other than the district council) which is a partner authority in relation to that county council, other than—
    (i) a police authority, or
    (ii) a chief officer of police;

and for this purpose, "responsible local authority" and "partner authority" have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) Regulations under this section may make different provision in relation to different persons or committees or descriptions of person or committee.

(8) The power conferred by subsection (7) does not affect the power conferred by section 105(2)(b).”

(2) In section 20 of the Police and Justice Act 2006 (c. 48) (guidance and regulations regarding crime and disorder matters), after subsection (6) insert—

“(6A) In subsection (5)(c) and (d), references to information are, in relation to any crime and disorder committee, to information relating to—

(a) the discharge, or decisions made or other action taken in connection with the discharge, by the responsible authorities of their crime and disorder functions; or

(b) local crime and disorder matters in relation to which the committee has functions under or by virtue of section 19.”

(3) In subsection (7) of that section, for “and “co-operating persons and bodies”” substitute “, “ co-operating persons and bodies ”, “ crime and disorder functions ” and “ local crime and disorder matters ””.

(4) In section 244 of the National Health Service Act 2006 (c. 41) (functions of overview and scrutiny committees), after subsection (2) insert—

“(2A) In subsection (2)(d) and (e), references to information are to information relating to matters relating to the health service in the authority's area.”

VALID FROM 01/04/2009

122 Overview and scrutiny committees: reports and recommendations **E+W**

(1) After section 21A of the Local Government Act 2000 (c. 22) (inserted by section 119) insert—

“**21B Duty of authority or executive to respond to overview and scrutiny committee**

(1) This section applies where an overview and scrutiny committee of a local authority in England makes a report or recommendations to the authority or the executive, otherwise than—

(a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or

(b) by virtue of subsection (3)(a) of that section.

(2) The overview and scrutiny committee may publish the report or recommendations.

(3) The overview and scrutiny committee must by notice in writing require the authority or executive—

(a) to consider the report or recommendations,

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(b) to respond to the overview and scrutiny committee indicating what (if any) action the authority propose, or the executive proposes, to take,

(c) if the overview and scrutiny committee has published the report or recommendations under subsection (2), to publish the response,

(d) if the overview and scrutiny committee provided a copy of the report or recommendations to a member of the authority under section 21A(8), to provide the member with a copy of the response,

and to do so within two months beginning with the date on which the authority or executive received the report or recommendations or (if later) the notice.

(4) It is the duty of an authority or executive to which a notice is given under subsection (3) to comply with the requirements specified in the notice.

(5) Subsections (2) and (4) are subject to section 21D and to any provision made under section 22(12A).

(6) In this section—

(a) references to an overview and scrutiny committee include references to a sub-committee of such a committee; and

(b) references to "the authority" or "the executive", in relation to an overview and scrutiny committee, or a sub-committee of such a committee, are to the authority by which the overview and scrutiny committee is established or to the executive of that authority.

21C Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities

(1) This section applies where—

(a) a relevant committee makes a report or recommendations to the authority or the executive, otherwise than—

(i) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or

(ii) by virtue of subsection (3)(a) of that section, and

(b) the report or any of the recommendations relates to a local improvement target which—

(i) relates to a relevant partner authority, and

(ii) is specified in a local area agreement of the authority.

(2) The relevant committee may by notice in writing to the relevant partner authority require the relevant partner authority to have regard to the report or recommendation in question in exercising their functions.

(3) A notice under subsection (2) must be accompanied by a copy of the report or recommendations.

(4) It is the duty of a relevant partner authority to which a notice is given under subsection (2) to comply with the requirement specified in the notice.

(5) Subsection (2) does not apply if—

(a) the relevant partner authority is a health service body, and

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) by virtue of section 244 of the National Health Service Act 2006, the report was, or the recommendations were, made to the health service body (as well as to the authority or the executive).

(6) In subsection (5), "health service body" means—

(a) a National Health Service trust,

(b) an NHS foundation trust, or

(c) a Primary Care Trust.

(7) Subsections (2) and (3) are subject to section 21D.

(8) In this section—

"the authority", in relation to a relevant committee, means—

(a) in the case of an overview and scrutiny committee, the local authority by which it is established, and

(b) in the case of a sub-committee of an overview and scrutiny committee, the local authority by which the overview and scrutiny committee is established,

"the executive", in relation to a relevant committee, means the executive of the authority,

"local improvement target" and "local area agreement" have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007 (local area agreements),

"relevant committee" means—

(a) any overview and scrutiny committee of—

(i) a county council in England,

(ii) a district council in England, other than a council for a district in a county for which there is a county council, or

(iii) a London borough council, or

(b) a sub-committee of an overview and scrutiny committee within paragraph (a), and

"relevant partner authority", in relation to a relevant committee, means any person who is a partner authority in relation to the authority for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, other than—

(a) a police authority, or

(b) a chief officer of police;

and references to a target relating to a relevant partner authority are to be construed in accordance with section 105(3) of the Local Government and Public Involvement in Health Act 2007.

21D Publication etc of reports, recommendations and responses: confidential and exempt information

(1) This section applies to—

(a) the publication under section 21B of any document comprising—

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(i) a report or recommendations of an overview and scrutiny committee, or

(ii) a response of a local authority to any such report or recommendations, and

(b) the provision of a copy of such a document—

(i) to a member of a local authority under section 21A(8) or section 21B, or

(ii) to a relevant partner authority under section 21C,

by an overview and scrutiny committee or a local authority.

(2) The overview and scrutiny committee or the local authority, in publishing the document or providing a copy of the document to a relevant partner authority—

(a) must exclude any confidential information, and

(b) may exclude any relevant exempt information.

(3) The overview and scrutiny committee or the local authority, in providing a copy of the document to a member of the local authority, may exclude any confidential information or relevant exempt information.

(4) Where information is excluded under subsection (2) or (3), the overview and scrutiny committee or the local authority, in publishing, or providing a copy of, the document—

(a) may replace so much of the document as discloses the information with a summary which does not disclose that information, and

(b) must do so if, in consequence of excluding the information, the document published, or copy provided, would be misleading or not reasonably comprehensible.

(5) If by virtue of subsection (2), (3) or (4) an overview and scrutiny committee, in publishing or providing a copy of a report or recommendations—

(a) excludes information, or

(b) replaces part of the report or recommendations with a summary,

it is nevertheless to be taken for the purposes of section 21B(3)(c) or (d) to have published or provided a copy of the report or recommendations.

(6) In this section—

"confidential information" has the meaning given by section 100A(3) of the Local Government Act 1972 (admission to meetings of principal councils),

"exempt information" has the meaning given by section 100I of that Act, and, in relation to—

(a) any report or recommendations of an overview and scrutiny committee which has functions under section 21(2)(f), or

(b) any response to such a report or recommendations,

also includes information which is exempt information under section 246 of the National Health Service Act 2006,

"relevant exempt information" means—

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) in relation to a report or recommendations of an overview and scrutiny committee, exempt information of a description specified in a resolution of the overview and scrutiny committee under section 100A(4) of the Local Government Act 1972 which applied to the proceedings, or part of the proceedings, at any meeting of the overview and scrutiny committee at which the report was, or recommendations were, considered, and

(b) in relation to a response of the authority, exempt information of a description specified in such a resolution of the authority which applied to the proceedings, or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered, and

"relevant partner authority", in relation to an overview and scrutiny committee which is a relevant committee within the meaning of section 21C, has the same meaning as in that section.

(7) In this section, references to an overview and scrutiny committee include references to a sub-committee of such a committee."

(2) In section 22 of that Act (access to information etc), after subsection (12) insert—

"(12A) The Secretary of State may by regulations make provision, in relation to—

(a) the publication by executives of local authorities in England under section 21B, or under any provision of regulations under section 21E which applies or reproduces (with or without modifications) any provision of section 21B, of responses to reports or recommendations of overview and scrutiny committees and sub-committees of such committees, or

(b) the provision by such executives under that section of copies of such responses,

which applies or reproduces (with or without modifications) any provisions of section 21D."

VALID FROM 01/04/2009

123 Joint overview and scrutiny committees: local improvement targets E +W

(1) For the purposes of this section, "group of partner authorities" means—

(a) a county council in England; and

(b) one or more district councils which are partner authorities of it.

(2) The Secretary of State may by regulations make provision under which a group of partner authorities may—

(a) appoint a joint committee (a "joint overview and scrutiny committee"); and

(b) arrange for any functions of making reports and recommendations falling within subsection (3) to be exercisable by the committee.

(3) A report or recommendation falls within this subsection if—

(a) it concerns a matter which—

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(i) relates to the attainment of any local improvement target specified for the time being in a relevant local area agreement; and

(ii) is not an excluded matter; and

(b) it is made to—

(i) the county council, or

(ii) the county council and one or more district councils,

in the group of partner authorities.

(4) In subsection (3)—

(a) "excluded matter" means any matter with respect to which a crime and disorder committee could make a report or recommendations—

(i) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (c. 48) (local authority scrutiny crime and disorder matters); or

(ii) by virtue of subsection (3)(a) of that section;

(b) the reference to a report or recommendations being made to a county council or district council is, in the case of a local authority operating executive arrangements under Part 2 of the Local Government Act 2000 (c. 22), to be read as a reference to a report or recommendations being made to the local authority or its executive.

(5) Regulations under subsection (2) may in particular—

(a) provide for arrangements to be made only in circumstances, or subject to conditions or limitations, specified by the regulations;

(b) in relation to joint overview and scrutiny committees, make provision applying, or corresponding to, any provision of—

(i) section 21(4) and (6) to (12) of the Local Government Act 2000 (c. 22),

(ii) sections 21A to 21D of that Act, or

(iii) section 246 of, and Schedule 17 to, the National Health Service Act 2006 (c. 41),

with or without modifications;

(c) make provision—

(i) as to relevant information which associated authorities must provide to a joint overview and scrutiny committee (or, if the regulations make provision for the appointment of sub-committees of such a committee, to such a sub-committee); and

(ii) as to information which may not be disclosed by an associated authority to a joint overview and scrutiny committee (or, if the regulations make provision for the appointment of sub-committees of such a committee, to such a sub-committee).

(6) For the purposes of subsection (5)(c), in relation to a joint overview and scrutiny committee—

"associated authority" means—

(a) the county council in the group of partner authorities which appointed the joint overview and scrutiny committee; or

(b) any person which is a partner authority in relation to that council other than—

(i) a police authority; or

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(ii) a chief officer of police;

"relevant information", in relation to an associated authority, means information which is relevant to a local improvement target in a relevant local area agreement which relates to the associated authority;

and section 105(2) or (3) applies for the purpose of determining whether a local improvement target relates to an associated authority.

(7) Regulations under this section may not make provision of a kind mentioned in subsection (5)(c) with respect to information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (c. 48) (guidance and regulations regarding crime and disorder matters).

(8) In this section—

(a) "relevant local area agreement", in relation to a joint overview and scrutiny committee, means a local area agreement of the county council in the group of partner authorities which appointed the committee; and

(b) "local area agreement", "local improvement target" and "partner authority" have the same meanings as in Chapter 1 of this Part.

(9) Any group of partner authorities and any joint overview and scrutiny committee must, in exercising or deciding whether to exercise any functions conferred on it by or by virtue of regulations under this section, have regard to any guidance issued by the Secretary of State.

VALID FROM 01/04/2009

124 Overview and scrutiny committees of district councils: local improvement targets E+W

After section 21D of the Local Government Act 2000 (c. 22) (inserted by section 122) insert—

"**21E Overview and scrutiny committees of certain district councils: functions with respect to partner authorities**

(1) This section applies to any district council which is a partner authority in relation to a county council ("the related county council").

(2) The Secretary of State may by regulations make provision under which a district council to which this section applies may confer on their overview and scrutiny committee, or any of their overview and scrutiny committees, power to make reports and recommendations to the related county council, or that council's executive, which relate to any local improvement target which—

(a) relates to a relevant partner authority, and

(b) is specified in a local area agreement of the county council.

(3) Regulations under subsection (2) may make provision applying or reproducing any provision of section 21B, 21C or 21D (with or without modifications).

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) For the purposes of this section—

(a) "relevant partner authority", in relation to a district council, means—

(i) the related county council, or

(ii) any other authority which are a partner authority in relation to that county council, other than—

(a) a police authority, or

(b) a chief officer of police,

(b) "local area agreement", "local improvement target" and "partner authority" have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, and

(c) section 105(2) or (3) of that Act applies for the purpose of determining whether a local improvement target relates to a relevant partner authority."

125 Guidance E+W

In section 21 of the Local Government Act 2000 (overview and scrutiny committees: authorities operating executive arrangements), at the end insert—

"(16) In exercising, or deciding whether to exercise, any of its functions—

(a) an overview and scrutiny committee of a local authority in England, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Secretary of State; and

(b) an overview and scrutiny committee of a local authority in Wales, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Welsh Ministers.

(17) Guidance under subsection (16) may make different provision for different cases or for different descriptions of committee or sub-committee."

VALID FROM 30/04/2009

126 Reference of local crime and disorder matters to crime and disorder committees etc E+W

(1) The Police and Justice Act 2006 (c. 48) is amended as follows.

(2) In section 19 (local authority scrutiny of crime and disorder matters), for subsections (3) to (8) substitute—

"(3) A local authority must—

(a) ensure that its crime and disorder committee has power (whether by virtue of section 21(2) of the Local Government Act 2000 or regulations made under section 32(3) of that Act or otherwise) to make a report or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and

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(b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.

(4) For the purposes of subsection (3)(b), arrangements enable a person to refer a matter to a committee if they enable him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee.

(5) Subsections (6) and (7) apply where a local crime and disorder matter is referred to a crime and disorder committee by a member of a local authority in accordance with arrangements made under subsection (3)(b).

(6) In considering whether or not to make a report or recommendations to the local authority in relation to the matter, the committee may have regard to—

(a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and

(b) any representations made by the member as to why it would be appropriate for the committee to exercise any power which it has by virtue of subsection (3)(a) in relation to the matter.

(7) If the committee decides not to make a report or recommendations to the local authority in relation to the matter, it must notify the member of—

(a) its decision, and

(b) the reasons for it.

(8) Where a crime and disorder committee of a local authority makes a report or recommendations to the authority by virtue of subsection (3)(a), it must—

(a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and disorder matter in question to the committee in accordance with arrangements made under subsection (3)(b), and

(b) provide a copy of the report or recommendations to such of—

(i) the responsible authorities, and

(ii) the co-operating persons and bodies,

as it thinks appropriate.

(8A) Subsection (8B) applies where the crime and disorder committee of a local authority—

(a) makes a report or recommendations to the authority by virtue of subsection (3)(a), or

(b) provides a copy of a report or recommendations under subsection (2) or (8)(b).

(8B) Where this subsection applies—

(a) the crime and disorder committee must notify the authority, body or person to whom it makes the report or recommendations or provides the copy that paragraph (b) applies, and

(b) the authority, body or person must—

(i) consider the report or recommendations;

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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(ii) respond to the committee indicating what (if any) action it proposes to take;

(iii) have regard to the report or recommendations in exercising its functions."

(3) In subsection (9)(b), for "subsection (1)(b) or (6)" substitute " this section ".

(4) In subsection (11)—

(a) after the definition of "crime and disorder functions" insert— " electoral area" has the meaning given by section 203(1) of the Representation of the People Act 1983; ", and

(b) for the definition of "local crime and disorder matter" substitute—

"local crime and disorder matter", in relation to a member of a local authority, means a matter concerning—

(a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or

(b) the misuse of drugs, alcohol and other substances,

which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area. "

(5) Section 20 (guidance and regulations regarding crime and disorder matters) is amended as follows.

(6) In subsections (1) and (2), after "under" insert " or by virtue of ".

(7) In subsection (5), omit—

(a) paragraph (f); and

(b) sub-paragraphs (i) to (iii) of paragraph (g).

VALID FROM 01/04/2009

127 Overview and scrutiny committees: consequential amendments E+W

(1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees)—

(a) in subsection (2), after "their overview and scrutiny committees" insert " , and any joint overview and scrutiny committees, ";

(b) after that subsection insert—

"(2A) In subsection (2), "joint overview and scrutiny committee", in relation to a local authority ("the authority concerned"), means—

(a) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 245 of the National Health Service Act 2006 appointed by the authority concerned and one or more other local authorities,

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(b) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section,

(c) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 185 of the National Health Service (Wales) Act 2006 appointed by the authority concerned and one or more other local authorities,

(d) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section, or

(e) a joint overview and scrutiny committee within the meaning of section 123 of the Local Government and Public Involvement in Health Act 2007 (joint overview and scrutiny committees: local improvement targets) appointed by a group of partner authorities (within the meaning of that section) which includes the authority concerned.";

(c) in subsection (4)—

(i) after "this section" insert " , sections 21A to 21C "; and

(ii) at the end insert " or any functions which may be conferred on it by virtue of regulations under section 21E "; and

(d) omit subsection (8).

(2) For section 32(3) of that Act (alternative arrangements) substitute—

"(3) Regulations under this section may make provision with respect to committees or sub-committees falling within subsection (1)(b), including—

(a) in the case of regulations made by the Secretary of State, provision which applies or reproduces (with or without modifications)—

(i) any provision of sections 21 to 21D or paragraphs 7 and 9 to 11 of Schedule 1,

(ii) any provision made under section 21E or 22A,

(iii) any provision of section 246 of, or Schedule 17 to, the National Health Service Act 2006, or

(iv) any provision made under section 244 of that Act, and

(b) in the case of regulations made by the Welsh Ministers, provision which applies or reproduces (with or without modifications)—

(i) any provision of section 21 or 21A(1)(a) or (b) or (2) or paragraphs 8 to 11 of Schedule 1,

(ii) any provision of Schedule 17 to the National Health Service Act 2006,

(iii) any provision of section 186 of, or Schedule 11 to, the National Health Service (Wales) Act 2006, or

(iv) any provision made under section 184 of that Act.".

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(3) In section 245(3)(b) of the National Health Service Act 2006 (c. 41) (joint overview and scrutiny committees etc)—
  (a) in sub-paragraph (i), for "(15)" substitute " (17) "; and
  (b) after that sub-paragraph insert—
    "(ia) sections 21A to 21D of that Act,
    (ib) section 22A of that Act,".

(4) In section 185(3)(b) of the National Health Service (Wales) Act 2006 (c. 42) (joint overview and scrutiny committees etc)—
  (a) in sub-paragraph (i), for "(15)" substitute " (17) "; and
  (b) after that sub-paragraph insert—
    "(ia) section 21A(1)(a) or (b) or (2) of that Act,".

VALID FROM 01/04/2009

128 Transitional provision E+W

(1) Section 33E of the Local Government Act 2000 (c. 22) (proposals for change in governance arrangements) (which is inserted by section 64) applies (in addition to the cases mentioned in subsection (1) of that section) to a local authority which—
  (a) by virtue of the coming into force of any provision of this Chapter is required to vary its executive arrangements; or
  (b) by virtue of the coming into force of any provision of regulations made under section 32 of that Act (alternative arrangements) by virtue of any provision of this Chapter is required to vary its alternative arrangements.

(2) In this section, "alternative arrangements", "executive arrangements" and "local authority" have the same meanings as in Part 2 of the Local Government Act 2000.

VALID FROM 27/01/2010

PART 6 E+W

BYELAWS

129 Alternative procedure for byelaws E+W

(1) The Local Government Act 1972 (c. 70) is amended as follows.

(2) In section 236 (procedure for byelaws), in subsection (2) (byelaws to which the section does not apply), after "apply to" insert—
  "(a) byelaws of a class prescribed by regulations under section 236A, or (b)".

(3) After section 236 insert—

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"**236A Alternative procedure for certain byelaws**

(1) The Secretary of State may, in relation to England, by regulations—
  (a) prescribe classes of byelaws to which section 236 does not apply, and
  (b) make provision about the procedure for the making and coming into force of such byelaws.

(2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—
  (a) the enactment under which byelaws are made,
  (b) the subject-matter of byelaws,
  (c) the authority by whom byelaws are made,
  (d) the authority or person by whom byelaws are confirmed.

(3) The regulations may, in particular, include provision about—
  (a) consultation to be undertaken before a byelaw is made,
  (b) publicising a byelaw after it is made.

(4) The regulations may make—
  (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers appropriate, and
  (b) different provision for different areas, including different provision for different localities and for different authorities.

(5) Regulations may not be made under subsection (1) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament."

(4) In section 237 (offences against byelaws), after "applies" insert " and byelaws of a class prescribed by regulations under section 236A ".

130 Fixed penalties for breach of byelaws E+W

(1) After section 237 of the Local Government Act 1972 (c. 70) insert—

"**237A Fixed penalty notices**

(1) The Secretary of State may, in relation to England, by regulations prescribe classes of byelaws to which this section applies.

(2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—
  (a) the enactment under which byelaws are made,
  (b) the subject-matter of byelaws,
  (c) the authority by whom byelaws are made,
  (d) the authority or person by whom byelaws are confirmed.

(3) Where—

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(a) an authorised officer of an authority which has made a byelaw to which this section applies has reason to believe that a person has committed an offence against the byelaw, or

(b) an authorised officer of a parish council has reason to believe that a person has in its area committed an offence against a byelaw to which this section applies made by an authority other than the parish council,

the officer may give that person a notice offering him the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.

(4) A fixed penalty notice under this section is payable to the authority whose officer gave the notice.

(5) Where a person is given a notice under this section in respect of an offence—

(a) no proceedings may be instituted for the offence before the end of the period of fourteen days following the date of the notice, and

(b) he may not be convicted of the offence if he pays the fixed penalty before the end of that period.

(6) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence.

(7) A notice under this section must also state—

(a) the period during which, by virtue of subsection (5), proceedings will not be taken for the offence,

(b) the amount of the fixed penalty, and

(c) the person to whom and the address at which the fixed penalty may be paid.

(8) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (7)(c) at the address so mentioned.

(9) Where a letter is sent in accordance with subsection (8) payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(10) The form of a notice under this section may be specified in regulations under subsection (1).

(11) In any proceedings a certificate which—

(a) purports to be signed on behalf of the chief finance officer of an authority, and

(b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(12) In this section—

"authorised officer", in relation to an authority, means—

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(a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under this section,

(b) any person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform the function, and

(c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices,

"chief finance officer", in relation to an authority, means the person having responsibility for the financial affairs of the authority.

(13) Regulations under subsection (1) may prescribe conditions to be satisfied by a person before a parish council may authorise him in writing for the purpose of giving notices under this section.

237B Amount of fixed penalty

(1) The amount of a fixed penalty payable in pursuance of a notice under section 237A is—

(a) the amount specified by the authority which made the byelaw, or

(b) if no amount is so specified, £75.

(2) An authority may specify different amounts in relation to different byelaws.

(3) The Secretary of State may by regulations make provision in connection with the powers under subsections (1)(a) and (2).

(4) Regulations under subsection (3) may, in particular—

(a) require an amount specified under subsection (1)(a) to fall within a range prescribed in the regulations,

(b) restrict the extent to which, and the circumstances in which, an authority can make provision under subsection (2).

(5) The Secretary of State may by order substitute a different amount for the amount for the time being specified in subsection (1)(b).

237C Power to require name and address in connection with fixed penalty

(1) If an authorised officer proposes to give a person a notice under section 237A, the officer may require the person to give him his name and address.

(2) A person commits an offence if—

(a) he fails to give his name and address when required to do so under subsection (1), or

(b) he gives a false or inaccurate name or address in response to a requirement under that subsection.

(3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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(4) In this section, "authorised officer" has the same meaning as in section 237A."

(2) After section 237E of the Local Government Act 1972 (c. 70) (as inserted by section 132) insert—

"**237F Further provision about regulations and orders under section 237A or 237B**

(1) Regulations under section 237A or 237B, and an order under section 237B, may make—
  (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers appropriate, and
  (b) different provision for different areas, including different provision for different localities and for different authorities.

(2) A statutory instrument containing—
  (a) regulations under section 237A or 237B which amend or repeal any provision of an Act, or
  (b) an order under section 237B which amends or repeals any provision of an Act,

may not be made unless a draft of the instrument containing the regulations or order has been laid before, and approved by a resolution of, each House of Parliament.

(3) Otherwise, a statutory instrument containing regulations under section 237A or 237B, or an order under section 237B, shall be subject to annulment in pursuance of a resolution of either House of Parliament."

131 Use of fixed penalty receipts E+W

After section 237C of the Local Government Act 1972 (as inserted by section 130) insert—

"**237D Use of fixed penalty receipts**

(1) "Fixed penalty receipts" means amounts paid to an authority in pursuance of notices under section 237A.

(2) The authority shall have regard to the desirability of using its fixed penalty receipts for the purpose of combating any relevant nuisance.

(3) A "relevant nuisance" is a nuisance in the authority's area for the prevention of which any byelaw to which section 237A applies was made."

132 Guidance E+W

After section 237D of the Local Government Act 1972 (c. 70) (as inserted by section 131) insert—

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"**237E Guidance relating to sections 236A and 237A to 237D**

An authority which makes byelaws of a class prescribed by regulations under section 236A or 237A must have regard to any guidance issued by the Secretary of State about—

(a) procedure for which provision is made by regulations under section 236A(1);

(b) fixed penalties;

(c) anything related to the matters mentioned in paragraph (a) or (b)."

133 Community support officers etc E+W

(1) The Police Reform Act 2002 (c. 30) is amended as follows.

(2) In Schedule 4 (community support officers)—

(a) in paragraph 1 (powers to issue fixed penalty notices), after sub-paragraph (3) insert—

"(3A) For the purposes of paragraph (e) of section 64A(1B) of the Police and Criminal Evidence Act 1984 (photographing of suspects in relation to fixed penalty offences) "relevant fixed penalty offence", in relation to a designated person, includes an offence under a relevant byelaw within the meaning of paragraph 1ZA(4) (and, accordingly, the reference in that paragraph (e) to paragraph 1 of this Schedule includes a reference to paragraph 1ZA of this Schedule).";

(b) after paragraph 1 (powers to issue fixed penalty notices) insert—

"1ZA

(1) This paragraph applies if a designation applies it to any person.

(2) Such a designation may specify that, in relation to that person, the application of sub-paragraph (3) is confined to one or more only (and not all) relevant byelaws, being in each case specified in the designation.

(3) Where that person has reason to believe that an individual has committed an offence against a relevant byelaw at a place within the relevant police area, he may exercise the power of an authorised officer of an authority to give a notice under section 237A of the Local Government Act 1972 (fixed penalty notices in relation to offences against certain byelaws).

(4) In this paragraph "relevant byelaw", in relation to a designated person, means a byelaw which—

(a) falls within sub-paragraph (5); and

(b) is specified or described in that person's designation as a byelaw he has been designated to enforce under this paragraph.

(5) A byelaw falls within this sub-paragraph if—

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(a) it is a byelaw to which section 237A of the Local Government Act 1972 applies (fixed penalty notices in relation to offences against certain byelaws); and

(b) the chief officer of the police force for the relevant police area and the authority who made the byelaw have agreed to include it in a list of byelaws for the purposes of this sub-paragraph.

(6) A list under sub-paragraph (5)(b) must be published by the chief officer in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.

(7) The list may be amended from time to time by agreement between the chief officer and the authority, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6).";

(c) in paragraph 2(6) (relevant offence for the purpose of the power to detain etc), after paragraph (aa) insert—

"(aza) an offence under a relevant byelaw within the meaning of paragraph 1ZA(4); or".

(3) In Schedule 5 (accredited persons)—

(a) in paragraph 1 (power to issue fixed penalty notices), after sub-paragraph (3) insert—

"(3A) For the purposes of paragraph (f) of section 64A(1B) of the Police and Criminal Evidence Act 1984 (photographing of suspects in relation to fixed penalty offences) "relevant fixed penalty offence", in relation to an accredited person, includes an offence under a relevant byelaw within the meaning of paragraph 1A(4) (and, accordingly, the reference in that paragraph (f) to paragraph 1 of this Schedule includes a reference to paragraph 1A of this Schedule).";

(b) after paragraph 1 insert—

"1A

(1) This paragraph applies to an accredited person whose accreditation specifies that it applies to him.

(2) The accreditation may specify that, in relation to that person, the application of sub-paragraph (3) is confined to one or more only (and not all) relevant byelaws, being in each case specified in the accreditation.

(3) Where that person has reason to believe that an individual has committed an offence against a relevant byelaw at a place within the relevant police area, he may exercise the power of an authorised officer of an authority to give a notice under section 237A of the Local Government Act 1972 (fixed penalty notices in relation to offences against certain byelaws).

(4) In this paragraph "relevant byelaw", in relation to an accredited person, means a byelaw which—

(a) falls within sub-paragraph (5); and

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(b) is specified or described in that person's accreditation as a byelaw he has been accredited to enforce under this paragraph.

(5) A byelaw falls within this sub-paragraph if—

(a) it is a byelaw to which section 237A of the Local Government Act 1972 applies (fixed penalty notices in relation to offences against certain byelaws); and

(b) the chief officer of the police force for the relevant police area and the authority who made the byelaw have agreed to include it in a list of byelaws for the purposes of this sub-paragraph.

(6) A list under sub-paragraph (5)(b) must be published by the chief officer in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.

(7) The list may be amended from time to time by agreement between the chief officer and the authority, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6).";

(c) in paragraph 2(3) (relevant offence for the purpose of the power to require giving of name and address), after paragraph (aa) insert—

"(aza) an offence under a relevant byelaw within the meaning of paragraph 1A(4); or";

(d) in paragraph 9ZA (photographing of persons given fixed penalty notices), after "paragraph 1(2)" insert " or in exercise of the power mentioned in paragraph 1A(3) ".

134 Revocation of byelaws E+W

After section 236A of the Local Government Act 1972 (inserted by section 129) insert—

"**236B Revocation of byelaws**

(1) This section applies to—

(a) a local authority;

(b) the Greater London Authority;

(c) Transport for London;

(d) a metropolitan county passenger transport authority.

(2) Such an authority may make a byelaw under this section to revoke a byelaw made by the authority.

(3) The power under subsection (2) may be exercised only where the authority has no other power to revoke the byelaw.

(4) The confirming authority in relation to a byelaw made under this section shall be—

(a) in relation to a byelaw made by a local authority in Wales, the Welsh Ministers;

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(b) in relation to any other byelaw, the Secretary of State.

(5) The Secretary of State may, in relation to England, by order revoke any byelaw which appears to him to have become spent, obsolete or unnecessary.

(6) The Welsh Ministers may, in relation to Wales, by order revoke any byelaw which appears to them to have become spent, obsolete or unnecessary.

(7) An order under this section may make—

(a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the person making the order considers appropriate, and

(b) different provision for different areas, including different provision for different localities and for different authorities.

(8) A statutory instrument containing an order under this section which amends or repeals any provision of an Act may not be made by the Secretary of State unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

(9) Otherwise, a statutory instrument containing an order made by the Secretary of State under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(10) A statutory instrument containing an order under this section which amends or repeals any provision of an Act may not be made by the Welsh Ministers unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.

(11) Otherwise, a statutory instrument containing an order made by the Welsh Ministers under this section shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

135 Further amendments relating to byelaws E+W

Schedule 6 (further amendments of the law relating to byelaws) has effect.

PART 7 E+W

BEST VALUE

VALID FROM 01/04/2008

Best value authorities

136 Parish councils and community councils etc not to be best value authorities E+W

(1) In section 1 of the Local Government Act 1999 (c. 27) (best value authorities)—

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(a) in subsection (2) (definition of local authority in relation to England), in paragraph (a), for “, a London borough council, a parish council or a parish meeting of a parish which does not have a separate parish council” substitute “ or a London borough council ”;

(b) in subsection (3) (definition of local authority in relation to Wales), for “, a county borough council or a community council” substitute “ or a county borough council ”;

(c) in subsection (7) (definition of local authority in Wales), for “, county borough council or community council” substitute “ or county borough council ”.

(2) In section 2(2) of that Act (authorities to which best value duties may be extended), omit paragraph (a) (local precepting authorities).

(3) Schedule 7 (consequential amendments) has effect.

VALID FROM 01/04/2008

Duties of best value authorities

137 Guidance about general best value duty E+W

In section 3 of the Local Government Act 1999 (c. 27) (best value authorities: general duty), for subsection (4) substitute—

“(4) In deciding—

(a) how to fulfil the duty arising under subsection (1),

(b) who to consult under subsection (2), or

(c) the form, content and timing of consultations under that subsection,

an authority must have regard to any guidance issued by the Secretary of State.”

VALID FROM 01/04/2009

138 Involvement of local representatives E+W

(1) After section 3 of the Local Government Act 1999 insert—

“**3A Involvement of local representatives**

(1) Where a best value authority considers it appropriate for representatives of local persons (or of local persons of a particular description) to be involved in the exercise of any of its functions by being—

(a) provided with information about the exercise of the function,

(b) consulted about the exercise of the function, or

(c) involved in another way,

it must take such steps as it considers appropriate to secure that such representatives are involved in the exercise of the function in that way.

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(2) Subsection (1) does not require an authority to take a step—
- (a) if the authority does not have power to take the step under another enactment or a rule of law; or
- (b) if the step would be incompatible with a Community obligation or any other duty imposed on the authority under another enactment or a rule of law.

(3) Subsection (1) does not apply—
- (a) to a police authority,
- (b) to a Welsh best value authority,
- (c) to any other authority or description of authority specified in an order made by the Secretary of State, or
- (d) in any other case specified in such an order.

(4) An order under subsection (3)(d) may specify cases by reference, in particular, to the following—
- (a) best value authorities or descriptions of best value authority;
- (b) functions of best value authorities;
- (c) descriptions of local person;
- (d) ways in which representatives may be involved in the exercise of functions of an authority.

(5) In deciding how to fulfil its duties under subsection (1), an authority must have regard to any guidance issued by the Secretary of State.

(6) In this section—

"enactment" includes subordinate legislation (within the meaning of section 21 of the Interpretation Act 1978);

"local person" means, in relation to a function of a best value authority, a person who is likely to be affected by, or interested in, the exercise of the function;

"representative" means, in relation to local persons or a description of local person, a person who appears to the best value authority to be representative of the local persons."

(2) In section 28(2) of that Act (negative procedure for certain orders and regulations), after first "section" insert " 3A, ".

139 Abolition of performance indicators etc except for Welsh authorities E+W

(1) Immediately before section 4 of the Local Government Act 1999 (c. 27) insert " *Duties: Welsh best value authorities* ".

(2) In section 4 of that Act (performance indicators and standards)—
- (a) in subsection (1)(a), for "best value authority's" substitute " Welsh best value authority's ";
- (b) in subsections (1)(b), (3)(a) and (4)(a), for "best value authorities" substitute " Welsh best value authorities ";
- (c) in subsection (5), for "best value authority" substitute " Welsh best value authority ".

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In section 6 of that Act (performance plans), in subsection (1), for "best value authority" substitute " Welsh best value authority ".

140 Abolition of best value performance reviews E+W

Omit section 5 of the Local Government Act 1999 (best value reviews).

Powers to modify enactments etc

141 Consultation with and consent of Welsh Ministers E+W

(1) In section 16 of the Local Government Act 1999 (power to modify enactments obstructing compliance with best value duties and confer new powers), after subsection (3A) insert—

"(3B) In exercising a power under this section, the Secretary of State must not make provision which has effect in relation to Wales unless he has consulted the Welsh Ministers.

(3C) In exercising a power under this section, the Secretary of State—

(a) must not make provision amending, or modifying or excluding the application of, Measures or Acts of the National Assembly for Wales without the consent of the National Assembly for Wales;

(b) must not make provision amending, or modifying or excluding the application of, subordinate legislation made by the Welsh Ministers (or the National Assembly for Wales established under the Government of Wales Act 1998) without the consent of the Welsh Ministers.

(3D) Subsection (3C) does not apply to the extent that the Secretary of State is making incidental or consequential provision."

(2) In section 97 of the Local Government Act 2003 (c. 26) (power to modify enactments in connection with charging or trading)—

(a) for subsection (7) substitute—

"(7A) In exercising a power under subsection (1) or (2), the Secretary of State must not make provision which has effect in relation to Wales unless he has consulted the Welsh Ministers.

(7B) In exercising a power under subsection (1) or (2), the Secretary of State—

(a) must not amend, or repeal or disapply, Measures or Acts of the National Assembly for Wales without the consent of the National Assembly for Wales;

(b) must not amend, or revoke or disapply, subordinate legislation made by the Welsh Ministers (or the National Assembly for Wales established under the Government of Wales Act 1998) without the consent of the Welsh Ministers.

(7C) Subsection (7B) does not apply to the extent that the Secretary of State is making incidental or consequential provision.";

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(b) in subsection (8), for "National Assembly for Wales" substitute " Welsh Ministers ".

(3) In section 98 of that Act (procedure for orders under section 97), in subsection (2)—
(a) for "subsection (7)(a)" substitute " subsection (7A) ";
(b) in paragraph (d) for "National Assembly for Wales" substitute " Welsh Ministers ".

Commencement Information
I91 S. 141 in force at 30.12.2007, see s. 245(2)

142 Power of Welsh Ministers to modify enactments obstructing best value etc E +W

(1) In section 16 of the Local Government Act 1999 (c. 27) (power to modify enactments and confer new powers)—
(a) in the title, after "Power" insert " of Secretary of State ";
(b) after subsection (5) insert—

"(6) In this section—
(a) "enactment" includes subordinate legislation (within the meaning of section 21 of the Interpretation Act 1978);
(b) references to a best value authority do not include a Welsh best value authority."

(2) After section 17 of that Act insert—

"**17A Power of Welsh Ministers to modify enactments and confer new powers**

(1) If the Welsh Ministers think that an enactment prevents or obstructs compliance by Welsh best value authorities with the requirements of this Part they may by order make provision modifying or excluding the application of the enactment in relation to—
(a) all Welsh best value authorities,
(b) particular Welsh best value authorities, or
(c) particular descriptions of Welsh best value authority.

(2) The Welsh Ministers may by order make provision conferring on—
(a) all Welsh best value authorities,
(b) particular Welsh best value authorities, or
(c) particular descriptions of Welsh best value authority,
any power which they consider necessary or expedient to permit or facilitate compliance with the requirements of this Part.

(3) An order under this section may—
(a) impose conditions on the exercise of any power conferred by the order (including conditions about consultation or approval);
(b) amend an enactment;

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(c) include consequential, incidental and transitional provision;
(d) make different provision for different cases.

(4) The power under subsection (3)(d) includes, in particular, power to make different provision in relation to different authorities or descriptions of authority.

(5) An order under this section may not make a provision which, if it were a provision of a Measure of the National Assembly for Wales, would be outside the Assembly's legislative competence.

(6) For the purposes of subsection (5), section 94(4) of the Government of Wales Act 2006 has effect as if paragraph (a) (matters within legislative competence) were omitted.

(7) Subject to subsection (8), no order shall be made under this section unless a draft has been laid before, and approved by resolution of, the National Assembly for Wales.

(8) An order under this section which is made only for the purpose of amending an earlier order under this section—
(a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
(b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description,

shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(9) In exercising a power conferred under subsection (2) a Welsh best value authority shall have regard to any guidance issued by the Welsh Ministers.

(10) In this section, "enactment" includes subordinate legislation (within the meaning of section 21 of the Interpretation Act 1978).

17B Orders under section 17A: procedure

(1) Before the Welsh Ministers make an order under section 17A they shall consult such authorities or persons as appear to them to be representative of interests affected by their proposals.

(2) If, following consultation under subsection (1), the Welsh Ministers propose to make an order under section 17A they shall lay before the National Assembly for Wales a document explaining their proposals and, in particular—
(a) setting them out in the form of a draft order, and
(b) giving details of consultation under subsection (1).

(3) Where a document relating to proposals is laid before the National Assembly for Wales under subsection (2), no draft of an order under section 17A to give effect to the proposals (with or without modification) shall be laid before the National Assembly for Wales until after the expiry of the period of sixty days beginning with the day on which the document was laid.

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(4) In calculating the period mentioned in subsection (3) no account shall be taken of any time during which the National Assembly is dissolved or is in recess for more than four days.

(5) In preparing a draft order under section 17A the Welsh Ministers shall consider any representations made during the period mentioned in subsection (3) above.

(6) A draft order laid before the National Assembly for Wales in accordance with section 17A(7) shall be accompanied by a statement of the Welsh Ministers giving details of—

(a) any representations considered in accordance with subsection (5) above, and

(b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (2) above.

(7) Nothing in this section applies to an order under section 17A which is made only for the purpose mentioned in section 17A(8).”

(3) Until the commencement of section 144(1), in the provisions inserted by this section references to a Welsh best value authority have effect as if they were references to an authority which is a best value authority in Wales for the purposes of Part 1 of the Local Government Act 1999 (c. 27), other than a police area in Wales.

Commencement Information

I92 S. 142 in force at 30.12.2007, see s. 245(2)

Other

143 Grants to promote or facilitate exercise of functions by best value authorities E+W

(1) In the Local Government Act 2003 (c. 26), after section 36 insert—

“**36A Grants by Ministers of the Crown in respect of best value authorities etc**

(1) A Minister of the Crown may pay a grant to a person for use in, or in connection with, promoting or facilitating the economic, efficient and effective exercise of functions by a best value authority or best value authorities.

(2) The power to make a grant under this section is exercisable only with the consent of—

(a) the Treasury, and

(b) in the case of a grant in respect of the exercise of functions by a Welsh best value authority, the Welsh Ministers.

(3) The power to pay a grant under this section does not include power to pay a grant to a best value authority.

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(4) The amount of a grant under this section, and the method of payment, are to be such as the Minister of the Crown may determine.

(5) A grant under this section may be paid on such conditions as the Minister of the Crown may determine.

(6) Conditions under subsection (5) may, in particular, include—

(a) provision as to the use of the grant;

(b) provision as to circumstances in which the whole or part of the grant must be repaid.

(7) For the purposes of this section—

"best value authority" includes the Greater London Authority, whether exercising its functions through the Mayor or otherwise;

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975;

"Welsh best value authority" means an authority which is a Welsh best value authority for the purposes of Part 1 of the Local Government Act 1999.

36B Grants by Welsh Ministers in respect of Welsh best value authorities

(1) The Welsh Ministers may pay a grant to a person for use in, or in connection with, promoting or facilitating the economic, efficient and effective exercise of functions by a Welsh best value authority or Welsh best value authorities.

(2) The power to pay a grant under this section does not include power to pay a grant to a best value authority.

(3) The amount of a grant under this section, and the method of payment, are to be such as the Welsh Ministers may determine.

(4) A grant under this section may be paid on such conditions as the Welsh Ministers may determine.

(5) Conditions under subsection (4) may, in particular, include—

(a) provision as to the use of the grant;

(b) provision as to circumstances in which the whole or part of the grant must be repaid.

(6) For the purposes of this section—

"best value authority" includes the Greater London Authority, whether exercising its functions through the Mayor or otherwise;

"Welsh best value authority" means an authority which is a Welsh best value authority for the purposes of Part 1 of the Local Government Act 1999."

(2) Until the commencement of section 144(1), the provisions inserted by this section have effect as if—

(a) the definition of "Welsh best value authority" were omitted; and

(b) references to a Welsh best value authority were references to an authority which is a best value authority in Wales for the purposes of Part 1 of the Local

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Government Act 1999 (c. 27), other than a police authority for a police area in Wales.

Commencement Information

I93 S. 143 in force at 30.12.2007, see s. 245(2)

VALID FROM 01/04/2008

144 Best value: minor and consequential amendments E+W

(1) In section 1 of the Local Government Act 1999 (best value authorities), in subsection (6) (best value authorities in Wales)—

(a) for "best value authority in Wales" substitute " Welsh best value authority ";

(b) omit paragraph (c) (police authority).

(2) Schedule 8 (minor and consequential amendments) has effect.

VALID FROM 31/01/2008

PART 8 E+W

LOCAL SERVICES: INSPECTION AND AUDIT

VALID FROM 01/04/2008

CHAPTER 1 E+W

CONSTITUTION OF THE AUDIT COMMISSION

VALID FROM 01/08/2009

145 Membership E+W

In section 1(2) of the Audit Commission Act 1998 (c. 18) (number of members of Commission)—

(a) for "15" substitute " 10 ", and

(b) for "20" substitute " 15 ".

146 Change of name E+W

(1) The body which, immediately before the commencement of this section, was known as the Audit Commission for Local Authorities and the National Health

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Service in England and Wales is to be known as the Audit Commission for Local Authorities and the National Health Service in England.

(2) Accordingly, in section 1(1) of the Audit Commission Act 1998 (c. 18) (which continues the existence of the Audit Commission for Local Authorities and the National Health Service in England and Wales), omit "and Wales".

(3) Schedule 9 (further amendments consequential on subsection (1)) has effect.

(4) References in any enactment (other than this section) or in subordinate legislation to—

(a) the Audit Commission for Local Authorities and the National Health Service in England and Wales, or

(b) the Audit Commission for Local Authorities in England and Wales,

are, unless the contrary intention appears, to be read as references to the Audit Commission for Local Authorities and the National Health Service in England.

CHAPTER 2 E+W

AUDIT COMMISSION AND AUDITORS: FUNCTIONS AND PROCEDURE

VALID FROM 31/03/2008

Benefits inspections

VALID FROM 01/04/2008

147 Powers of the Audit Commission relating to benefits E+W

(1) In section 13 of the Local Government Act 1999 (c. 27) (reports by Audit Commission relating to best value authorities), after subsection (4) insert—

"(4A) If a report relates to any extent to the administration of housing benefit or council tax benefit and the Commission thinks fit to do so, it shall as soon as reasonably practicable send a copy of the report to the Secretary of State."

(2) In section 139D of the Social Security Administration Act 1992 (c. 5) (power of Secretary of State to give directions following report), in subsection (1), after paragraph (ba) insert—

"(bb) a copy of a report has been sent to a local authority under subsection (3) of section 13 of the Local Government Act 1999 and to the Secretary of State under subsection (4A) of that section;".

148 Benefit Fraud Inspectorate: transfers to the Audit Commission E+W

(1) The Secretary of State may make a scheme for the transfer to the Audit Commission of property, rights and liabilities of—

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(a) the Secretary of State;

(b) a person authorised under section 139A of the Social Security Administration Act 1992 (reports on administration of housing benefit and council tax benefit).

(2) The Secretary of State may only exercise the power under subsection (1) to the extent that he considers it appropriate having regard to the functions of the Audit Commission relating to the administration of housing benefit and council tax benefit in England.

(3) Before making a scheme under this section, the Secretary of State must consult the Audit Commission.

(4) A transfer scheme may make provision for rights and liabilities relating to an individual's contract of employment to be transferred, but only if—

(a) immediately before the date on which the scheme takes effect, the individual is employed in the civil service of the State in the part of the Department for Work and Pensions known as the Benefit Fraud Inspectorate; and

(b) the individual and the Audit Commission have consented to the provision.

(5) Schedule 10 (further provision about transfer schemes) has effect.

(6) For the purposes of this section and Schedule 10, where an individual is employed in the civil service of the State on terms which do not constitute a contract of employment—

(a) the individual shall be treated as if he were employed under a contract of employment; and

(b) the terms of his service shall be treated as if they were the terms of the contract.

(7) In this section and in Schedule 10—

"the Audit Commission" means the Audit Commission for Local Authorities and the National Health Service in England;

"transfer scheme" means a transfer scheme under subsection (1).

Interaction with other authorities

149 Interaction of the Audit Commission with other authorities E+W

(1) The Audit Commission Act 1998 (c. 18) is amended as follows.

(2) Omit section 37 (assistance to inspection authorities).

(3) In Part 4, before the italic heading preceding section 48 insert—

"Interaction with other authorities

47B **Interaction with other authorities**

Schedule 2A (interaction with other authorities) has effect."

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(4) After Schedule 2 to that Act, insert the Schedule 2A (interaction with other authorities) set out at Schedule 11.

VALID FROM 01/04/2008

150 Interaction of benefits inspectors with the Audit Commission E+W

After section 139B of the Social Security Administration Act 1992 (c. 5) insert—

"**139BA Interaction with Audit Commission**

(1) A person authorised under section 139A(1) must from time to time, or at such times as the Secretary of State may specify by order, prepare—
  (a) a document setting out what inspections of English authorities he proposes to carry out (an "inspection programme");
  (b) a document setting out the way in which he proposes to carry out his functions of inspecting and reporting on such authorities (an "inspection framework").

(2) The person authorised under section 139A(1) must—
  (a) consult the Audit Commission before preparing an inspection programme or an inspection framework; and
  (b) once an inspection programme or inspection framework is prepared, send a copy of it to—
    (i) the Secretary of State; and
    (ii) the Audit Commission.

(3) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks must take.

(4) A person authorised under section 139A(1)—
  (a) must co-operate with the Audit Commission, and
  (b) may act jointly with the Audit Commission,

  where it is appropriate to do so for the efficient and effective discharge of the person's functions in relation to English authorities.

(5) In this section—

  "the Audit Commission" means the Audit Commission for Local Authorities and the National Health Service in England;

  "English authorities" means authorities administering housing benefit or council tax benefit in England;

  "person" does not include the Audit Commission."

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Inspections and audit

151 Powers of auditors and inspectors to obtain information E+W

(1) In section 6 of the Audit Commission Act 1998 (c. 18) (auditors' right to documents and information)—

(a) after subsection (1) insert—

"(1A) The right conferred by subsection (1) includes power to inspect, copy or take away the document.";

(b) after subsection (4) insert—

"(4A) In relation to a document kept in electronic form, the power in subsection (2)(b) to require a person to produce a document includes power to require it to be produced in a form in which it is legible and can be taken away.

(4B) In connection with inspecting such a document, an auditor—

(a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he considers is or has been used in connection with the document;

(b) may require a person within subsection (4C) to afford him such reasonable assistance as he may require for that purpose.

(4C) A person is within this subsection if he is—

(a) the person by whom or on whose behalf the computer is or has been used; or

(b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.";

(c) in subsection (5), for "(4)" substitute " (4C) ";

(d) in subsection (6)—

(i) after "reasonable excuse" insert " obstructs the exercise of any power conferred by this section or ";

(ii) for "subsection (1), (2) or (4)" substitute " this section ".

(2) In section 11 of the Local Government Act 1999 (c. 27) (inspectors' powers and duties in connection with best value inspections)—

(a) after subsection (1) insert—

"(1A) The right conferred by subsection (1)(b) includes power to inspect, copy or take away the document.";

(b) after subsection (2) insert—

"(2A) In relation to a document kept in electronic form, the power in subsection (2)(b) to require a person to produce a document includes power to require it to be produced in a form in which it is legible and can be taken away.

(2B) In connection with inspecting such a document, an inspector—

(a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which

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he considers is or has been used in connection with the document;

(b) may require a person within subsection (2C) to afford him such reasonable assistance as he may require for that purpose.

(2C) A person is within this subsection if he is—

(a) the person by whom or on whose behalf the computer is or has been used; or

(b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.";

(c) in subsection (5), after "reasonable excuse" insert " obstructs the exercise of any power conferred by this section or ".

VALID FROM 01/04/2008

152 Inspections of best value authorities E+W

(1) Section 10 of the Local Government Act 1999 (inspections) is amended as follows.

(2) Before subsection (1) insert—

"(A1) The Audit Commission may carry out an inspection of a best value authority's performance of its functions or of any particular function or functions."

(3) In subsection (1), after "may" insert " , in particular, ".

Studies and reports etc

153 National studies E+W

(1) Part 3 of the Audit Commission Act 1998 (c. 18) (studies, performance standards and other functions) is amended as follows.

(2) In section 33(6) (studies for improving economy etc in services)—

(a) before paragraph (a) insert—

"(za) consult the Secretary of State;";

(b) in paragraph (c), omit "the Secretary of State,";

(c) in paragraph (ca), after "consult" insert " the Welsh Ministers and ";

(d) after paragraph (e) insert "; and

(f) in the case of any other study relating to a body in respect of which the Welsh Ministers may exercise functions, consult the Welsh Ministers."

(3) In section 34(6) (reports on impact of statutory provisions etc)—

(a) for paragraph (b) substitute—

"(b) the Secretary of State;";

(b) in paragraph (da), after "consult" insert " the Welsh Ministers and ".

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154 Studies at request of particular bodies E+W

In the Audit Commission Act 1998, omit—

(a) section 35 (studies at request of bodies subject to audit);

(b) section 35A (studies for functional bodies at request of Greater London Authority).

155 Registered social landlords E+W

(1) In section 40(1) of the Audit Commission Act 1998 (studies relating to registered social landlords), omit "(other than registered social landlords in Wales)".

(2) In section 41A of that Act (inspections of registered social landlords), omit subsection (1A) (registered social landlords in Wales).

(3) After section 41B of that Act insert—

"**41C Advice and assistance for registered social landlords**

(1) The Commission may, if it thinks it appropriate to do so, provide advice or assistance to a registered social landlord for the purpose of the exercise by the registered social landlord of its functions.

(2) Advice or assistance under this section may be provided on such terms, including terms as to payment, as the Commission thinks fit."

(4) Omit section 42 of that Act (consultancy services relating to audit of accounts of registered social landlords).

(5) For section 43 of that Act substitute—

"**43 Meaning of "registered social landlord"**

In sections 40 to 41C, "registered social landlord" means a body registered as a social landlord under Part 1 of the Housing Act 1996, other than a body mentioned in any of paragraphs (a) to (c) of section 56(2) of that Act (bodies registered in Wales)."

VALID FROM 01/04/2008

156 Information about performance standards of local authorities etc E+W

In the Audit Commission Act 1998 (c. 18), omit sections 44 to 47 (publication of information about standards of performance).

VALID FROM 01/04/2008

157 Reports on English local authorities E+W

(1) In Part 3 of the Audit Commission Act 1998, after section 47 insert—

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"Reports on performance

"47A Reports relating to performance of English local authorities

(1) The Commission may produce comparative and other reports in relation to one or more of the following aspects of the performance of English local authorities in exercising their functions—
  (a) the risk that authorities may fail to perform their functions or fail to perform their functions adequately;
  (b) the rate at which authorities' performance is improving;
  (c) the economy, efficiency and effectiveness of authorities' use of resources.

(2) A report under subsection (1) may relate to—
  (a) all English local authorities;
  (b) any particular English local authority or authorities; or
  (c) particular descriptions of English local authority.

(3) A report under subsection (1) may relate to particular functions of authorities.

(4) In this section, "English local authority" means—
  (a) a county council in England;
  (b) a district council;
  (c) a London borough council;
  (d) the Council of the Isles of Scilly;
  (e) the Common Council of the City of London in its capacity as a local authority;
  (f) a metropolitan fire and civil defence authority;
  (g) the London Fire and Emergency Planning Authority; or
  (h) 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.

(5) The Secretary of State may by order amend the definition of "English local authority" in subsection (4) by adding any authority or body which is a best value authority, other than—
  (a) an authority or body which is a Welsh best value authority for the purposes of Part 1 of the Local Government Act 1999;
  (b) a police authority for a police area in Wales.

(6) The Secretary of State may by order remove from that definition any authority or body for the time being mentioned in it.

(7) The powers in subsections (5) and (6) may be exercised to add or remove an authority or body to the extent that it acts in a capacity, or exercises functions, specified in the order.

(8) Before making an order under subsection (5) or (6) the Secretary of State must consult the best value authorities concerned or persons appearing to him to represent the best value authorities concerned."

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In section 48 of that Act (provision of information etc to the Commission), in subsection (2) (functions in relation to which powers to obtain information etc do not apply), at the end insert " or 47A ".

VALID FROM 01/08/2009

158 Reports categorising English local authorities **E+W**

(1) Section 99 of the Local Government Act 2003 (c. 26) (categorisation of English local authorities by reference to performance) is amended as follows.

(2) In subsection (1)—

(a) for "from time to time" substitute " , if the Secretary of State so directs, ";

(b) after "English local authorities" insert " , or of English local authorities of a description specified in the direction, ".

(3) After subsection (2) insert—

"(2A) A direction by the Secretary of State under subsection (1) may specify—

(a) the period or periods of performance to be covered by the report;

(b) the form of the report;

(c) the time by which the report must be produced.

(2B) The power to give a direction under subsection (1) includes power to give a direction varying or revoking a previous direction given in exercise of that power.

(2C) The Secretary of State must consult the Audit Commission before giving a direction under subsection (1)."

Miscellaneous

VALID FROM 01/04/2008

159 Appointment of auditors **E+W**

In section 3(6) of the Audit Commission Act 1998 (c. 18) (appointment of firm as auditor) for "each of its members" substitute " the appointment provides that the audit may be conducted only by a member or employee of the firm who ".

VALID FROM 01/04/2008

160 Inspection and disclosure of personal information **E+W**

(1) Section 15 of the Audit Commission Act 1998 (inspection of documents and questions at audit) is amended as follows.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In subsection (3) for "about a member of the staff of the body whose accounts are being audited" substitute " within the meaning of subsection (3A) or (4) ".

(3) After subsection (3) insert—

"(3A) Information is personal information if—

(a) it identifies a particular individual or enables a particular individual to be identified; and

(b) the auditor considers that it should not be inspected or disclosed."

(4) In subsection (4), for the words from the beginning to "if it" substitute " Information is personal information if it is information about a member of the staff of the body whose accounts are being audited which ".

VALID FROM 01/04/2008

161 Right to make objections at audit E+W

(1) Section 16 of the Audit Commission Act 1998 (right to make objections at audit) is amended as follows.

(2) In subsection (1), for the words from ", or any representative" to "objections" substitute " may make objections to the auditor ".

(3) For subsections (2) and (3) substitute—

"(2) An objection under subsection (1) must be sent to the auditor in writing.

(3) At the same time as the objection is sent to the auditor, a copy of the objection must be sent to the body whose accounts are being audited."

(4) Nothing in this section affects section 16 of the Audit Commission Act 1998 in so far as it relates to accounts prepared for a period beginning before the commencement of this section.

VALID FROM 01/04/2008

162 Appointment of auditor to carry out agreed audits E+W

(1) Section 29 of the Audit Commission Act 1998 (agreed audit of accounts) is amended as follows.

(2) In subsection (1), for "undertake the audit of" substitute " appoint an auditor to audit ".

(3) After subsection (1) insert—

"(1A) An auditor appointed under subsection (1) may be—

(a) an officer of the Commission,

(b) an individual who is not an officer of the Commission, or

(c) a firm of individuals who are not officers of the Commission."

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) In subsection (2), after "the Commission" insert " , the auditor ".

VALID FROM 01/04/2008

163 Consent for the purposes of agreed audit E+W

In section 29 of the Audit Commission Act 1998 (c. 18) (agreed audit of accounts), after subsection (4) insert—

"(5) Consent for the purposes of subsection (1) may be given in respect of any particular body or description of body.

(6) If the Secretary of State thinks fit he may notify any person of, or publish in any manner—

(a) a consent that he has given for the purposes of subsection (1);

(b) any matter related to the consent."

164 Disclosure of information obtained by the Audit Commission or an auditor E+W

(1) The Audit Commission Act 1998 is amended as follows.

(2) In section 49 of that Act (restriction on disclosure of information) omit subsection (1A).

(3) After subsection (2) of that section insert—

"(2A) A person who is, or acts on behalf of a person who is, a public authority for the purposes of the Freedom of Information Act 2000, may also disclose such information—

(a) in accordance with section 41(4); or

(b) in any other circumstances, except where the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the person by or under an enactment.

(2B) An auditor who does not fall within subsection (2A), or a person acting on his behalf, may also disclose such information except where the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the auditor by or under an enactment.

(2C) A person who does not fall within subsection (2A) or (2B) may also disclose such information in accordance with consent given by the Commission or an auditor.

(2D) Section 49ZA makes further provision about consent for the purposes of subsection (2C)."

(4) In subsection (3) of that section—

(a) for "subsection (1)" substitute " this section ";

(b) in paragraph (a), omit "to imprisonment for a term not exceeding six months or" and "or to both; or";

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) omit paragraph (b).

(5) After that section insert—

"**49ZA Consent under section 49(2C)**

(1) Consent for the purposes of section 49(2C) must be obtained in accordance with this section.

(2) A person requesting consent ("the applicant") must make a request for consent which—
  (a) is in writing,
  (b) states the name of the applicant and an address for correspondence,
  (c) describes the information in relation to which consent is requested, and
  (d) identifies the person to whom the information will be disclosed.

(3) Consent must be given except where the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the Commission or an auditor by or under an enactment.

(4) Consent may be given or refused orally or in writing; but where it is given or refused orally the consent or refusal must be confirmed in writing.

(5) A refusal (or, where the refusal is oral, the confirmation of the refusal) must contain the reasons for the refusal.

(6) A person to whom a request for consent is made must give or refuse consent not later than the twentieth working day following the day on which the request is received.

(7) "Working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom."

(6) Omit section 49A of that Act (disclosure of information by or on behalf of public authorities).

(7) Nothing in this section has effect in relation to a disclosure made before the commencement of this section.

VALID FROM 01/04/2008

165 Publication of information by the Audit Commission **E+W**

For subsections (1) to (3) of section 51 of the Audit Commission Act 1998 (c. 18) (publication of information by the Audit Commission) substitute—

"(1) The Commission may publish such information as it thinks fit except where the publication would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the Commission or an auditor by or under an enactment."

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

CHAPTER 3 E+W

AUDITOR GENERAL FOR WALES AND AUDITORS

166 Registered social landlords in Wales E+W

After section 145C of the Government of Wales Act 1998 (c. 38) insert—

"**145D Advice and assistance for registered social landlords**

(1) The Auditor General for Wales may, if he thinks it appropriate to do so, provide advice or assistance to a registered social landlord in Wales for the purpose of the exercise by the registered social landlord of its functions.

(2) Advice or assistance under this section may be provided on such terms and conditions, including conditions as to payment, as the Auditor General for Wales thinks fit.

(3) This section has effect without prejudice to paragraph 21 of Schedule 8 to the Government of Wales Act 2006 (arrangements between Auditor General for Wales and certain bodies).

(4) In this section, "registered social landlord in Wales" means a body which is—

(a) registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996, and

(b) mentioned in any of paragraphs (a) to (c) of section 56(2) of that Act."

167 Disclosure of information obtained by the Auditor General for Wales or an auditor E+W

(1) The Public Audit (Wales) Act 2004 (c. 23) is amended as follows.

(2) In section 54 of that Act (restriction on disclosure of information), after subsection (2) insert—

"(2ZA) A person who is, or acts on behalf of a person who is, a public authority for the purposes of the Freedom of Information Act 2000, may also disclose such information—

(a) in accordance with section 145C(5) or (8) of the Government of Wales Act 1998; or

(b) in any other circumstances, except where the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the person by or under an enactment.

(2ZB) An auditor who does not fall within subsection (2ZA), or a person acting on his behalf, may also disclose such information except where the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the auditor by or under an enactment.

(2ZC) A person who does not fall within subsection (2ZA) or (2ZB) may also disclose such information in accordance with consent given by the Auditor General for Wales or an auditor.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2ZD) Section 54ZA makes further provision about consent for the purposes of subsection (2ZC)."

(3) Omit subsection (2A) of that section.

(4) In subsection (3) of that section, for "subsection (2)" substitute " this section ".

(5) In subsection (4) of that section—

(a) in paragraph (a), omit "to imprisonment for a term not exceeding six months or" and "or to both;";

(b) omit paragraph (b).

(6) After that section insert—

"**54ZA Consent under section 54(2ZC)**

(1) Consent for the purposes of section 54(2ZC) must be obtained in accordance with this section.

(2) A person requesting consent ("the applicant") must make a request for consent which—

(a) is in writing,

(b) states the name of the applicant and an address for correspondence,

(c) describes the information in relation to which consent is requested, and

(d) identifies the person to whom the information will be disclosed.

(3) Consent must be given except where the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the Auditor General for Wales or an auditor by or under an enactment.

(4) Consent may be given or refused orally or in writing; but where it is given or refused orally the consent or refusal must be confirmed in writing.

(5) A refusal (or, where the refusal is oral, the confirmation of the refusal) must contain the reasons for the refusal.

(6) A person to whom a request for consent is made must give or refuse consent not later than the twentieth working day following the day on which the request is received.

(7) "Working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom."

(7) Omit section 54A of that Act (disclosure of information by or on behalf of public authorities).

(8) Nothing in this section has effect in relation to a disclosure made before the commencement of this section.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/04/2008

PART 9 E+W

THE COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

168 Appointment and removal of Commissioners E+W

(1) Section 23 of the Local Government Act 1974 (c. 7) (appointment and removal of Commissioners) is amended as follows.

(2) In subsection (4) (appointment of Commissioners) omit from "after consultation" to the end.

(3) After subsection (4) insert—

"(4A) Subject to subsections (5) to (6), a Commissioner shall hold and vacate office in accordance with the terms of his appointment."

(4) For subsection (5) substitute—

"(5) A Commissioner's appointment may be a full-time or part-time appointment and, with the Commissioner's consent, the terms of the appointment may be varied as to whether it is full-time or part-time.

(5A) A Commissioner must be appointed for a period of not more than 7 years.

(5B) A Commissioner shall, subject to subsection (6), hold office until the end of the period for which he is appointed."

(5) In subsection (6) (removal of Commissioners and obligation to vacate office at end of year in which Commissioner attains age of 65) omit from ", and shall in any case vacate office" to the end.

(6) After subsection (6) insert—

"(6A) A person appointed to be a Commissioner is not eligible for re-appointment."

169 Responsibilities of Commissioners E+W

(1) Section 23 of the Local Government Act 1974 (appointment and removal of Commissioners) is amended as follows.

(2) For subsections (8) and (9) (allocation of cases by geographic area) substitute—

"(8A) The Commission must—

(a) divide the matters which may be investigated under this Part of this Act into such categories as they consider appropriate, and

(b) allocate, or make arrangements for allocating, responsibility for each category of matter to one or more of the Local Commissioners."

(3) In subsection (10)(a), for "to accept cases for which they are not responsible" substitute " to deal with matters for which they do not have responsibility pursuant to subsection (8A) ".

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

170 Annual reports E+W

(1) Section 23A of the Local Government Act 1974 (c. 7) (annual reports) is amended as follows.

(2) In subsection (1), after "functions" insert " (an "annual report") ".

(3) In subsection (2)—
  (a) for "The report" substitute " The annual report ";
  (b) for "their own report" substitute " their annual report ".

(4) In subsection (3), for "the report submitted by them under subsection (1) above" substitute " the annual report ".

(5) After subsection (3) insert—

"(3A) The Commission must lay a copy of the annual report before Parliament."

(6) Omit subsections (4) and (5) (comments on Commission's annual report).

171 Power to investigate E+W

Before section 25 of the Local Government Act 1974 insert—

"24A **Power to investigate**

(1) Under this Part of this Act, a Local Commissioner may investigate a matter—
  (a) which relates to action taken by or on behalf of an authority to which this Part of this Act applies,
  (b) which is subject to investigation under this Part of this Act by virtue of section 26, and
  (c) in relation to which subsection (2), (3) or (5) is satisfied.

(2) This subsection is satisfied if, in relation to the matter, a complaint which satisfies sections 26A and 26B has been made to a Local Commissioner.

(3) This subsection is satisfied if, in relation to the matter—
  (a) a complaint which satisfies sections 26A and 26B has been made to a member of an authority to which this Part of this Act applies, and
  (b) the complaint has been referred, or is treated as having been referred, to a Local Commissioner under section 26C.

(4) Any question whether subsection (2) or (3) is satisfied in relation to a matter shall be determined by a Local Commissioner.

(5) This subsection is satisfied if—
  (a) the matter has come to the attention of a Local Commissioner, and
  (b) section 26D applies to the matter.

(6) In determining whether to initiate, continue or discontinue an investigation, a Local Commissioner shall, subject to the provisions of this section and sections 26 to 26D, act in accordance with his own discretion.

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) Without prejudice to the discretion conferred by subsection (6), a Local Commissioner may in particular decide—

(a) not to investigate a matter, or

(b) to discontinue an investigation of a matter,

if he is satisfied with action which the authority concerned have taken or propose to take."

172 Authorities subject to investigation E+W

(1) Section 25 of the Local Government Act 1974 (c. 7) (authorities subject to investigation) is amended as follows.

(2) In subsection (4), for paragraphs (b) and (c) substitute—

"(b) to a committee or sub-committee of that authority (including a joint committee or joint sub-committee on which the authority are represented),

and (for the avoidance of doubt) subsections (4ZA) to (5) apply for the purposes of this subsection. "

(3) After subsection (4) insert—

"(4ZA) Any reference to an authority to which this Part of this Act applies also includes, in the case of a local authority operating executive arrangements, the executive."

(4) In subsection (4A) (Greater London Authority), omit paragraphs (b) and (c).

(5) Omit subsection (4B) (sub-committees of the London Transport Users Committee).

(6) In subsection (5)—

(a) in paragraph (c), after "constituted" insert " by the authority ";

(b) in paragraph (d), after first "school" insert " maintained by the authority ";

(c) in paragraph (e), after "constituted" insert " by the authority ".

(7) After subsection (5) insert—

"(6) Subsection (7) has effect where an authority to which this Part of this Act applies exercise a function entirely or partly by means of an arrangement with another person.

(7) For the purposes of this Part of this Act, action taken by or on behalf of the other person in carrying out the arrangement shall be treated as action taken—

(a) on behalf of the authority, and

(b) in the exercise of the authority's function.

(8) Subsection (7) does not have effect where, by virtue of another enactment, the action would be treated as action taken by the authority."

173 Matters subject to investigation E+W

(1) Section 26 of the Local Government Act 1974 (matters subject to investigation) is amended in accordance with subsections (2) and (3).

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) For subsection (1) substitute—

"(1) For the purposes of section 24A(1)(b), in relation to an authority to which this Part of this Act applies, the following matters are subject to investigation by a Local Commissioner under this Part of this Act—

(a) alleged or apparent maladministration in connection with the exercise of the authority's administrative functions;

(b) an alleged or apparent failure in a service which it was the authority's function to provide;

(c) an alleged or apparent failure to provide such a service.

(1A) Subsection (1) is subject to the following provisions of this section."

(3) Omit subsections (2) to (4) (procedure for making complaints).

(4) In Schedule 5 to that Act (matters not subject to investigation), for paragraph 3 substitute—

"3 (1) Action taken in matters relating to contractual or other commercial transactions of any authority to which Part 3 of this Act applies relating to—

(a) the operation of public passenger transport;

(b) the carrying on of a dock or harbour undertaking;

(c) the provision of entertainment;

(d) the provision and operation of industrial establishments;

(e) the provision and operation of markets.

(2) Sub-paragraph (1) does not include transactions for or relating to—

(a) the acquisition or disposal of land;

(b) the acquisition or disposal of moorings which are not moorings provided in connection with a dock or harbour undertaking.

(3) Sub-paragraph (1)(a) does not include action taken by or on behalf of the London Transport Users Committee in operating a procedure for examining complaints or reviewing decisions.

(4) Sub-paragraph (1)(e) does not include transactions relating to—

(a) the grant, renewal or revocation of a licence to occupy a pitch or stall in a fair or market, or

(b) the attachment of any condition to such a licence."

174 Complaints and matters coming to Commissioners' attention E+W

(1) After section 26 of the Local Government Act 1974 (c. 7) insert—

"**26A Who can complain**

(1) Under this Part of this Act, a complaint about a matter may only be made—

(a) by a member of the public who claims to have sustained injustice in consequence of the matter,

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(b) by a person authorised in writing by such a member of the public to act on his behalf, or

(c) in accordance with subsection (2).

(2) Where a member of the public by whom a complaint about a matter might have been made under this Part of this Act has died or is otherwise unable to authorise a person to act on his behalf, the complaint may be made—

(a) by his personal representative (if any), or

(b) by a person who appears to a Local Commissioner to be suitable to represent him.

26B Procedure for making complaints

(1) Subject to subsection (3), a complaint about a matter under this Part of this Act must be made—

(a) in writing, and

(b) before the end of the permitted period.

(2) In subsection (1)(b), "the permitted period" means the period of 12 months beginning with—

(a) the day on which the person affected first had notice of the matter, or

(b) if the person affected has died without having notice of the matter—

(i) the day on which the personal representatives of the person affected first had notice of the matter, or

(ii) if earlier, the day on which the complainant first had notice of the matter.

(3) A Local Commissioner may disapply either or both of the requirements in subsection (1)(a) and (b) in relation to a particular complaint.

26C Referral of complaints by authorities

(1) This section applies where a complaint about a matter is made to a member of an authority to which this Part of this Act applies.

(2) If the complainant consents, the complaint may be referred to a Local Commissioner by—

(a) the member of the authority to whom the complaint was made,

(b) any other member of that authority, or

(c) a member of any other authority to which this Part of this Act applies which is alleged in the complaint to have taken or authorised the action complained of.

(3) Subject to subsection (4), a referral under this section must be made in writing.

(4) A Local Commissioner may disapply the requirement in subsection (3) in relation to a particular referral.

(5) If a Local Commissioner is satisfied that the complainant asked a member of an authority mentioned in subsection (2) to refer the complaint to a Local Commissioner, he may treat the complaint as if it had been referred to him under this section.

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(6) In this section, references to a member of an authority include—

(a) in relation to a National Park authority, a member of any of the councils by whom a local authority member of the authority is appointed;

(b) in relation to a joint board, a member of any of the constituent authorities of the joint board;

(c) in relation to a joint authority established by Part 4 of the Local Government Act 1985, a member of a constituent council of that authority.

26D Matters coming to attention of Local Commissioner

(1) This section applies to a matter which has come to the attention of a Local Commissioner if—

(a) the matter came to his attention during the course of an investigation under this Part of this Act,

(b) (subject to subsection (3)) the matter came to his attention—

(i) before the person affected or his personal representatives had notice of the matter, or

(ii) in any other case, before the end of the permitted period, and

(c) it appears to the Local Commissioner that a member of the public has, or may have, suffered injustice in consequence of the matter.

(2) In subsection (1)(b)(ii), "the permitted period" means the period of 12 months beginning with—

(a) the day on which the person affected first had notice of the matter, or

(b) if the person affected has died without having notice of the matter, the day on which the personal representatives of the person affected first had notice of the matter.

(3) A Local Commissioner may disapply the requirement in subsection (1)(b) in relation to a particular matter."

(2) In section 27 of that Act (provisions relating to complaints)—

(a) for the title substitute " Members of the public ";

(b) in subsection (1), for the words before paragraph (a) substitute " In this Part of this Act, "member of the public" means an individual or a body of persons, whether incorporated or not, other than— ";

(c) omit subsection (2).

175 Reports and statements of reasons E+W

(1) Section 30 of the Local Government Act 1974 (c. 7) (reports on investigations) is amended as follows.

(2) For subsection (1) substitute—

"(1) If a Local Commissioner completes an investigation of a matter, he shall prepare a report of the results of the investigation and send a copy to each of the persons concerned (subject to subsection (1B)).

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(1A) A Local Commissioner may include in a report on a matter under subsection (1) any recommendations that he could include in a further report on the matter by virtue of section 31(2A) to (2BA).

(1B) If, after the investigation of a matter is completed, the Local Commissioner decides—

(a) that he is satisfied with action which the authority concerned have taken or propose to take, and

(b) that it is not appropriate to prepare and send a copy of a report under subsection (1),

he may instead prepare a statement of his reasons for the decision and send a copy to each of the persons concerned.

(1C) If a Local Commissioner decides—

(a) not to investigate a matter, or

(b) to discontinue an investigation of a matter,

he shall prepare a statement of his reasons for the decision and send a copy to each of the persons concerned.

(1D) For the purposes of subsections (1) to (1C), the persons concerned are—

(a) the complainant (if any),

(b) any person who referred the matter under section 26C(2),

(c) the authority concerned, and

(d) any other authority or person who is alleged in the complaint, or who otherwise appears to the Local Commissioner, to have taken or authorised the action which is or would be the subject of the investigation."

(3) In subsection (2), for "the complaint" substitute " a complaint about the matter ".

(4) In subsection (2AA)(a), for "the duty imposed by subsection (1)(c) above" substitute " the duty to send a report or statement to the Authority under subsection (1), (1B) or (1C) ".

(5) Before subsection (3) insert—

"(2B) Subsections (3) to (8) apply in the case of a report under subsection (1)."

(6) In subsection (3), for "the interests of the complainant and of persons other than the complainant" substitute " the interests of the complainant (if any) and of other persons ".

(7) In subsection (7), for "the interests of the complainant and of persons other than the complainant" substitute " the interests of the complainant (if any) and of other persons ".

176 Power of Commissioners to make recommendations etc **E+W**

(1) Section 31 of the Local Government Act 1974 (c. 7) (further provisions about reports on investigations) is amended as follows.

(2) For subsection (1) substitute—

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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"(1) This section applies where a Local Commissioner reports that there has been—

(a) maladministration in connection with the exercise of the authority's administrative functions,

(b) a failure in a service which it was the function of an authority to provide, or

(c) a failure to provide such a service."

(3) For subsection (2B) substitute—

"(2B) Where the report relates to maladministration, those recommendations are recommendations with respect to action which, in the Local Commissioner's opinion, the authority concerned should take—

(a) to remedy any injustice sustained by the person affected in consequence of the maladministration, and

(b) to prevent injustice being caused in the future in consequence of similar maladministration in connection with the exercise of the authority's administrative functions.

(2BA) Where the report relates to a failure in, or to provide, a service which it was the function of the authority to provide, those recommendations are recommendations with respect to action which, in the Local Commissioner's opinion, the authority concerned should take—

(a) to remedy any injustice sustained by the person affected in consequence of the failure, and

(b) to prevent injustice being caused in the future in consequence of a similar failure in, or to provide, a service which it is the function of the authority to provide."

(4) In subsection (3)(b), for "maladministration" substitute " the maladministration or failure ".

177 Publication of reports etc by Commissioners E+W

After section 31A of the Local Government Act 1974 (c. 7) insert—

"**31B Publication of reports etc by Commissioners**

(1) A Local Commissioner may—

(a) publish all or part of a report or statement under section 30,

(b) publish all or part of a report under section 31,

(c) arrange for further publication of all or part of a statement published under section 31(2D) or (2G), or

(d) publish a summary of a matter which is the subject of a report or statement under section 30 or 31,

if, after taking into account the public interest as well as the interests of the complainant (if any) and of other persons, he considers it appropriate to do so.

(2) A Local Commissioner may—

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(a) supply a copy of all or part of a report, statement or summary mentioned in subsection (1) to any person who requests it, and

(b) charge a reasonable fee for doing so.

(3) Subsection (3) of section 30 applies to—

(a) any part of a statement under section 30, and

(b) any part of a summary of a matter,

that is published, or a copy of which is supplied, under this section as it applies to a report prepared under section 30."

178 Making complaints etc electronically E+W

(1) In section 32 of the Local Government Act 1974 (law of defamation and disclosure of information), after subsection (3) insert—

"(3A) A notice under subsection (3) above may not be given electronically."

(2) In section 34 of that Act (interpretation of Part), after subsection (1) insert—

"(1A) In this Part of this Act, except as otherwise provided, references to something being done in writing are to it being done in writing whether electronically or otherwise (and references to anything written shall be interpreted accordingly)."

179 Disqualifications E+W

(1) Schedule 4 to the Local Government Act 1974 (c. 7) (the Commission) is amended as follows.

(2) In paragraph 1(1) (disqualification for being Local Commissioner)—

(a) in paragraph (a), for "any of the authorities mentioned in section 25(1) of this Act" substitute " any authority to which Part 3 of this Act applies ";

(b) in paragraph (b), omit "or is a member (by co-option) of a committee of any of those authorities".

(3) In paragraph 1(2) (restriction on Local Commissioners conducting cases), for the words from "has been a member of that authority" to the end substitute "—

(a) has been a member of that authority,

(b) has taken action on behalf of that authority in the exercise of any of their functions, or

(c) has taken action which, by virtue of an enactment, is treated as having been taken by that authority in the exercise of any of their functions."

(4) For paragraph 2 (disqualification of Local Commissioners for appointment to paid office by authority) substitute—

"2A A Local Commissioner shall be disqualified for being appointed to a paid office by an authority to which Part 3 of this Act applies—

(a) while the categories of matter for which the Local Commissioner has responsibility pursuant to section 23(8A) include—

(i) matters relating to the authority, or

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(ii) matters of a description which may include matters relating to the authority, and

(b) for three years after the Local Commissioner ceases to have responsibility for such matters pursuant to section 23(8A).”

VALID FROM 01/04/2009

180 Expenses of the Commission E+W

In Schedule 4 to the Local Government Act 1974 (the Commission) for paragraphs 6 to 8 substitute—

“5A (1) The Secretary of State must pay to the Commission in respect of each financial year such amount as he determines to be the amount required for the discharge during that year of the functions of the Commission.

(2) A determination under sub-paragraph (1) must be approved by the Treasury.”

181 Delegation E+W

In Schedule 4 to the Local Government Act 1974 (c. 7) (the Commission) at the end insert—

“**Delegation**

13 (1) Any function of a Commissioner may be discharged on the Commissioner's behalf—

(a) by any person authorised by the Commissioner to do so, and

(b) to the extent so authorised.

(2) Sub-paragraph (1) does not affect the responsibility of the Commissioner for the discharge of the function.”

182 Minor and consequential amendments E+W

Schedule 12 (minor and consequential amendments) has effect.

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VALID FROM 31/01/2008

PART 10 E+W

ETHICAL STANDARDS

CHAPTER 1 E+W

CONDUCT OF LOCAL AUTHORITY MEMBERS

Codes of conduct

183 Conduct that may be covered by code E+W

(1) In section 49 of the Local Government Act 2000 (c. 22) (principles governing conduct of members of relevant authorities), after subsection (2) insert—

"(2A) An order under subsection (1) must provide as respects each specified principle—

(a) that it applies to a person only when acting in an official capacity; or

(b) that it applies to a person only when not acting in an official capacity;

but the order may provide as mentioned in paragraph (b) only as respects a principle within subsection (2B).

(2B) A principle is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence.

(2C) An order under subsection (1) may define, for the purposes of the order—

"official capacity"; and

"criminal offence".

(2D) An order under subsection (2)—

(a) may specify principles which are to apply to a person at all times;

(b) may specify principles which are to apply to a person otherwise than at all times."

(2) In section 50 of that Act (model code of conduct), after subsection (4) insert—

"(4A) A model code of conduct issued under subsection (1) must provide, as respects each provision of the code which relates to the conduct expected of the persons mentioned in that subsection—

(a) that the provision applies to a person only when acting in an official capacity; or

(b) that it applies to a person only when not acting in an official capacity;

but the code may provide as mentioned in paragraph (b) only as respects a provision within subsection (4B).

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(4B) A provision is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence.

(4C) A model code of conduct issued under subsection (1) may define for the purposes of the code—

"official capacity"; and

"criminal offence".

(4D) Provision included under subsection (4A) or (4C) in a model code of conduct—

(a) must be consistent with the provision for the time being included in an order under section 49(1) by virtue of section 49(2A) or (2C);

(b) is to be mandatory except to the extent that it relates to an optional provision;

(c) to the extent that it relates to an optional provision, is to be mandatory where that optional provision is incorporated in a code of conduct under section 51.

(4E) A model code of conduct issued under subsection (2) may include—

(a) provisions which are to apply to a person at all times;

(b) provisions which are to apply to a person otherwise than at all times."

(3) In section 51 of that Act (duty of relevant authorities to adopt codes of conduct), after subsection (4) insert—

"(4A) Where under subsection (4)(c) a provision relating to the conduct expected of persons is included in the code of a relevant authority in England or police authority in Wales, the code must provide—

(a) that the provision applies to a person only when acting in an official capacity (within the meaning given by the code); or

(b) that it applies to a person only when not acting in an official capacity (within that meaning);

but the code may provide as mentioned in paragraph (b) only as respects a provision within subsection (4B).

(4B) A provision of a code is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence within the meaning of the code.

(4C) The provisions which may be included under subsection (4)(c) by a relevant authority in Wales other than a police authority include—

(a) provisions which are to apply to a person at all times;

(b) provisions which are to apply to a person otherwise than at all times."

(4) In section 52 of that Act (duty to comply with code of conduct), in each of subsections (1) to (4), omit the words "in performing his functions".

(5) Subsection (6) below applies where immediately before the commencement date a person is a member or co-opted member of a relevant authority and not prevented by any provision of section 52 of that Act from acting as such.

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(6) The coming into force of this section shall not have the effect of preventing the person from acting as a member or co-opted member of the relevant authority, but—

(a) he must before the end of the prescribed period give to that authority a written undertaking that he will observe the authority's code of conduct for the time being; and

(b) if he fails to comply with paragraph (a), he shall cease to be a member or co-opted member at the end of that period.

(7) With effect from the commencement date—

(a) any order under section 49(2) or 50(2) of the Local Government Act 2000 (c. 22), and

(b) any code of conduct of a relevant authority in Wales other than a police authority,

which is in force immediately before that date shall have effect as if the amendments made by this section had always had effect.

(8) Subsection (7) does not affect the operation of any order or code in relation to any time before the commencement date.

(9) In this section the following expressions have the same meanings as in Part 3 of the Local Government Act 2000—

"code of conduct";

"co-opted member";

"member of a relevant authority";

"relevant authority".

(10) References in subsections (6) to (8) to the code of conduct of a relevant authority include, in relation to a relevant authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b) of the Local Government Act 2000, those mandatory provisions.

(11) In this section—

"the commencement date" means the date this section comes into force;

"the prescribed period" means such period, beginning with the commencement date, as may be prescribed for the purposes of subsection (6) by order made by the Secretary of State.

184 Certain references to code of conduct to include default code **E+W**

(1) In section 37 of the Local Government Act 2000 (c. 22) (local authority constitution), after subsection (3) insert—

"(4) In relation to an authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b), the reference in subsection (1)(c) to the authority's code of conduct for the time being under section 51 is to the mandatory provisions which for the time being apply to the members and co-opted members of the authority."

(2) In section 52 of that Act (duty to comply with code of conduct), after subsection (4) insert—

"(5) In relation to a relevant authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b)—

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(a) the references in subsections (2) to (4) to the authority's code of conduct for the time being under section 51 include the mandatory provisions which for the time being apply to the members and co-opted members of the authority, and

(b) the references in subsections (3) and (4) to any time after the authority have adopted a code of conduct under section 51 for the first time are to be read as references to any time after the coming into force of section 184 of the Local Government and Public Involvement in Health Act 2007."

(3) In section 54 of that Act (functions of standards committees), after subsection (3) insert—

"(3A) In relation to a relevant authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b), references in subsection (1)(b) and (2)(b) and (c) to the authority's code of conduct are to those mandatory provisions."

Conduct of members of authorities in England: assessment of allegations

185 Assessment of allegations E+W

For section 58 of the Local Government Act 2000 substitute—

"Written allegations

57A Written allegations: right to make, and initial assessment

(1) A person may make a written allegation to the standards committee of a relevant authority in England that a member or co-opted member (or former member or co-opted member) of that authority has failed, or may have failed, to comply with the authority's code of conduct.

(2) Where a standards committee receives an allegation under subsection (1) it must—

(a) refer the allegation to the monitoring officer of the relevant authority concerned (see section 66),

(b) refer the allegation to the Standards Board for England (see section 58), or

(c) decide that no action should be taken in respect of the allegation.

(3) Where an allegation under subsection (1) is in respect of a person who—

(a) is no longer a member or co-opted member of the relevant authority concerned, but

(b) is a member or co-opted member of another relevant authority in England,

the standards committee may, if it thinks it more appropriate than referring the allegation to the monitoring officer of the relevant authority concerned, refer the allegation to the monitoring officer of that other relevant authority.

(4) If the standards committee decides that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing, to

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the person who made the allegation, of the decision and the reasons for the decision.

(5) Subsections (2) to (4) are subject to any direction under section 57D.

(6) The Standards Board for England—

(a) without prejudice to section 54(6), may issue guidance with respect to the exercise of functions under this section and sections 57B and 57C by standards committees of relevant authorities in England;

(b) may give a direction to the standards committee of a relevant authority in England with respect to the exercise of the committee's functions under this section.

57B Right to request review of decision not to act

(1) This section applies where a decision is made under section 57A(2) that no action should be taken in respect of an allegation.

(2) The person who made the allegation may make a request to the standards committee of the relevant authority concerned for that decision to be reviewed.

(3) A request under subsection (2)—

(a) must be in writing, and

(b) may not be made after 30 days beginning with the date of the notice under section 57A(4).

(4) Where a request under subsection (2) is received by a standards committee—

(a) section 57A(2) to (4) again apply to the standards committee, and

(b) it must make a reference under section 57A(2)(a) or (b) or (3), or a decision under section 57A(2)(c), within 3 months beginning with the date it received the request.

(5) If by virtue of subsection (4) a decision is made under section 57A(2) that no action should be taken in respect of an allegation, this section does not apply in relation to that decision.

(6) Subsection (4) is subject to any direction under section 57D.

57C Information to be given to subject of allegation

(1) Subsections (2) to (4) apply where a person makes an allegation under section 57A to a standards committee.

(2) The standards committee must take reasonable steps to give a written summary of the allegation to the person who is the subject of the allegation ("P"); but this is subject to regulations under subsection (7).

(3) If the standards committee makes a decision under section 57A(2) that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing to P of the decision and the reasons for the decision.

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(4) If the standards committee receives a request under section 57B in relation to the allegation, it must take reasonable steps to give notice in writing to P of the request.

(5) The reference in subsection (3) to a decision under section 57A(2) includes a decision under section 57A(2) as applied by section 57B(4) or 58(3).

(6) Subsections (2) to (4) are subject to any direction under section 57D.

(7) The Secretary of State may by regulations—
- (a) provide that in circumstances prescribed by the regulations the duty in subsection (2) does not arise at the time the standards committee receives the allegation, and
- (b) make provision, in relation to cases where that duty has been prevented by the regulations from arising at that time, as to when it does arise.

57D Power to suspend standards committee's functions

(1) In such circumstances as may be prescribed, the Standards Board for England may direct that, until such time as the direction may be revoked by the Standards Board for England—
- (a) sections 57A(2) to (4), 57B(4) and 57C(2) to (4) shall not apply to the standards committee of a specified authority in relation to relevant allegations and relevant requests, and
- (b) that standards committee must refer any such allegations or requests to a specified body.

(2) The body which is specified in the direction may be—
- (a) the Standards Board for England, or
- (b) the standards committee of another relevant authority in England, if that committee has consented to being so specified.

(3) For the purposes of subsection (1) an allegation is "relevant" if it is an allegation under section 57A which—
- (a) is received after the direction is given, or
- (b) was received before then, but is an allegation in respect of which the standards committee has yet to comply with section 57A(2).

(4) For the purposes of subsection (1) a request is "relevant" if it is a request under section 57B which—
- (a) is received after the direction is given, or
- (b) was received before then, but relates to an allegation in respect of which the standards committee has yet to comply with section 57A(2) (as applied by section 57B(4)).

(5) In subsection (3) "received", in relation to an allegation, means—
- (a) received under section 57A, or
- (b) received on a reference back to the standards committee under section 58 or regulations under section 66.

(6) The Secretary of State may by regulations make provision—

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(a) for prescribed provisions of or made under this Part to apply, with or without modifications, where an allegation or request has been referred by reason of a direction (including where it has been referred and subsequently the direction is revoked),

(b) prescribing the circumstances in which the power to revoke a direction under this section is exercisable,

(c) with respect to the procedure to be followed (including the publicity to be given) where a direction has been made or revoked,

(d) modifying section 67(2) in relation to any case where a direction under this section is in force at a time when a Local Commissioner is of the opinion mentioned there,

(e) modifying section 67(2A) in relation to any case where a direction under this section is in force at a time when the Public Services Ombudsman for Wales is of the opinion mentioned there.

(7) The Standards Board for England may issue guidance in connection with—

(a) this section or any regulations under this section, or

(b) any direction under this section.

(8) In this section—

"prescribed" means prescribed by regulations made by the Secretary of State,

"specified" means specified in the direction.

58 Allegations referred to Standards Board

(1) Where an allegation is referred to the Standards Board for England under section 57A(2), the Standards Board for England must—

(a) refer the case to one of its ethical standards officers for investigation under section 59,

(b) decide that no action should be taken in respect of the allegation, or

(c) refer the allegation back to the standards committee of the relevant authority concerned.

(2) If the Standards Board for England decides that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing of the decision and the reasons for the decision to—

(a) the person who made the allegation, and

(b) the person who was the subject of the allegation.

(3) On a reference back under subsection (1)(c), section 57A(2) to (4) again apply to the standards committee but as if section 57A(2)(b) were omitted.

(4) Subsection (3) is subject to any direction under section 57D."

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VALID FROM 08/05/2008

186 Information to be provided to Standards Board by relevant authority E +W

After section 66A of the Local Government Act 2000 (c. 22) (inserted by section 195 of this Act) insert—

"Information to be provided to Standards Board by relevant authority

66B Periodic returns

(1) A relevant authority in England must send to the Standards Board, within such period beginning with the end of each relevant period as the Standards Board may direct, a return containing the required information.

(2) In subsection (1) "relevant period" means such period as the Standards Board may direct.

(3) In subsection (1) "the required information" means such information relating to—
  (a) allegations under section 57A received by the standards committee of the authority during the relevant period,
  (b) requests under section 57B so received,
  (c) the exercise during that period of any functions conferred by or under this Part on the standards committee, or
  (d) the exercise during that period of any functions conferred by or under this Part on the monitoring officer of the authority,

as the Standards Board may direct.

(4) Section 57D(5) (meaning of "received") applies for the purposes of subsection (3)(a).

(5) A return under subsection (1) must be in such form as the Standards Board may direct.

(6) Different directions under this section may be given in relation to different relevant authorities or different descriptions of relevant authority.

(7) A direction may specify different periods under subsection (2), and may make different provision under subsection (1), (3) or (5) in relation to returns relating to different periods.

(8) Any direction under this section may be varied or revoked by a subsequent direction of the Standards Board.

(9) In this section and section 66C—
  (a) references to a relevant authority in England do not include a parish council,
  (b) "the Standards Board" means the Standards Board for England.

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66C Information requests

(1) If the Standards Board requests a relevant authority in England to provide information within subsection (2), the authority must comply with the request by such date as the Standards Board may specify.

(2) Information is within this subsection if it is specified in the request and it relates to the exercise of functions conferred by or under this Part on—
  (a) the standards committee of the relevant authority, or
  (b) the monitoring officer of the relevant authority."

Conduct of local authority members: miscellaneous amendments

VALID FROM 01/04/2008

187 Chairmen of standards committees E+W

In section 53(4) of the Local Government Act 2000 (c. 22) (composition of standards committees), at the end (but not as part of paragraph (b)) insert " and must be chaired by a person falling within paragraph (b) ".

188 Sub-committees of standards committees E+W

(1) In section 54A of the Local Government Act 2000 (sub-committees of standards committees)—
  (a) in subsection (2) omit the words "55 or";
  (b) in subsection (3) at the end insert ", but this is subject to section 55(7)(b)";
  (c) in subsection (6) after "Subject to" insert " section 55(5) and to ".

(2) In section 55 of that Act (standards committees or sub-committees for parish councils)—
  (a) in the sidenote, omit "or sub-committees";
  (b) omit subsection (3);
  (c) in subsection (4), for "the functions" substitute " a function ";
  (d) in subsection (5), for the words from the beginning to "county council," substitute " Where a function conferred by this section is to be exercised by a sub-committee of the standards committee of a district council or unitary county council, the number of members of the sub-committee, ";
  (e) after subsection (5) insert—

    "(5A) Subsection (5) is subject to any provision made by regulations under section 53(6)(a) (as applied by section 54A).";
  (f) in subsection (6), for "the functions" substitute " any function ";
  (g) for subsection (7) substitute—

    "(7) Where a sub-committee of the standards committee of a district council or unitary county council discharges any function conferred by this section, the sub-committee—

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(a) must include at least one member of the standards committee who falls within section 53(4)(b);

(b) must include at least one member of any of the parish councils for which the district council or unitary county council are the responsible authority; and

(c) must ensure that at least one person falling within paragraph (b) is present at any meeting of the sub-committee when matters relating to those parish councils, or the members of those parish councils, are being considered.";

(h) in subsection (8), omit the words from the beginning to "section, and";

(i) omit subsections (9) and (10);

(j) in subsection (11)—

(i) omit "or in relation to" in both places where it occurs;

(ii) in paragraph (b) for "under this section," substitute " with responsibility for that function, ";

(iii) omit the words after paragraph (b);

(k) after subsection (11) insert—

"(11A) Any function which by virtue of the following provisions of this Part is exercisable in relation to the standards committee of a relevant authority which is a parish council is to be exercisable in relation to the standards committee of the district council or unitary county council which are the responsible authority in relation to the parish council.

(11B) Any reference in the following provisions of this Part to the standards committee of a relevant authority which is a parish council is to be construed in accordance with subsections (11) and (11A)."

189 Joint committees of relevant authorities in England E+W

After section 56 of the Local Government Act 2000 there is inserted—

"**56A Joint committees of relevant authorities in England**

(1) The Secretary of State may make regulations under which two or more relevant authorities in England may—

(a) establish a joint committee of those authorities; and

(b) arrange for relevant functions to be exercisable by that committee.

(2) In this section a "relevant function" means a function conferred by or under this Part or any other enactment on the standards committee of any (or each) of the relevant authorities.

(3) The regulations may in particular—

(a) specify functions in relation to which arrangements may, or may not, be made;

(b) make provision, in relation to joint committees or sub-committees of joint committees, which corresponds to or applies (with or without modifications)—

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(i) any provision of, or that could be made under, regulations under section 53(6) or 54(4),

(ii) any provision of section 53(3) to (5), (7) to (9), 54(6) or 54A(1), (3) or (6), or

(iii) any provision of section 55(4) to (7).

(4) Regulations under this section may modify any provision of this Part, or any other enactment relating to a standards committee or to any function of a standards committee, in relation to cases where a function of a standards committee is exercisable by a joint committee.

(5) In this section "enactment" includes any enactment or subordinate legislation, whenever passed or made.

(6) Any reference in this section to a relevant authority in England does not include a parish council."

190 Standards Board for England: functions **E+W**

(1) In section 57(5) of the Local Government Act 2000 (c. 22) (functions of Standards Board for England), after paragraph (a) insert—

"(aa) may issue guidance to ethical standards officers with respect to the exercise by those officers of their functions,".

(2) In Schedule 4 to that Act (further provision about Standards Board), in paragraph 2(1)—

(a) omit the "or" following paragraph (b);

(b) after paragraph (c) insert—

"(d) the functions of the standards committee of a relevant authority in England, or

(e) the functions of the monitoring officer of a relevant authority in England."

191 Ethical standards officers: investigations and findings **E+W**

(1) In section 59 of the Local Government Act 2000 (functions of ethical standards officers)—

(a) in subsection (1)(a) for "58(2)" substitute " 58(1) ";

(b) in subsection (4)(a) for "is no evidence of any" substitute " has been no ";

(c) for subsection (4)(b) substitute—

"(b) that there has been such a failure to comply but no action needs to be taken,".

(2) In the cross-heading before section 60 of that Act, after "Investigations" insert " by ethical standards officers ".

(3) In section 62(1) of that Act (ethical standards officer's right of access to documents relating to a relevant authority)—

(a) omit the words "relating to a relevant authority";

(b) omit the words from "in relation to" to the end.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) In section 63(1) of that Act (restrictions on disclosure of information obtained by ethical standards officers), after paragraph (f) insert—

"(g) the disclosure is made for the purposes of enabling the monitoring officer of a relevant authority to perform functions conferred on him by or under this Part,

(h) the disclosure is made to the Commission for Local Administration in England for the purposes of any of its functions,

(i) the disclosure is made to the Electoral Commission for the purposes of any of its functions,

(j) the disclosure is made to any person specified in an order made by the Secretary of State for the purposes of this paragraph, for purposes so specified."

(5) In section 105(6) of that Act (instruments subject to affirmative procedure) after "49" insert " , 63(1)(j) ".

192 Ethical standards officers: reports etc E+W

(1) In the cross-heading before section 64 of the Local Government Act 2000, after "Reports etc" insert " by ethical standards officers ".

(2) Section 64 of that Act (reports etc by ethical standards officers) is amended as mentioned in subsections (3) to (5) below.

(3) After subsection (3) insert—

"(3A) Where an ethical standards officer produces a report under subsection (1) or (3), he may send a copy of it to the standards committee of the relevant authority concerned if he believes that it will assist that committee in the discharge of its functions under this Part."

(4) In subsection (4)(a), for "and (3)(c)" substitute " , (3)(c) and (3A) ".

(5) After subsection (6) insert—

"(7) The Secretary of State may by regulations make provision for or in connection with the withdrawal of a reference under subsection (3)(b)."

(6) Section 65 of that Act (interim reports by ethical standards officers) is amended as mentioned in subsections (7) to (10) below.

(7) In subsection (3)(b) for "79(4)(b)" substitute " 78A ".

(8) After subsection (4) insert—

"(4A) The Secretary of State may by regulations make provision for or in connection with the withdrawal of a reference under subsection (4)."

(9) After subsection (5) insert—

"(5A) A copy of any report under this section may be given to the standards committee of the relevant authority concerned if the ethical standards officer believes that it will assist that committee in the discharge of its functions under this Part."

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(10) In subsection (6)(b), for "the reference in subsection (5)(b)" substitute " any reference in subsection (5)(b) or (5A) ".

Commencement Information

I94 S. 192(1)-(6)(8)-(10) in force at 31.1.2008 by S.I. 2008/172, **art. 2(1)(m)**

193 Disclosure by monitoring officers of ethical standards officers' reports E+W

(1) After section 65 of the Local Government Act 2000 (c. 22) insert—

"**65A Disclosure by monitoring officers of ethical standards officers' reports**

(1) Where by virtue of section 64(1)(c) or (d) the monitoring officer of a relevant authority—

(a) receives a copy of a report on the outcome of an investigation, or

(b) is informed of the outcome of an investigation,

he may inform any relevant person of the outcome of the investigation.

(2) Where by virtue of section 64(1)(c) or 65(5) the monitoring officer of a relevant authority receives a copy of a report, he may send a copy of it or of any part of it to any relevant person; but this is subject to subsection (3).

(3) A monitoring officer may exercise a power under subsection (2) only where he believes that it will assist in promoting high standards of conduct by the members and co-opted members of the relevant authority.

(4) In this section "relevant person" means—

(a) any member or co-opted member of the relevant authority;

(b) any officer of that authority;

(c) where that authority has an executive, any member of the executive."

194 Matters referred to monitoring officers E+W

(1) Section 66 of the Local Government Act 2000 (matters referred to monitoring officers in England) is amended as mentioned in subsections (2) to (7) below.

(2) In subsection (1), for "60(2) or 64(2)" substitute " 57A, 60(2) or (3) or 64(2) or (4) ".

(3) In subsection (2), after paragraph (e) insert—

"(f) enabling a monitoring officer of a relevant authority, in such circumstances as may be prescribed by the regulations, to refer back any matters that were referred to him under section 57A."

(4) After subsection (3) insert—

"(3A) Provision made by virtue of subsection (2)(a) and (3) may make provision corresponding to or applying, with or without modifications, any provisions of sections 62 and 63 (including sections 62(10) and 63(4)) or section 67(1), (1A) and (3) to (5).

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3B) The provision which may be made by virtue of subsection (2)(b) includes provision for or in connection with—

(a) interim reports;

(b) the disclosure of reports."

(5) After subsection (4) insert—

"(4A) The provision which may be made by virtue of subsection (2)(f) includes provision applying any provisions of section 57A or 57C, with or without modifications, where matters have been referred back by the monitoring officer."

(6) In subsection (5), for "subsection (2), (3) or (4)" substitute " subsections (2) to (4A) or section 66A ".

(7) In subsection (6), for the words from the beginning to "64(2)" substitute " A person who refers any matters to the monitoring officer of a relevant authority under section 57A, 60(2) or (3) or 64(2) or (4), ".

(8) In section 73 of that Act (matters referred to monitoring officers in Wales), in each of subsections (1) and (7), for "70(4) or 71(2)" substitute " 70(4) or (5) or 71(2) or (4) ".

(9) In section 82A(1) of that Act (delegation of functions by monitoring officers), for the words from "60(2)" to "71(2)" substitute " 57A, 60(2) or (3), 64(2) or (4), 70(4) or (5) or 71(2) or (4) ".

195 References to Adjudication Panel for action in respect of misconduct E+W

After section 66 of the Local Government Act 2000 (c. 22) insert—

"**66A References to Adjudication Panel for action in respect of misconduct**

(1) The provision which may be made by regulations under section 66 by virtue of subsection (2)(d) of that section also includes provision for or in connection with—

(a) enabling a standards committee, where it considers that the action it could take against a person is insufficient, to refer the case to the president of the Adjudication Panel for England for a decision by members of that Panel on the action that should be taken against the person,

(b) the appointment of members of that Panel to deal with such a reference,

(c) enabling those members ("the panel") to decide what action, of a kind authorised by the regulations, should be taken against the person and enabling them to take that action,

(d) the composition, practice and procedure of the panel (including provision corresponding to or applying, with or without modifications, any provision of section 76(6) to (12) and (15)),

(e) conferring a right of appeal on a person in respect of action taken against him by the panel.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The kinds of action that may be authorised by virtue of subsection (1)(c) include any kinds of action that may be authorised in relation to a tribunal by regulations under section 78A(4) to (6).”

VALID FROM 01/04/2008

196 Consultation with ombudsmen **E+W**

(1) Before section 67 of the Local Government Act 2000, insert the following cross-heading— “ Consultation with ombudsmen ”.

(2) In section 67 of that Act (consultation with ombudsmen), in each of subsections (2) and (2A)—

(a) after “section 59 of this Act” insert “ or regulations under section 66 of this Act ”;

(b) after “Standards Board for England” insert “ or the standards committee of the relevant authority concerned ”;

(c) for “58” substitute “ 57A ”.

VALID FROM 12/12/2008

197 Interim case tribunals **E+W**

(1) Section 78 of the Local Government Act 2000 (c. 22) (decisions of interim case tribunals) is amended as follows.

(2) In subsection (1)(b) for “authority concerned” substitute “ relevant authority concerned ”.

(3) For subsections (2) and (3) substitute—

“(2) If the decision of the interim case tribunal is as mentioned in subsection (1)(a), the tribunal must give notice of its decision to the standards committee of the relevant authority concerned.

(3) If the decision of the interim case tribunal is as mentioned in subsection (1)(b), the tribunal must give notice to the standards committee of the relevant authority concerned stating that the person concerned is suspended or partially suspended for the period, and in the way, that the tribunal has decided.

(3A) The effect of a notice given under subsection (3) is to suspend or partially suspend the person concerned as mentioned in subsection (3).”

(4) In subsection (6) for “under section 79 is given” substitute “ is given by virtue of section 78A or 79 ”.

(5) For subsection (8) substitute—

“(8) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned, but is a member or co-opted member of another relevant authority—

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(a) the references in subsection (1) to the relevant authority concerned are to be treated as references to that other authority,

(b) the references in subsections (2) and (7)(b) to the relevant authority concerned are to be treated as including a reference to that other relevant authority,

(c) the duty under subsection (3) to give notice to the standards committee of the relevant authority concerned is to be treated as a duty—

(i) to give that notice to the standards committee of that other relevant authority, and

(ii) to give a copy of that notice to the standards committee of the relevant authority concerned.

(8A) Subsection (8) does not apply unless—

(a) where the relevant authority concerned is in England, the other relevant authority is also in England,

(b) where the relevant authority concerned is in Wales, the other relevant authority is also in Wales."

(6) After subsection (10) insert—

"(11) An appeal may not be brought under subsection (10) except with the leave of the High Court."

198 Case tribunals: England E+W

After section 78 of the Local Government Act 2000 (c. 22) insert—

"**78A Decisions of case tribunals: England**

(1) In this section "English case tribunal" means a case tribunal drawn from the Adjudication Panel for England.

(2) An English case tribunal which adjudicates on any matter must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.

(3) Where an English case tribunal decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.

(4) Where an English case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it may—

(a) take in respect of him any action authorised by regulations made by the Secretary of State for the purposes of this subsection, or

(b) decide to take no action against him.

(5) Regulations made under subsection (4) may in particular—

(a) enable the tribunal to censure the person,

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(b) enable it to suspend, or partially suspend, the person from being a member or co-opted member of the relevant authority concerned for a limited period,

(c) enable it to disqualify the person, for a period not exceeding five years, for being or becoming (whether by election or otherwise) a member of that or any other relevant authority.

(6) The reference in subsection (5)(b) to the relevant authority concerned is to be read, in relation to a person who is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in England, as a reference to that other relevant authority.

(7) Regulations made by the Secretary of State may require an English case tribunal to give a notice to the standards committee of the relevant authority concerned where it decides that a person has failed to comply with the code of conduct of that authority and—

(a) decides to suspend or partially suspend the person,

(b) decides to disqualify the person,

(c) decides to take action against the person other than suspension, partial suspension or disqualification, or

(d) decides to take no action against him.

(8) Regulations under subsection (7) may—

(a) prescribe the content of any notice,

(b) provide for the effect that any notice is to have,

(c) provide for provisions of the regulations to have effect with prescribed modifications where the person concerned is no longer a member or co-opted member of the relevant authority concerned, but is a member or co-opted member of another relevant authority in England.

78B English case tribunal decisions: supplementary

(1) A copy of any notice given under section 78A(3) or under regulations made under section 78A(7)—

(a) must be given to the Standards Board for England,

(b) must be given to any person who is the subject of the decision to which the notice relates, and

(c) must be published in one or more newspapers circulating in the area of the relevant authority concerned.

(2) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in England, the following references to the relevant authority concerned are to be treated as including references to that other relevant authority—

(a) the second reference in section 78A(3);

(b) the reference in subsection (1)(c) above.

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(3) Where an English case tribunal adjudicates on any matter, it must take reasonable steps to give notice of its decision to any person who made any allegation which gave rise to the adjudication.

(4) Where an English case tribunal decides under section 78A that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal to the High Court against that decision, or any other decision made by the tribunal by virtue of section 78A which relates to him.

(5) An appeal may not be brought under subsection (4) except with the leave of the High Court."

VALID FROM 12/12/2008

199 Case tribunals: Wales E+W

(1) Section 79 of the Local Government Act 2000 (c. 22) (decisions of case tribunals) is amended as follows.

(2) For the sidenote substitute " Decisions of case tribunals: Wales ".

(3) Before subsection (1) insert—

"(A1) In this section "Welsh case tribunal" means a case tribunal drawn from the Adjudication Panel for Wales."

(4) In subsections (1) to (15) for "case tribunal", in each place where it occurs, substitute " Welsh case tribunal ".

(5) In subsection (8)(c) for "must be suspended or partially suspended by the relevant authority concerned" substitute " is suspended or partially suspended ".

(6) For subsection (9) substitute—

"(9) The effect of a notice given to the standards committee of a relevant authority under subsection (8) is to suspend or partially suspend the person concerned as mentioned in subsection (8)(c)."

(7) In subsection (12), for paragraph (a) substitute—

"(a) must be given to the Public Services Ombudsman for Wales,".

(8) In subsection (13)—

(a) for "the same country (that is to say, England or Wales)" substitute " Wales ";

(b) for paragraph (b) substitute—

"(b) the reference in subsection (4)(a) to the relevant authority concerned is to be treated as a reference to that other relevant authority,".

(9) After subsection (15) insert—

"(16) An appeal may not be brought under subsection (15) except with the leave of the High Court."

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VALID FROM 01/04/2008

200 Exemption from Data Protection Act 1998 **E+W**

In section 31 of the Data Protection Act 1998 (c. 29) (exemptions for regulatory activity), after subsection (6) insert—

"(7) Personal data processed for the purpose of discharging any function which is conferred by or under Part 3 of the Local Government Act 2000 on—

(a) the monitoring officer of a relevant authority,

(b) an ethical standards officer, or

(c) the Public Services Ombudsman for Wales,

are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of that function.

(8) In subsection (7)—

(a) "relevant authority" has the meaning given by section 49(6) of the Local Government Act 2000, and

(b) any reference to the monitoring officer of a relevant authority, or to an ethical standards officer, has the same meaning as in Part 3 of that Act."

VALID FROM 01/04/2008

201 Supplementary and consequential provision **E+W**

(1) Subsection (2) applies in relation to any provision of Part 3 of the Local Government Act 2000 (c. 22) which is applied (with or without modifications) by an order under section 70 of that Act made before the passing of this Act.

(2) Any amendment of that provision by this Part does not extend to the provision as so applied.

(3) Where a provision mentioned in section 70(2)(a) of that Act is amended by this Part, the power in section 70(2) of that Act to apply or reproduce that provision (with or without modifications) is a power to apply or reproduce (with or without modifications) that provision either as amended by this Part or without the amendments made by this Part.

(4) In the Local Government Act 1972 (c. 70)—

(a) in section 85(3A) (vacation of office by failure to attend), for "73, 78" substitute " 66A, 73, 78, 78A ";

(b) in section 86(1)(b) (declaration of vacancy in office), before "79" insert " 66A, 78A or ";

(c) in section 87(1)(ee) (date of casual vacancies), before "79" insert " 66A, 78A or ".

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(5) In section 49(1) of the Audit Commission Act 1998 (c. 18) (restriction on disclosure of information), after paragraph (de) insert—

"(df) for the purposes of the functions of a monitoring officer under that Part or regulations made under that Part;".

(6) In the Greater London Authority Act 1999 (c. 29), in each of sections 6(5) and 13(2) (failure to attend meetings), for "73, 78" substitute " 66A, 73, 78, 78A ".

CHAPTER 2 E+W

EMPLOYEES

202 Politically restricted posts: grant and supervision of exemptions E+W

(1) In section 3 of the Local Government and Housing Act 1989 (c. 42) (grant and supervision of exemptions from political restriction of posts)—

(a) at the end of the sidenote, insert " : Scotland and Wales ";

(b) in subsection (1) for the words "It shall be the duty of the Secretary of State to appoint a person" substitute " It shall be the duty of the Scottish Ministers to appoint in relation to Scotland, and the duty of the Welsh Ministers to appoint in relation to Wales, a person ";

(c) omit subsection (8)(a);

(d) in subsection (8)(b), for "that subsection" substitute " subsection (1) ".

(2) After that section insert—

"**3A Grant and supervision of exemptions from political restriction: England**

(1) The standards committee of a local authority in England which is a relevant authority—

(a) must consider any application for exemption from political restriction which is made to the committee, in respect of any post under the relevant authority, by the holder for the time being of that post; and

(b) may, on the application of any person or otherwise, give directions to the relevant authority requiring it to include a post in the list maintained by the authority under section 2(2).

(2) An application may not be made under subsection (1)(a) unless—

(a) the relevant authority have specified or are proposing to specify the post in the list maintained by them under section 2(2); and

(b) in the case of a post within section 2(2)(a) or (b), the relevant authority have certified whether or not, in their opinion, the duties of the post fall within section 2(3);

and the relevant authority must give a certificate for the purposes of paragraph (b) above in relation to any post if requested to do so by the holder of that post.

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(3) If, on an application under subsection (1)(a) in respect of any post, the standards committee is satisfied that the duties of the post do not fall within section 2(3), the committee must direct—
- (a) that, for so long as the direction has effect in accordance with its terms, the post is not to be regarded as a politically restricted post; and
- (b) that accordingly the post is not to be specified in the list maintained by the relevant authority under section 2(2) or (as the case may be) is to be removed from that list.

(4) A standards committee may not give a direction under subsection (1)(b) in respect of any post unless the committee is satisfied that—
- (a) the duties of the post fall within section 2(3); and
- (b) the post is neither—
  - (i) in any list maintained by the relevant authority in accordance with section 2(2) above or section 100G(2) of the Local Government Act 1972; nor
  - (ii) of a description specified in any regulations under section 2(2) above.

(5) A standards committee must when determining for the purposes of subsection (3) or (4) whether or not the duties of a post fall within section 2(3) have regard to any general advice given by the Secretary of State under section 3B.

(6) Every local authority in England which is a relevant authority must—
- (a) give its standards committee all such information as the committee may reasonably require for the purpose of carrying out its functions under this section;
- (b) comply with any direction under this section with respect to the list maintained by the authority; and
- (c) on being given a direction under subsection (1)(b), notify the terms of the direction to the person who holds the post to which the direction relates.

(7) In carrying out its functions under this section a standards committee must give priority, according to the time available before the election, to any application under subsection (1)(a) from a person who certifies that the application is made for the purpose of enabling him to be a candidate in a forthcoming election.

(8) The Secretary of State may make regulations requiring a local authority in England which is not a relevant authority to establish a committee to exercise the functions conferred by this section on the standards committee of a local authority in England which is a relevant authority.

(9) Regulations under subsection (8) may include provision—
- (a) applying any provisions of this section (with or without modification) where a committee has been established under the regulations;

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(b) applying (with or without modification) any provision of section 53 of the Local Government Act 2000 or regulations made under subsection (6) of that section.

(10) In this section—

"standards committee" means a committee established under section 53(1) of the Local Government Act 2000;

"relevant authority" has the meaning given by section 49(6) of that Act.

3B General advice as to politically restricted posts: England

(1) The Secretary of State may in relation to England give such general advice with respect to the determination of questions arising by virtue of section 2(3) as he considers appropriate.

(2) Before giving general advice under this section the Secretary of State must consult such representatives of local government and such organisations appearing to him to represent employees in local government as he considers appropriate."

VALID FROM 01/04/2008

203 Politically restricted posts: consequential amendments E+W

(1) In section 2 of the Local Government and Housing Act 1989 (c. 42) (politically restricted posts)—

(a) in subsections (1)(g) and (2) after "section 3" insert " or 3A ";

(b) in subsection (5) after "local authority" insert " in Scotland and Wales ";

(c) after subsection (5) insert—

"(5A) It shall be the duty of every local authority in England in performing their duties under this section to have regard to such general advice as may be given by virtue of section 3B below by the Secretary of State."

(2) In Schedule 7 to the Environment Act 1995 (c. 25) (national park authorities), in paragraph 7(4) for "3" substitute " 3A ".

(3) In the Greater London Authority Act 1999 (c. 29) —

(a) in section 61(2)(a) (power to require attendance at Assembly meetings) for "to 3" substitute " , 2 and 3A ";

(b) in section 68(1)(b) (disqualification and political restriction) for "and 3" substitute " and 3A ";

(c) in section 70(7) (terms and conditions of employment) for "and 3" substitute " and 3A ".

204 Political assistants' pay E+W

In section 9 of the Local Government and Housing Act 1989, after subsection (4) insert—

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(4A) An order made under subsection (4)(a) above in relation to England or Wales may, instead of specifying an amount, specify a point on a relevant scale specified by the order.

(4B) A "relevant scale" is a scale consisting of points and of amounts corresponding to those points.

(4C) In relation to any time while an order made by virtue of subsection (4A) above is in force, the amount that at that time corresponds to the point specified by the order is to be treated for the purposes of subsection (4)(a) above as specified by the order."

VALID FROM 01/04/2008

PART 11 E+W

JOINT WASTE AUTHORITIES

205 Proposals for joint waste authorities in England E+W

(1) A proposal under this section is a proposal to the Secretary of State that an authority be established for a specified area in England to discharge in that area the waste functions specified in the proposal.

(2) A proposal under this section may be made by (and only by) all the local authorities that are local waste authorities in relation to the area specified in the proposal.

(3) A local authority is a "local waste authority" in relation to the specified area if—
- (a) its area forms the whole or part of the specified area; and
- (b) it currently has one or more of the specified waste functions.

(4) A proposal under this section may not be made if there is a local authority for the whole of the specified area which currently has all of the specified waste functions.

(5) The Secretary of State may by regulations make provision as to—
- (a) matters to be included in a proposal under this section;
- (b) information that must accompany a proposal.

(6) Regulations under subsection (5)(a) may in particular provide that a proposal under this section must include proposals—
- (a) as to the number of members of the proposed authority (as to membership, see section 208);
- (b) as to the number of members to be appointed by each local authority making the proposal;
- (c) as to the procedure for appointing a chairman and a vice-chairman;
- (d) for the costs of the proposed authority to be met by the local authorities making the proposal, and as to the basis on which the amount payable by each of the local authorities is to be determined.

(7) In making a proposal under this section the local authorities must have regard to any guidance from the Secretary of State as to—

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(a) what a proposal should seek to achieve;
(b) matters that should be taken into account in formulating a proposal.

(8) In this section—

"specified" means specified in the proposal;

"waste function" means a function conferred on a local authority by or under—

(a) Part 2 of the Environmental Protection Act 1990 (c. 43) (waste on land);
(b) Part 4 of that Act (litter etc);
(c) section 32 of the Waste and Emissions Trading Act 2003 (c. 33) (joint municipal waste management strategies: England).

(9) In this Part "local authority" means—

(a) a county council;
(b) a district council;
(c) a London borough council;
(d) the Common Council of the City of London;
(e) the sub-treasurer of the Inner Temple;
(f) the under treasurer of the Middle Temple;
(g) an authority established under section 10 of the Local Government Act 1985 (c. 51) (joint arrangements for waste disposal functions); or
(h) a joint waste authority established under section 207.

206 Consultation E+W

(1) A proposal may not be made by any local authorities under section 205 unless—

(a) the local authorities prepared a draft of the proposal; and
(b) each local authority took reasonable steps to consult the following about the draft—
(i) the relevant electors;
(ii) any interested person in the authority's area.

(2) A person is a "relevant elector"—

(a) in relation to a county council, district council or London borough council, if he is a local government elector for the council's area;
(b) in relation to the Common Council of the City of London, if his name appears in a ward list published under section 7 of the City of London (Various Powers) Act 1957 (5 & 6 Eliz 2 c x);
(c) in relation to the sub-treasurer of the Inner Temple or the under treasurer of the Middle Temple, if his name appears in the ward list published with respect to the ward of Farrington Without in the City under section 7 of the City of London (Various Powers) Act 1957;
(d) in relation to an authority established under section 10 of the Local Government Act 1985 (joint arrangements for waste disposal functions), if he is a relevant elector in relation to any local authority whose area forms part of the area for which the authority was established;
(e) in relation to a joint waste authority established under section 207, if he is a relevant elector in relation to any local authority whose area forms the whole or part of the area for which the joint waste authority was established.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In this section, "local government elector" means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts.

207 Implementation of proposals by order E+W

(1) Where the Secretary of State receives a proposal under section 205 he may by order implement the proposal with or without modifications.

(2) An authority established by an order under subsection (1) is referred to in this Part as a "joint waste authority".

(3) An order under subsection (1) may make provision enabling the Secretary of State to require the authority established by the order to submit to him a scheme for—
- (a) the winding-up of the authority; and
- (b) the transfer of its functions, property, staff, rights and liabilities to appropriate local authorities.

(4) The Secretary of State may by order provide for giving effect (with or without modification) to any scheme submitted to him under a provision made by virtue of subsection (3) and for the dissolution of the authority.

(5) The Secretary of State may exercise his powers under subsection (4) only where—
- (a) he receives a request to do so from all the appropriate local authorities; or
- (b) he considers that it is necessary to do so.

(6) The Secretary of State may by order exclude any functions from those for which a joint waste authority was established.

(7) An order under this section may include incidental, consequential, transitional or supplementary provision.

(8) The provision that may be made by virtue of subsection (7) includes in particular provision—
- (a) for the transfer of property, rights or liabilities;
- (b) for legal proceedings commenced by or against any authority to be continued by or against an authority to whom property, rights or liabilities are transferred;
- (c) for the transfer of staff, compensation for loss of office, pensions and other staffing matters;
- (d) for treating any authority to whom a transfer is made for any purposes as the same person in law as the authority from whom the transfer is made.

(9) The provision that may be made by virtue of subsection (7) includes provision amending, modifying, excluding or applying (with or without modifications) any enactment or any instrument made under any enactment.

(10) The power of the Secretary of State under subsection (1) to implement a proposal with modifications does not include power to—
- (a) establish a joint waste authority for an area that is different from the area specified in the proposal; or
- (b) establish a joint waste authority to discharge waste functions that are not specified in the proposal.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(11) In this section—

"appropriate local authority", in relation to a joint waste authority, means a local authority which would, but for the establishment of the joint waste authority, have one or more of the functions that the joint waste authority has;

"waste function" has the same meaning as in section 205.

208 Membership of joint waste authorities E+W

A person may be a member of a joint waste authority only if he is—

(a) a member of a local authority which would, but for the establishment of the joint waste authority, have one or more of the functions that the joint waste authority has;

(b) the sub-treasurer of the Inner Temple or the under treasurer of the Middle Temple in a case where the sub-treasurer or the under treasurer would, but for the establishment of the joint waste authority, have one or more of the functions that the joint waste authority has.

209 Consequential amendments E+W

(1) In section 24 of the Waste and Emissions Trading Act 2003 (c. 33) (waste sent to landfills: definitions)—

(a) in subsection (5), for the words "In this Chapter" substitute " Subject to subsection (6), in this Chapter ";

(b) after subsection (5) insert—

"(6) For the purposes of this Chapter, a joint waste authority for an area in England that has the function of disposing of biodegradable municipal waste is the waste disposal authority for that area.

(7) In subsection (6) a "joint waste authority" means an authority established by an order under section 207 of the Local Government and Public Involvement in Health Act 2007."

(2) Schedule 13 (other consequential amendments) has effect.

210 Joint waste authorities in Wales E+W

(1) The Welsh Ministers may by order make provision in relation to Wales applying any provisions of sections 205 to 208 with—

(a) the substitution for references to the Secretary of State of references to the Welsh Ministers; and

(b) such other modifications as they consider appropriate.

(2) An order under this section may include incidental, consequential or supplementary provision, including provision amending or modifying—

(a) any enactment;

(b) any instrument made under an enactment.

(3) The reference in subsection (1) to any provisions of sections 205 to 208 includes a reference to any provisions of Part 17 so far as relating to any of those sections.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

211 Interpretation E+W

In this Part—

"joint waste authority" has the meaning given by section 207(2);

"local authority" has the meaning given by section 205(9).

PART 12 E+W

ENTITIES CONTROLLED ETC BY LOCAL AUTHORITIES

212 Entities controlled etc by local authorities E+W

(1) An order under this section is an order which requires, prohibits or regulates the taking of specified actions by entities connected with a local authority.

(2) The Secretary of State may make an order under this section in relation to—
- (a) all English local authorities;
- (b) English local authorities of particular descriptions;
- (c) particular English local authorities.

(3) The Welsh Ministers may make an order under this section in relation to—
- (a) all Welsh local authorities;
- (b) Welsh local authorities of particular descriptions;
- (c) particular Welsh local authorities.

(4) An order under this section may also include provision which requires, prohibits or regulates—
- (a) the taking of specified actions by a local authority in relation to entities connected with the local authority;
- (b) the taking of specified actions by members or officers of a local authority who are qualifying persons.

(5) An order under this section may make provision in relation to—
- (a) every entity connected with a local authority;
- (b) such entities of a particular description.

(6) For the purposes of this section an entity ("E") is "connected with" a local authority at any time if—
- (a) it is an entity other than the local authority; and
- (b) according to proper practices in force at that time, financial information about E must be included in the local authority's statement of accounts for the financial year in which that time falls.

(7) In this section—

"actions" includes courses of action;

"English local authority" means a local authority in England;

"entity" means any entity, whether or not a legal person;

"financial year" means a period for which accounts of the local authority must be prepared by reason of section 2 of the Audit Commission Act 1998 (c. 18) or section 13 of the Public Audit (Wales) Act 2004 (c. 23);

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"local authority" means any body which—

(a) is a local authority for the purposes of section 21 of the Local Government Act 2003 (c. 26) (see subsection (6) of that section and section 23 of that Act); and

(b) is required to prepare statements of accounts by regulations made under section 27 of the Audit Commission Act 1998 or section 39 of the Public Audit (Wales) Act 2004;

"qualifying person" means a person who—

(a) is authorised to represent the local authority at meetings of an entity that is connected with the local authority; or

(b) is a member or director of such an entity or the holder of any other specified position in relation to such an entity;

"specified" means specified, or of a description specified, by the order;

"Welsh local authority" means a local authority in Wales.

Commencement Information

I95 S. 212 in force at 30.12.2007, see s. 245(2)

213 Trusts E+W

(1) In this section a "relevant trust" means a trust connected with a local authority.

(2) An order under section 212 may include provision which requires, prohibits or regulates—

(a) the taking of specified actions by the trustees of a relevant trust;

(b) the taking of specified actions by a local authority in relation to the trustees of trusts connected with that local authority;

(c) the taking of specified actions by a member or officer of a local authority who is a trustee of a trust connected with that local authority.

(3) Provision included in an order by virtue of this section may relate to—

(a) the trustees of every relevant trust;

(b) the trustees of relevant trusts of a particular description.

(4) For the purposes of this section a trust ("T") is "connected with" a local authority at any time if, according to proper practices in force at that time, financial information about T must be included in the local authority's statement of accounts for the financial year in which that time falls.

(5) In this section the following have the same meaning as in section 212—

"actions";

"financial year";

"local authority";

"specified".

Commencement Information

I96 S. 213 in force at 30.12.2007, see s. 245(2)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

214 Further provision about orders E+W

(1) An order under section 212 may make provision requiring an entity, a local authority or trustees to obtain the consent of the appropriate person before taking any particular actions.

(2) In subsection (1) "the appropriate person" means—
- (a) in relation to an order made by the Secretary of State, the Audit Commission;
- (b) in relation to an order made by the Welsh Ministers, the Auditor General for Wales.

(3) The provision that may be included in an order by virtue of section 212(4)(a) includes in particular provision—
- (a) requiring a local authority to make arrangements for enabling questions about an entity's activities to be put to members or officers of the authority who are qualifying persons;
- (b) prohibiting a local authority from taking action (including refraining from exercising a right) which would have the result that a person of a specified description becomes a qualifying person;
- (c) requiring a local authority to ensure so far as practicable that entities comply with provisions of the order applicable to them.

(4) The provision that may be included in an order by virtue of section 213(2)(b) includes in particular provision—
- (a) requiring a local authority to make arrangements for enabling questions about a trust connected with the authority to be put to members or officers of the authority who are trustees;
- (b) prohibiting a local authority from taking action (including refraining from exercising a right) which would have the result that a person of a specified description becomes a trustee of a trust connected with the authority;
- (c) requiring a local authority to ensure so far as practicable that trustees comply with provisions of the order applicable to them.

(5) Nothing in subsections (1) to (4) affects the generality of section 212(1) or (4) or 213(2).

(6) Where an order under section 212—
- (a) makes provision in relation to entities of a particular description, or
- (b) makes provision in relation to the trustees of trusts of a particular description,

it may provide for any expression used in identifying that description of entity or trust to have the meaning for the time being given by a relevant document identified by the order.

(7) In subsection (6) "relevant document"—
- (a) means a document that (at the time the power under subsection (6) is exercised) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 (c. 26) by regulations made under that provision; and
- (b) includes a document so identified by virtue of section 21(5) of that Act (documents not yet existing).

(8) An order under section 212 may include incidental, consequential, transitional or supplementary provision.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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(9) In this section the following have the same meaning as in section 212—

"actions";

"entity";

"local authority";

"qualifying person";

and references to a trust connected with a local authority have the same meaning as in section 213.

(10) In this section "the Audit Commission" means the Audit Commission for Local Authorities and the National Health Service in England.

Commencement Information

I97 S. 214 in force at 30.12.2007, see s. 245(2)

215 Exemptions from orders E+W

(1) The appropriate authority may give a direction exempting—

(a) a particular entity, or entities of a particular description, or

(b) the trustees of a particular trust, or of trusts of a particular description,

from an order under section 212 or specified provisions of such an order.

(2) A direction under this section may provide for an exemption to have effect—

(a) for a specified period; or

(b) subject to specified conditions.

(3) A direction under this section may be varied or revoked by a subsequent direction of the appropriate authority.

(4) In this section "the appropriate authority" means—

(a) in relation to an order made by the Secretary of State, the Secretary of State;

(b) in relation to an order made by the Welsh Ministers, the Welsh Ministers.

(5) In this section—

"entity" has the same meaning as in section 212;

"specified" means specified by the direction.

Commencement Information

I98 S. 215 in force at 30.12.2007, see s. 245(2)

216 Consequential amendments E+W

(1) Omit Part 5 of the Local Government and Housing Act 1989 (c. 42).

(2) Schedule 14 (other consequential amendments) has effect.

(3) Subsection (4) applies where by virtue of section 14 of the Interpretation Act 1978 (c. 30) (implied power to amend) any subordinate legislation is amended in consequence of the repeal of Part 5 of the Local Government and Housing Act 1989.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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(4) Any provision inserted or substituted by the amendment may provide for an expression used in such provision to have the meaning for the time being given by a relevant document identified by such provision.

(5) In subsection (4) "relevant document"—

(a) means a document that (at the time the power under subsection (4) is exercised) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 (c. 26) by regulations made under that provision; and

(b) includes a document so identified by virtue of section 21(5) of that Act (documents not yet existing).

Commencement Information

I99 S. 216(3)-(5) in force at 30.12.2007, see s. 245(2)

217 Definition of certain terms in amended enactments: England E+W

(1) The Secretary of State may by order under this section—

(a) define an "entity under the control of a local authority" and an "entity jointly controlled by bodies that include a local authority" for the purposes of section 4(2) of the Prevention of Corruption Act 1916 (c. 64);

(b) define for the purposes of section 80(1)(aa) of the Local Government Act 1972 (c. 70) the reference in that provision to "an entity under the control of" the authority mentioned there;

(c) define, for the purposes of sections 98(8)(d) and 100(1)(a) of the Local Government, Planning and Land Act 1980 (c. 65), the references in each of those provisions to—

(i) "an entity under the control of" the body mentioned there;

(ii) "an entity subject to the influence of" that body; and

(iii) "an entity jointly controlled by" that body and one or more other bodies;

(d) define for the purposes of paragraph 7(2) of Schedule 7 to the Environment Act 1995 (c. 25) the reference in that provision to "an entity under the control of" the authority mentioned there;

(e) define for the purposes of section 18(2)(b) of the Local Government Act 2003 (c. 26) the references in that provision to—

(i) "an entity under the control of" and "a trust under the control of" an authority or Executive mentioned there;

(ii) "an entity subject to the influence of" and "a trust subject to the influence of" such an authority or Executive; and

(iii) "an entity jointly controlled by bodies that include" and "a trust jointly controlled by bodies that include" such an authority or Executive.

(2) Any reference in subsection (1) to the purposes of a provision of—

the Local Government Act 1972 (c. 70),

the Local Government, Planning and Land Act 1980,

the Environment Act 1995, or

the Local Government Act 2003,

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is a reference to the purposes of that provision as it applies in relation to England.

(3) An order under this section may provide for any expression used by it to have the meaning for the time being given by a relevant document identified by the order.

(4) In subsection (3) "relevant document"—

(a) means a document that (at the time the power under subsection (3) is exercised) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 by regulations made under that provision; and

(b) includes a document so identified by virtue of section 21(5) of that Act (documents not yet existing).

Commencement Information

I100 S. 217 in force at 30.12.2007, see s. 245(2)

218 Definition of certain terms in amended enactments: Wales E+W

(1) The Welsh Ministers may by order under this section—

(a) define for the purposes of section 80(1)(aa) of the Local Government Act 1972 the reference in that provision to "an entity under the control of" the authority mentioned there;

(b) define, for the purposes of sections 98(8)(d) and 100(1)(a) of the Local Government, Planning and Land Act 1980, the references in each of those provisions to—

(i) "an entity under the control of" the body mentioned there;

(ii) "an entity subject to the influence of" that body; and

(iii) "an entity jointly controlled by" that body and one or more other bodies;

(c) define for the purposes of paragraph 7(2) of Schedule 7 to the Environment Act 1995 (c. 25) the reference in that provision to "an entity under the control of" the authority mentioned there;

(d) define for the purposes of section 18(2)(b) of the Local Government Act 2003 (c. 26) the references in that provision to—

(i) "an entity under the control of" and "a trust under the control of" an authority mentioned there;

(ii) "an entity subject to the influence of" and "a trust subject to the influence of" such an authority; and

(iii) "an entity jointly controlled by bodies that include" and "a trust jointly controlled by bodies that include" such an authority;

(e) define "an entity under the control of a local authority" for the purposes of section 48(3) of the Public Audit (Wales) Act 2004 (c. 23).

(2) Any reference in subsection (1) to the purposes of a provision of—

the Local Government Act 1972 (c. 70),
the Local Government, Planning and Land Act 1980 (c. 65),
the Environment Act 1995, or
the Local Government Act 2003,

is a reference to the purposes of that provision as it applies in relation to Wales.

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(3) An order under this section may provide for any expression used by it to have the meaning for the time being given by a relevant document identified by the order.

(4) In subsection (3) "relevant document"—

(a) means a document that (at the time the power under subsection (3) is exercised) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 by regulations made under that provision; and

(b) includes a document so identified by virtue of section 21(5) of that Act (documents not yet existing).

Commencement Information

I101 S. 218 in force at 30.12.2007, see s. 245(2)

VALID FROM 01/04/2008

PART 13 E+W

THE VALUATION TRIBUNAL FOR ENGLAND

219 Establishment of the Tribunal E+W

(1) Schedule 15 (which establishes the Valuation Tribunal for England, and makes consequential provision) has effect.

(2) The existing English tribunals are abolished.

(3) In this Part "existing English tribunals" means the valuation tribunals established in relation to England by regulations under Schedule 11 to the Local Government Finance Act 1988 (c. 41) which are in existence immediately before the transfer of jurisdiction takes place.

(4) The transfer of jurisdiction is the transfer made by paragraph A2 of Schedule 11 to the Local Government Finance Act 1988 (as inserted by Schedule 15 to this Act).

220 Consequential and transitional provision etc E+W

(1) Schedule 16 (consequential amendments relating to the creation of the Valuation Tribunal for England) has effect.

(2) The Secretary of State may by regulations make provision (including transitional, saving or transitory provision)—

(a) for the purposes of supplementing or giving full effect to this Part; or

(b) in consequence of this Part.

(3) The provision that may be made under subsection (2) includes provision—

(a) for members of the existing English tribunals to become members of the Valuation Tribunal for England;

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) to enable the Valuation Tribunal for England to deal with any appeals already made to the existing English tribunals (including provision about which members of the Tribunal are to deal with any such appeal);

(c) for subordinate legislation made under Schedule 11 to the Local Government Finance Act 1988 (c. 41) before its amendment by this Act to be treated as if made under that Schedule as amended by this Act;

(d) modifying subordinate legislation which is subject to provision under paragraph (c);

(e) for members of the Valuation Tribunal for England to be appointed otherwise than in accordance in Part 4 of the Constitutional Reform Act 2005 (c. 4);

(f) amending or repealing any enactment passed before or in the same session as this Act;

(g) amending or revoking subordinate legislation made before the passing of this Act.

(4) Subsection (2) is without prejudice to sections 243 and 245(6)(b).

VALID FROM 31/01/2008

PART 14 E+W

PATIENT AND PUBLIC INVOLVEMENT IN HEALTH AND SOCIAL CARE

Local involvement networks

VALID FROM 01/04/2008

221 Health services and social services: local involvement networks E+W

(1) Each local authority must make contractual arrangements for the purpose of ensuring that there are means by which the activities specified in subsection (2) for the local authority's area can be carried on in the area.

(2) The activities for a local authority's area are—

(a) promoting, and supporting, the involvement of people in the commissioning, provision and scrutiny of local care services;

(b) enabling people to monitor for the purposes of their consideration of matters mentioned in subsection (3), and to review for those purposes, the commissioning and provision of local care services;

(c) obtaining the views of people about their needs for, and their experiences of, local care services; and

(d) making—

(i) views such as are mentioned in paragraph (c) known, and

(ii) reports and recommendations about how local care services could or ought to be improved,

to persons responsible for commissioning, providing, managing or scrutinising local care services.

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(3) The matters referred to in subsection (2)(b) are—
- (a) the standard of provision of local care services;
- (b) whether, and how, local care services could be improved;
- (c) whether, and how, local care services ought to be improved.

(4) The Secretary of State may by regulations amend this section for the purpose of adding to the activities for the time being specified in subsection (2).

(5) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(6) In this section—

"care services" means—
- (a) services provided as part of the health service in England; or
- (b) services provided as part of the social services functions of a local authority;

"local care services", in relation to a local authority, means—
- (a) care services provided in the authority's area; and
- (b) care services provided, in any place, for people from the area;

"the health service" has the same meaning as in the National Health Service Act 2006 (c. 41);

"social services functions", in relation to a local authority, has the same meaning as in the Local Authority Social Services Act 1970 (c. 42).

VALID FROM 01/04/2008

222 Arrangements under section 221(1) E+W

(1) This section applies in relation to any particular arrangements made under section 221(1) by a local authority ("A").

(2) In this section, a reference to a "local involvement network" is to a person who, in pursuance of the arrangements, is to carry on in A's area activities specified in section 221(2) for that area.

(3) The arrangements must be made with a person ("H") who is not—
- (a) a local authority;
- (b) a National Health Service trust;
- (c) an NHS foundation trust;
- (d) a Primary Care Trust; or
- (e) a Strategic Health Authority.

(4) The arrangements must secure the result that none of the following will be a local involvement network—
- (a) H;
- (b) A;
- (c) any other local authority;
- (d) a National Health Service trust;
- (e) an NHS foundation trust;

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(f) a Primary Care Trust;

(g) a Strategic Health Authority.

(5) The arrangements may (in particular) make provision as respects co-operation between a local involvement network and any English network or English networks.

(6) The arrangements may provide for the making of payments by A.

(7) The arrangements must include the required provision about annual reports (see section 227).

(8) In this section "English network" means a person who, in pursuance of arrangements made under section 221(1) by any local authority, is to carry on activities specified in section 221(2).

VALID FROM 21/02/2008

223 Arrangements: power to make further provision **E+W**

(1) The Secretary of State must make regulations which provide that arrangements made under section 221(1) ("local authority arrangements") must require prescribed provision to be included in local involvement network arrangements.

(2) The regulations may in particular provide that local authority arrangements must require local involvement network arrangements to include—

(a) prescribed provision relating to the way in which certain decisions of a local involvement network are to be taken;

(b) prescribed provision relating to the authorisation of individuals as authorised representatives within the meaning of section 225(5);

(c) prescribed provision relating to the use by a local involvement network of money derived from the arrangements;

(d) prescribed provision relating to the consequences of contravention by a local involvement network of any provision of the arrangements.

(3) In this section—

"a local involvement network" means a person who is to carry on activities specified in section 221(2);

"local involvement network arrangements", in relation to local authority arrangements, means arrangements—

(a) which are made in pursuance of the local authority arrangements; and

(b) under which a person is to carry on activities specified in section 221(2);

"prescribed provision" means provision prescribed or of a description prescribed by the regulations.

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VALID FROM 21/02/2008

224 Duties of services-providers to respond to local involvement networks E +W

(1) The Secretary of State may by regulations impose, on a services-provider, duties—
- (a) as respects responding to requests for information made to the services-provider by a local involvement network;
- (b) as respects dealing with reports or recommendations made to the services-provider by a local involvement network; or
- (c) as respects dealing with reports or recommendations which, in accordance with any requirement imposed in regulations under paragraph (b), have been referred to the services-provider by another services-provider.

(2) In subsection (1) "services-provider" means—
- (a) a National Health Service trust;
- (b) an NHS foundation trust;
- (c) a Primary Care Trust;
- (d) a local authority; or
- (e) a person prescribed by regulations made by the Secretary of State.

(3) For the purposes of subsection (1), something is done by a local involvement network if—
- (a) it is done by a person who, in pursuance of arrangements made under section 221(1), is to carry on activities specified in section 221(2); and
- (b) it is done by that person in the carrying-on, under those arrangements, of activities so specified.

(4) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

225 Duties of services-providers to allow entry by local involvement networks E +W

(1) The Secretary of State shall by regulations make provision for the purpose of imposing, on a services-provider, a duty to allow authorised representatives to enter and view, and observe the carrying-on of activities on, premises owned or controlled by the services-provider.

(2) The provision that may be made by regulations under subsection (1) includes (in particular)—
- (a) providing for a duty to apply in relation to premises owned or controlled by a services-provider only if, or not to apply in relation to any such premises if, the premises are of a particular description;
- (b) providing for a duty, so far as applying in relation to any premises, to apply in relation to activities carried on on the premises only if, or not to apply in relation to any such activities if, the activities are of a particular description;
- (c) conditions to be satisfied before a duty arises in a particular case;
- (d) provision limiting the extent of a duty, whether generally or in particular cases;

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(e) provision imposing, or authorising the imposition of, conditions and restrictions for the purposes of subsection (4)(b);

(f) provision as respects the authorisation of individuals for the purposes of this section by a local involvement network.

(3) Provision such as is mentioned in subsection (2)(d) may limit a duty by (in particular) —

(a) providing for a duty not to apply to an authorised representative if he is, or unless he is, of a particular description;

(b) limiting the number of authorised representatives to whom a duty applies in a particular case;

(c) limiting the hours during which a duty applies.

(4) While an authorised representative is on any premises as a result of a services-provider having complied with a duty imposed under subsection (1)—

(a) any viewing, or observation, carried out by the representative must be carried out for the purposes of the carrying-on, under arrangements made under section 221(1), of activities specified in section 221(2); and

(b) the representative must comply with any applicable conditions and restrictions imposed under subsection (1) for the purposes of this paragraph.

(5) In this section "authorised representative" means an individual authorised for the purposes of this section, in accordance with any applicable provision in regulations under subsection (1), by a local involvement network.

(6) In this section "local involvement network" means a person who, in pursuance of arrangements made under section 221(1), is to carry on activities specified in section 221(2).

(7) In this section "services-provider" means—

(a) a National Health Service trust;

(b) an NHS foundation trust;

(c) a Primary Care Trust;

(d) a local authority; or

(e) a person prescribed by regulations made by the Secretary of State.

VALID FROM 21/02/2008

226 Local involvement networks: referrals of social care matters E+W

(1) Subsections (2) to (5) apply where a local involvement network refers a matter relating to social care services to an overview and scrutiny committee of a local authority.

(2) The committee must—

(a) acknowledge receipt of the referral; and

(b) keep the referrer informed of the committee's actions in relation to the matter.

(3) The committee must decide whether or not any of its powers is exercisable in relation to the matter referred.

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(4) If the committee concludes that any of those powers is exercisable in relation to the matter, the committee must decide whether or not to exercise that power in relation to the matter.

(5) The committee, in exercising any of those powers in relation to the matter, must take into account any relevant information provided by a local involvement network.

(6) The Secretary of State may by regulations make provision as respects determining the time by which a duty under subsection (2)(a) is to be performed.

(7) For the purposes of this section, something is done by a local involvement network if—

(a) it is done by a person who, in pursuance of arrangements made under section 221(1), is to carry on activities specified in section 221(2); and

(b) it is done by that person in the carrying-on, under those arrangements, of activities so specified.

(8) In this section—

"overview and scrutiny committee"—

(a) in relation to a local authority which under Part 2 of the Local Government Act 2000 (c. 22) operates executive arrangements, means an overview and scrutiny committee of the authority within the meaning given by section 21(1) of that Act;

(b) in relation to a local authority which under Part 2 of that Act operates alternative arrangements, means a committee or sub-committee appointed under section 32(1)(b) of that Act;

(c) in relation to the Common Council of the City of London, means a committee established under section 10(1) of the Health and Social Care Act 2001 (c. 15); and

(d) in relation to the Council of the Isles of Scilly, means a committee which, by virtue of an order under section 265 of the Local Government Act 1972 (c. 70), is appointed by the Council under section 21(1) or 32(1)(b) of the Local Government Act 2000;

"social care services" means services provided as part of the social services functions of a local authority;

"social services functions", in relation to a local authority, has the same meaning as in the Local Authority Social Services Act 1970 (c. 42).

VALID FROM 01/04/2008

227 Local involvement networks: annual reports E+W

(1) Subsection (2) has effect for the purposes of section 222(7).

(2) In relation to any arrangements made under section 221(1) by a local authority with another person ("H"), the "required provision about annual reports" is—

(a) provision—

(i) requiring, for each local involvement network, the preparation by the network for each financial year of a report in relation to the activities of the network in the year (so far as they are activities

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specified in section 221(2) for the local authority's area and carried on in pursuance of the arrangements);

(ii) requiring the preparation by H of any report that is required, under provision included in the arrangements in pursuance of sub-paragraph (i), to be prepared by a local involvement network but is not prepared by the network; and

(iii) requiring the preparation by H, for each non-networked financial year, of a report in relation to the non-networked activities;

(b) provision requiring that each such report must comply with the requirements mentioned in subsection (3);

(c) provision requiring each such report to be prepared by 30th June after the end of the financial year concerned; and

(d) provision requiring that, once such a report has been prepared—

(i) copies of it are to be made publicly available in such manner as the person preparing it, after having had regard to any guidance issued by the Secretary of State that may be in force at the time, considers appropriate; and

(ii) a copy of it is to be sent to each of the persons specified in subsection (4).

(3) The requirements referred to in subsection (2)(b) are—

(a) that the report addresses, in particular, such matters as the Secretary of State may direct;

(b) that the report, if it is a report required to be prepared by a local involvement network (even if actually prepared by H in compliance with provision included in the arrangements in pursuance of subsection (2)(a)(ii)), includes—

(i) details of the amounts spent by H in respect of the network in the year concerned; and

(ii) details of what those amounts were spent on; and

(c) that the report, if it is a report prepared by H in compliance with provision included in the arrangements in pursuance of subsection (2)(a)(iii), includes—

(i) details of the amounts spent by H in the year concerned in respect of the non-networked activities; and

(ii) details of what those amounts were spent on.

(4) The persons referred to in subsection (2)(d)(ii) are—

(a) the local authority;

(b) each Primary Care Trust, and each Strategic Health Authority, any part of whose area falls within the area of the local authority;

(c) any overview and scrutiny committee of the local authority that is within subsection (5);

(d) the Secretary of State; and

(e) such other persons (if any) as the Secretary of State may direct.

(5) An overview and scrutiny committee of the local authority is within this subsection—

(a) in the case of a report required to be prepared by a local involvement network (even if actually prepared by H in compliance with provision

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included in the arrangements in pursuance of subsection (2)(a)(ii)), if any activities of the network (so far as they are activities specified in section 221(2) and carried on in pursuance of the arrangements) are relevant to the functions of the committee; and

(b) in the case of a report prepared by H in compliance with provision included in the arrangements in pursuance of subsection (2)(a)(iii), if in the year concerned any of the non-networked activities are relevant to the functions of the committee.

(6) In subsections (2) to (5) "the non-networked activities" means the activities specified in section 221(2) for the authority's area so far as they—

(a) are activities for whose carrying-on in the authority's area the arrangements make provision; and

(b) are not, under the arrangements, activities whose carrying-on is within the remit of a local involvement network.

(7) For the purposes of subsection (2)(a)(iii), a financial year is "non-networked" if there is a time in the year when an activity falls (to any extent) within the definition of "the non-networked activities" given by subsection (6).

(8) In subsections (2) to (7), a reference to a "local involvement network" is to a person who, in pursuance of the arrangements, is to carry on in the local authority's area activities specified in section 221(2) for that area.

(9) In this section—

"financial year" means a period of 12 months ending with 31st March;

"overview and scrutiny committee" has the meaning given by section 226(8).

(10) Power to give directions for purposes of this section includes power to vary or revoke directions given in previous exercise of the power.

(11) Directions given, or guidance issued, for purposes of this section must be published in such manner as, in the opinion of the Secretary of State, is likely to bring them or it to the attention of the persons to whom they or it are applicable.

VALID FROM 21/02/2008

228 Transitional arrangements E+W

(1) When a local authority becomes subject to the duty in section 221(1), it also becomes subject to the following duty.

(2) That duty ("the temporary duty") is to ensure until the relevant time that there are means by which the activities specified in section 221(2) can be carried on in the local authority's area.

(3) The Secretary of State may by regulations—

(a) define "the relevant time" for the purposes of subsection (2);

(b) make provision about the ways in which the temporary duty may or may not be complied with;

(c) impose on a services-provider duties as respects—

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(i) responding to requests for information made by a relevant person;
(ii) dealing with reports or recommendations made by a relevant person;

(d) make provision for the purpose of imposing on a services-provider a duty to allow individuals authorised by relevant persons to enter and view, and observe the carrying-on of activities on, premises owned or controlled by the services-provider;

(e) make provision relating to the referral by a relevant person of matters relating to social care services to an overview and scrutiny committee of a local authority;

(f) make provision requiring a relevant person to prepare prescribed reports and to send them to prescribed persons;

(g) make provision about the publication of such reports.

(4) Regulations under subsection (3)(d) may include—

(a) provision corresponding to any provision that could be included in regulations under section 225(1) by virtue of section 225(2) or (3);

(b) provision corresponding to section 225(4).

(5) Regulations under subsection (3)(e) may include provision corresponding to—

(a) any provision of section 226(2) to (5);

(b) any provision that could be included in regulations under section 226(6).

(6) References in subsection (3) to a "relevant person" are to be read as follows—

(a) for the purposes of subsection (3)(c) and (e), a request, report, recommendation or referral is made by a "relevant person" if it is made by a person in carrying on section 221 activities in pursuance of temporary arrangements;

(b) for the purposes of subsection (3)(d), an individual is authorised by a "relevant person" if the individual is authorised for the purposes of regulations under subsection (3)(d), in accordance with any applicable provision of those regulations, by a person carrying on section 221 activities in pursuance of temporary arrangements;

(c) in subsection (3)(f) "relevant person" means—

(i) a person who is or has been carrying on section 221 activities in pursuance of temporary arrangements; or

(ii) a local authority which is or has been subject to the temporary duty.

(7) In this section—

"overview and scrutiny committee" has the same meaning as in section 226;

"section 221 activities" means activities specified in section 221(2);

"services-provider" means (subject to subsection (8))—

(a) a National Health Service trust;

(b) an NHS foundation trust;

(c) a Primary Care Trust; or

(d) a local authority;

"social care services" has the same meaning as in section 226;

"temporary arrangements" means the arrangements made by a local authority to comply with the temporary duty.

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(8) In subsection (3)(d) "services-provider" also includes a person prescribed by regulations made by the Secretary of State under section 225(7)(e).

229 Sections 221 to 228: interpretation and supplementary E+W

(1) For the purposes of sections 221 to 228, each of the following is a "local authority"—
- (a) a county council in England;
- (b) a district council in England, other than a council for a district in a county for which there is a county council;
- (c) a London borough council;
- (d) the Common Council of the City of London; and
- (e) the Council of the Isles of Scilly.

(2) Any power of the Secretary of State to make regulations under sections 221 to 228 includes power to make incidental, supplementary, consequential, transitory or transitional provision or savings.

VALID FROM 01/04/2008

Abolition of Patients' Forums etc

230 Abolition of functions of Patients' Forums E+W

(1) The following provisions of the 2006 Act are omitted—

sections 237(3) to (9) and 238 (functions of Patients' Forums);

section 239 (power to confer rights of entry on members of Patients' Forums); and

section 241(3) and (4) (regulations about membership of Patients' Forums).

(2) If subsection (1) comes into force on a day other than 1st April—
- (a) section 240 of the 2006 Act (a Patients' Forum must prepare an annual report for each financial year), and regulation 4 of the Functions Regulations (a Patients' Forum must prepare annual accounts for each financial year), shall have effect as if the final reporting period of a Patients' Forum were a financial year; and
- (b) regulation 4(3) of the Functions Regulations (accounts for a financial year to be copied to the Commission no later than 31st May after end of year) shall have effect in relation to the final reporting period of a Patients' Forum as if for "31st May" there were substituted " two months ".

(3) A Patients' Forum, in its report under section 240 of the 2006 Act for its final reporting period, must (in particular) include details of anything being done by the Patients' Forum that was still in progress when subsection (1) came into force.

(4) Section 240 of the 2006 Act does not require a Patients' Forum to prepare a report, and regulation 4 of the Functions Regulations does not require a Patients' Forum to prepare annual accounts, in relation to any time after the end of its final reporting period.

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(5) In subsections (2) to (4) "final reporting period", in relation to a Patients' Forum, means the period—

(a) ending with the coming into force of subsection (1); and

(b) beginning with the preceding 1st April.

(6) In this section—

"the 2006 Act" means the National Health Service Act 2006 (c. 41);

"the Functions Regulations" means the Patients' Forums (Functions) Regulations 2003 (S.I. 2003/2124).

231 Abolition of Patients' Forums E+W

(1) The following provisions of the National Health Service Act 2006 are omitted—

section 237(1) and (2) (establishment of Patients' Forums and appointment of their members);

section 240 (Patients' Forums: annual reports); and

section 241(1) and (2) (power to make further provision about Patients' Forums).

(2) The property, rights and liabilities of each Patients' Forum are by virtue of this subsection transferred to the Secretary of State for Health (including any property, rights and liabilities that would not otherwise be capable of being transferred).

(3) Any legal proceedings relating to anything transferred under subsection (2) may be continued by or in relation to the Secretary of State for Health.

232 Abolition of Commission for Patient and Public Involvement in Health E+W

(1) The following provisions of the 2006 Act are omitted—

section 243 (establishment and functions of the Commission); and

Schedule 16 (further provision about the Commission).

(2) The property, rights and liabilities of the Commission are by virtue of this subsection transferred to the Secretary of State for Health (including any property, rights and liabilities that would not otherwise be capable of being transferred).

(3) Any legal proceedings relating to anything transferred under subsection (2) may be continued by or in relation to the Secretary of State for Health.

(4) Subsection (5) applies if the Secretary of State is satisfied that the Commission has carried out, or has substantially carried out, its functions under section 243(5) of the 2006 Act (review by Commission of annual reports of Patients' Forums) in relation to the final reports of the Patients' Forums.

(5) The Secretary of State may fix the period that is to be the Commission's final reporting period for the purposes of paragraphs 11 and 12 of Schedule 16 to the 2006 Act (Commission's annual report and accounts) by notifying that period to—

(a) the Commission; and

(b) the Comptroller and Auditor General.

(6) Paragraphs 11 and 12 of Schedule 16 to the 2006 Act shall have effect as if the final reporting period notified under subsection (5) were a financial year.

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(7) Paragraphs 11(2) and 12(1) of Schedule 16 to the 2006 Act do not require the Commission to prepare annual accounts and reports in respect of any time after the end of the final reporting period notified under subsection (5).

(8) The period notified under subsection (5)—
- (a) must be a period beginning with 1st April in any year; and
- (b) may be a period of, or longer or shorter than, 12 months.

(9) In this section—

"the 2006 Act" means the National Health Service Act 2006 (c. 41);

"the Commission" means the Commission for Patient and Public Involvement in Health.

VALID FROM 26/09/2008

Consultation about health services

233 Duty to involve users of health services **E+W**

(1) Section 242 of the National Health Service Act 2006 (public involvement and consultation) is amended as mentioned in subsections (2) to (4) below.

(2) For subsection (1) (bodies to which section applies) substitute—

"(1) This section applies to—
- (a) relevant English bodies, and
- (b) relevant Welsh bodies.

(1A) In this section—

"relevant English body" means—
- (a) a Strategic Health Authority,
- (b) a Primary Care Trust,
- (c) an NHS trust that is not a relevant Welsh body, or
- (d) an NHS foundation trust;

"relevant Welsh body" means an NHS trust all or most of whose hospitals, establishments and facilities are in Wales.

(1B) Each relevant English body must make arrangements, as respects health services for which it is responsible, which secure that users of those services, whether directly or through representatives, are involved (whether by being consulted or provided with information, or in other ways) in—
- (a) the planning of the provision of those services,
- (b) the development and consideration of proposals for changes in the way those services are provided, and
- (c) decisions to be made by that body affecting the operation of those services.

(1C) Subsection (1B)(b) applies to a proposal only if implementation of the proposal would have an impact on—

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(a) the manner in which the services are delivered to users of those services, or

(b) the range of health services available to those users.

(1D) Subsection (1B)(c) applies to a decision only if implementation of the decision (if made) would have an impact on—

(a) the manner in which the services are delivered to users of those services, or

(b) the range of health services available to those users.

(1E) The reference in each of subsections (1C)(a) and (1D)(a) to the delivery of services is to their delivery at the point when they are received by users.

(1F) For the purposes of subsections (1B) to (1E), a person is a "user" of any health services if the person is someone to whom those services are being or may be provided.

(1G) A relevant English body must have regard to any guidance given by the Secretary of State as to the discharge of the body's duty under subsection (1B).

(1H) The guidance mentioned in subsection (1G) includes (in particular)—

(a) guidance given by the Secretary of State as to when, or how often, involvement under arrangements under subsection (1B) is to be carried out;

(b) guidance given by the Secretary of State as to the form to be taken by such involvement in any case specified by the guidance."

(3) In subsection (2) (each body to which section applies must make arrangements), for "body to which this section applies" substitute " relevant Welsh body ".

(4) In subsection (5) (directions about arrangements under subsection (2)), for "subsection (2)" substitute " this section ".

(5) After that section insert—

"**242A Strategic Health Authorities: further duty to involve users**

(1) The Secretary of State must by regulations require each Strategic Health Authority to make arrangements which secure that health service users are, directly or through representatives, involved (whether by being consulted or provided with information, or in other ways) in prescribed matters.

(2) In this section "health service users" means persons to whom health services are being or may be provided in the area of the Strategic Health Authority.

(3) A Strategic Health Authority must have regard to any guidance given by the Secretary of State as to the discharge of the authority's duty under regulations under this section.

(4) The guidance mentioned in subsection (3) includes (in particular)—

(a) guidance given by the Secretary of State as to when, or how often, involvement under arrangements under the regulations is to be carried out;

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) guidance given by the Secretary of State as to the form to be taken by such involvement in any case specified by the guidance.

(5) Any duty of a Strategic Health Authority under regulations under this section is in addition to the authority's duty under section 242(1B).

242B Directions in cases where Strategic Health Authority arranges involvement

(1) The Secretary of State may make regulations enabling a Strategic Health Authority, in circumstances mentioned in subsection (2), to direct a Primary Care Trust that persons who would otherwise be involved in a particular matter under arrangements made by the Primary Care Trust under section 242 are not to be involved in that matter under those arrangements.

(2) The circumstances referred to in subsection (1) are where the persons concerned are to be involved (whether by the Strategic Health Authority, by the Strategic Health Authority and the Primary Care Trust acting jointly, or otherwise) under arrangements made or to be made by the Strategic Health Authority.

(3) Regulations under this section may include provision—

(a) for the consequences of compliance with a direction, including provision that a Primary Care Trust is not to be taken to have failed to comply with its duty under section 242(1B) by reason of compliance with a direction,

(b) enabling a direction to be given where involvement under arrangements made by the Primary Care Trust has already begun, and as to the provision that may be made by the direction in such a case,

(c) requiring prescribed information to be provided by a Primary Care Trust to a Strategic Health Authority,

(d) requiring prescribed information to be provided by a Strategic Health Authority to a Primary Care Trust,

(e) enabling a Strategic Health Authority to direct a Primary Care Trust to act jointly with the Strategic Health Authority in carrying out involvement."

VALID FROM 03/11/2008

234 Reports on consultation E+W

(1) In Chapter 1 of Part 2 of the National Health Service Act 2006 (c. 41) (Strategic Health Authorities), after section 17 insert—

"**17A Reports on consultation**

(1) Each Strategic Health Authority must, at such times as the Secretary of State may direct, prepare a report—

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) on the consultation it has carried out, or proposes to carry out, before making commissioning decisions, and

(b) on the influence that the results of consultation have on its commissioning decisions.

(2) In subsection (1) "commissioning decisions", in relation to a Strategic Health Authority, means (subject to any directions under subsection (5)(e)) decisions as to the carrying-out of functions exercisable by it for the purpose of securing, by arrangement with any person or body, the provision of services as part of the health service.

(3) Each Strategic Health Authority must also, at such times as the Secretary of State may direct, prepare a report—

(a) on any relevant consultation carried out by the authority, and

(b) on the influence that the results of any relevant consultation have had on such matters as may be specified in the direction.

(4) In subsection (3) "relevant consultation" means consultation in relation to matters specified by the direction under that subsection.

(5) The Secretary of State may give directions as to—

(a) the periods to be covered by reports under this section;

(b) the matters to be dealt with by reports under this section;

(c) the form and content of reports under this section;

(d) the publication of reports under this section;

(e) decisions that are to be treated as being, or that are to be treated as not being, commissioning decisions for the purposes of subsection (1)."

(2) In Chapter 2 of Part 2 of the National Health Service Act 2006 (Primary Care Trusts), after section 24 insert—

"**24A Report on consultation**

(1) Each Primary Care Trust must, at such times as the Secretary of State may direct, prepare a report—

(a) on the consultation carried out, or proposed to be carried out, before the making by the Primary Care Trust of commissioning decisions, and

(b) on the influence that the results of consultation have on its commissioning decisions.

(2) In subsection (1) "commissioning decisions", in relation to a Primary Care Trust, means (subject to any directions under subsection (3)(e)) decisions as to the carrying out of its functions under Parts 4 to 7.

(3) The Secretary of State may give directions as to—

(a) the periods to be covered by reports under this section;

(b) the matters to be dealt with by reports under this section;

(c) the form and content of reports under this section;

(d) the publication of reports under this section;

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(e) decisions that are to be treated as being, or that are to be treated as not being, commissioning decisions for the purposes of subsection (1).”

PART 15 E+W

POWERS OF NATIONAL ASSEMBLY FOR WALES

235 Powers of National Assembly for Wales E+W

Schedule 17 (powers of National Assembly for Wales) has effect.

Commencement Information
I102 S. 235 in force at 30.12.2007, see s. 245(2)

VALID FROM 31/01/2008

PART 16 E+W

MISCELLANEOUS

VALID FROM 12/12/2008

Exercise of functions by members of local authorities in England

236 Exercise of functions by local councillors in England E+W

(1) Arrangements may be made in accordance with this section for the discharge of any function of a local authority by a member of the authority, to the extent that the function is exercisable in relation to the electoral division or ward for which the member is elected.

(2) In the case of a function of a local authority operating executive arrangements which is the responsibility of the executive—
   (a) it is for the senior executive member to make the arrangements; and
   (b) arrangements under this section may not permit the discharge of the function by a member of the executive if it may be discharged by him by virtue of arrangements under section 14(2)(b)(ii) of the Local Government Act 2000 (c. 22) (discharge of functions: general).

(3) In any other case it is for the local authority to make the arrangements.

(4) No arrangements may be made under this section for the discharge by a member of a local authority of any function—

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) which is, or to the extent that it is, specified in an order made by the Secretary of State; or

(b) in any manner or in circumstances so specified.

(5) Any arrangements made under this section with respect to the discharge of any function are not to prevent its discharge—

(a) by the person who made the arrangements; or

(b) in any other way in which the function is permitted to be discharged by or under any enactment.

(6) In this section, "local authority" means—

(a) the council of a county in England;

(b) a district council; or

(c) a London borough council.

(7) In this section—

"executive" and "executive arrangements" have the same meanings as in Part 2 of the Local Government Act 2000 (c. 22) (arrangements with respect to executives etc);

"senior executive member" has the same meaning as in section 14 of that Act;

and any reference to a function which is the responsibility of the executive of a local authority is to be construed in accordance with section 13(8) of that Act (functions which are the responsibility of an executive).

(8) Any reference in this section to the discharge of any function includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of that function.

(9) In section 13(9)(b) of the Local Government Act 2000, after "Part" insert " or section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England) ".

237 Exercise of functions under section 236: records E+W

(1) After section 100E of the Local Government Act 1972 (c. 70) insert—

"**100EA Inspection of records relating to functions exercisable by members**

(1) The Secretary of State may by regulations make provision for written records of decisions made or action taken by a member of a local authority, in exercise of a function of the authority by virtue of arrangements made under section 236 of the Local Government and Public Involvement in Health Act 2007, to be made and provided to the authority by the member.

(2) Any written record provided to the authority under regulations under subsection (1) shall be open to inspection by members of the public at the offices of the authority for the period of six years beginning with the date on which the decision was made or action was taken.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) A statutory instrument containing regulations under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(2) In section 100H of that Act (supplemental provisions and offences), in subsection (4), for "or 100C(1)" substitute " , 100C(1) or 100EA(2) ".

(3) In section 41 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) (evidence of resolutions and minutes of proceedings etc)—

(a) in subsection (2A)(a), after "that authority," insert " or a member of that executive ";

(b) in subsection (2A)(b), after "as the case may be," insert " by the member of that executive or ";

(c) after subsection (2A) insert—

"(2B) Subsection (2C) applies to a record if—

(a) it records a decision made or action taken by a member of a local authority or of a precursor of a local authority in exercise of a function of the authority or precursor by virtue of arrangements made under section 236 of the Local Government and Public Involvement in Health Act 2007, and

(b) it is required to be made by regulations under section 100EA of the Local Government Act 1972.

(2C) If a document which purports to be a copy of a record to which this subsection applies bears a certificate—

(a) purporting to be signed by—

(i) the proper officer of the local authority, or

(ii) a person authorised in that behalf by that officer or by the local authority, and

(b) stating that the decision was made or the action was taken by the member of the local authority on the date specified in the certificate,

the document shall be evidence in any proceedings of the matters stated in the certificate and of the terms of the decision, or nature of the action, in question."

Accounting

238 Amendments relating to capital finance and accounting practices **E+W**

(1) In section 74(6) of the Housing Act 1988 (c. 50) (transfer of land and other property to housing action trusts)—

(a) in subsection (a), for the words from "expenditure" to "local authorities)" substitute " capital expenditure for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance) ";

(b) in subsection (b), for the words from "that Part" to the end substitute " section 9(1) of that Act as sums received by the authority in respect of the disposal by it of an interest in a capital asset. "

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In section 21 of the Local Government Act 2003 (c. 26) (accounting practices), after subsection (1) insert—

"(1A) The Secretary of State may issue guidance about the accounting practices to be followed by a local authority, in particular with respect to the charging of expenditure to a revenue account.

(1B) A local authority must have regard to any guidance issued to it under subsection (1A)."

(3) In section 24 of that Act (application to Wales) for "National Assembly for Wales" substitute " Welsh Ministers ".

VALID FROM 01/04/2008

Contracting out

239 Contracting out E+W

(1) In section 70 of the Deregulation and Contracting Out Act 1994 (c. 40) (contracting out of functions of local authorities)—

(a) in subsection (1)(b), for the words from "or section 38" to "local authorities)" substitute " or an enactment mentioned in subsection (1ZA) below ";

(b) after subsection (1) insert—

"(1ZA) The enactments referred to in subsection (1)(b) above are—

(a) paragraph 7 of Schedule 2 to the Regional Development Agencies Act 1998 (delegation of functions by London Development Agency etc);

(b) section 38 or 380 of the Greater London Authority Act 1999 (delegation of functions exercisable by the Mayor of London);

(c) paragraph 7 of Schedule 10 to that Act (delegation by Transport for London).

(1ZB) In its application in relation to a local authority which is 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, subsection (1) above has effect as if paragraph (b) were omitted."

(2) In section 79(1) of that Act (interpretation of Part 2), in the definition of "local authority"—

(a) in paragraph (a), for the words from "means" to the end substitute " has the meaning given by section 79A; ";

(b) in paragraph (b), for the words from "means" to the end substitute " has the meaning given by section 79B; ".

(3) After section 79 of that Act insert—

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"**79A "Local authority": England**

In this Part, "local authority" in relation to England means—

(a) a county council;
(b) a district council;
(c) a London borough council;
(d) the Greater London Authority acting through the Mayor of London;
(e) the Common Council of the City of London;
(f) the sub-treasurer of the Inner Temple;
(g) the under treasurer of the Middle Temple;
(h) the Council of the Isles of Scilly;
(i) a parish council;
(j) a National Park authority;
(k) a functional body within the meaning of the Greater London Authority Act 1999;
(l) an authority established under section 10 of the Local Government Act 1985 (waste disposal authorities);
(m) a joint authority established by Part 4 of that Act (fire and rescue services and transport);
(n) 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;
(o) a police authority established under section 3 of the Police Act 1996;
(p) an authority established by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);
(q) any body specified for the purposes of this paragraph by regulations under section 79C.

79B "Local authority": Wales

In this Part, "local authority" in relation to Wales means—

(a) a county council;
(b) a county borough council;
(c) a community council;
(d) a National Park authority;
(e) 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;
(f) 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;
(g) a police authority established under section 3 of the Police Act 1996;

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(h) any body specified for the purposes of this paragraph by regulations under section 79C.

79C Regulations for the purposes of section 79A and 79B

(1) The Secretary of State may by regulations made by statutory instrument specify for the purposes of section 79A(q) or 79B(h) 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;

(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.

(2) Regulations under subsection (1)—

(a) may provide for this Part to have effect, in relation to a body specified under that subsection, subject to exceptions or modifications;

(b) may contain transitional provisions and savings.

(3) Any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(4) In Schedule 8 to the Environment Act 1995 (c. 25), omit paragraph 13 (application of contracting out to National Park authorities).

(5) In section 18 of the Local Government Act 1999 (c. 27) (best value authorities: contracting out)—

(a) in subsection (1) after "any" insert " relevant ";

(b) after subsection (2) insert—

"(3) In this section "relevant best value authority" means a best value authority which is not a local authority for the purposes of section 70 of the Deregulation and Contracting Out Act 1994."

PART 17 U.K.

FINAL PROVISIONS

240 Orders, regulations and guidance E+W

(1) Any order or regulations made by the Secretary of State under this Act must be made by statutory instrument.

(2) Any order made by the Electoral Commission under this Act must be made by statutory instrument.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Any order made by the Welsh Ministers under section 210, 212, 218 or 245 must be made by statutory instrument.

(4) A statutory instrument containing an order made by the Welsh Ministers under section 210 or 218, other than an instrument to which subsection (5) applies, is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(5) A statutory instrument containing—

an order under section 210 which includes provision amending an enactment, or

an order made by the Welsh Ministers under section 212,

may not be made unless a draft of the order has been laid before and approved by a resolution of the National Assembly for Wales.

(6) A statutory instrument containing—

an order made by the Secretary of State under section 7, 10, 20, 29, 33, 38, 40 or 212 or paragraph 3, 9(4)(b) or 10(3)(b) of Schedule 4,

regulations under section 221, 224(2)(e) or 225,

an order under section 17, 207 or 243 which includes provision—

(a) amending or repealing an enactment, or

(b) amending or revoking subordinate legislation of which a draft was required to be laid before and approved by a resolution of each House of Parliament, or

regulations under section 14 or 220 which include such provision,

may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(7) Any other statutory instrument under this Act, except one containing only—

(a) an order made by the Electoral Commission, or

(b) an order under section 245,

is subject to annulment in pursuance of a resolution of either House of Parliament.

(8) In relation to an order under section 243—

(a) the reference in subsection (6) above to an enactment includes an Act of the Scottish Parliament or Northern Ireland legislation; and

(b) the reference in that subsection to subordinate legislation of which a draft was required to be laid before and approved by a resolution of each House of Parliament includes an instrument of which a draft was required to be laid before and approved by a resolution of the Scottish Parliament.

(9) If, but for this subsection, an instrument containing an order under section 7 or 10 would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not a hybrid instrument.

(10) Any order or regulations made under this Act may make different provision for different cases.

(11) Any guidance issued under this Act may make different provision for different cases.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

241 Repeals E+W

The provisions specified in Schedule 18 (which include spent provisions) are repealed or revoked to the extent specified there.

Commencement Information

I103 S. 241 in force at 1.11.2007 for specified purposes for E. by S.I. 2007/3136, **art. 2(c)**

I104 S. 241 in force at 30.12.2007 for specified purposes, see s. 245(2)

242 Financial provisions E+W

(1) There shall be paid out of money provided by Parliament—

(a) any expenditure incurred by the Secretary of State under this Act; and

(b) any increase attributable to this Act in sums payable out of money provided by Parliament under another enactment.

(2) The Secretary of State may pay to the Arts Council of England and the Museums, Libraries and Archives Council such sums as he may determine in respect of their expenses under or by virtue of this Act.

VALID FROM 21/02/2008

243 Power to make further amendments and repeals U.K.

(1) The Secretary of State may by order—

(a) amend or repeal any enactment passed before or in the same session as this Act;

(b) amend or revoke subordinate legislation made before the passing of this Act.

(2) In subsection (1)—

(a) "enactment" includes an Act of the Scottish Parliament and Northern Ireland legislation;

(b) the reference to subordinate legislation includes an instrument made under such an Act or under Northern Ireland legislation.

(3) An order under subsection (1) may be made only for the purposes of—

(a) supplementing or giving full effect to this Act; or

(b) making provision consequential on the passing of this Act.

244 Extent U.K.

(1) Subject to subsections (2) to (4), this Act extends to England and Wales only.

(2) Sections 243, 245 and 246 and this section extend also to Scotland and Northern Ireland.

(3) The extent of any amendment, repeal or revocation made by section 60, 202(1), 203, 209 or 239 or by Schedule 1, 2, 7, 8, 9, 12, 13, 16 or 17 or Part 1, 8, 9, 14, 17, 18 or 19 of Schedule 18 is the same as that of the provision amended, repealed or revoked.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The repeal made by paragraph 1(2)(b) of Schedule 14 and the entry in Part 16 of Schedule 18 relating to the Prevention of Corruption Act 1916 (c. 64) extends to England and Wales and to Scotland.

245 Commencement U.K.

(1) This section and sections 74(2), 240, 242, 244 and 246, and Part 3 of Schedule 4, come into force on the day on which this Act is passed.

(2) The following provisions come into force at the end of two months beginning with the day on which this Act is passed—

Part 2;

Part 3 (to the extent that it does not come into force in accordance with subsection (1));

Chapter 1 of Part 5 (except section 116), Part 5 of Schedule 18 and section 241 so far as relating to that Part of that Schedule;

sections 141, 142 and 143, the entry in Part 8 of Schedule 18 relating to section 29(3) of the Local Government Act 1999 (c. 27), and section 241 so far as relating to that entry;

sections 212 to 215, 216(3) to (5), 217 and 218;

section 235 and Schedule 17.

(3) The following provisions come into force in relation to Wales on such day as the Welsh Ministers may by order appoint—

section 126;

the entry in Part 6 of Schedule 18 relating to the Police and Justice Act 2006 (c. 48);

section 241 so far as relating to that entry.

(4) The following provisions, except so far as they relate to a police authority for a police area in Wales, come into force in relation to Wales on such day as the Welsh Ministers may by order appoint—

sections 137, 140 and 210;

the entries in Part 8 of Schedule 18 relating to sections 5, 6 and 28 of the Local Government Act 1999 and section 21 of the Local Government Act 2000 (c. 22);

section 241 so far as relating to those entries.

(5) Subject to subsections (1) to (4), this Act comes into force on such day as the Secretary of State may by order appoint.

(6) An order under this section—

(a) may appoint different days for different purposes;

(b) may include transitional, saving or transitory provision.

246 Short title U.K.

This Act may be cited as the Local Government and Public Involvement in Health Act 2007.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 1 E+W

Section 22

STRUCTURAL AND BOUNDARY CHANGE: CONSEQUENTIAL AMENDMENTS

PART 1 E+W

AMENDMENTS OF LOCAL GOVERNMENT ACT 1992

1 The Local Government Act 1992 (c. 19) is amended in accordance with this Part of this Schedule.

Commencement Information
I105 Sch. 1 para. 1 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)** (with art. 3)

2 In section 13 (reviews and recommendations), omit the following—
(a) subsections (1) and (2);
(b) subsection (7)(a).

Commencement Information
I106 Sch. 1 para. 2 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)** (with art. 3)

3 In section 14 (changes that may be recommended), omit the following—
(a) in subsection (1)—
(i) paragraphs (a) and (b);
(ii) in paragraph (c), the words from "whether" to the end of the paragraph;
(iii) the words after paragraph (c);
(b) subsections (2), (3), (5), (6) and (7).

Commencement Information
I107 Sch. 1 para. 3 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)** (with art. 3)

4 In section 15 (procedure on a review), omit subsection (7A)(a).

Commencement Information
I108 Sch. 1 para. 4 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)** (with art. 3)

5 Omit section 16.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I109 Sch. 1 para. 5 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)** (with art. 3)

6 In section 17 (implementation of recommendations by order), omit the following—
(a) subsection (1);
(b) subsection (2)(a);
(c) in subsection (3)—
(i) the words "Subject to subsection (3A) below,";
(ii) the words "Electoral Commission or of the";
(iii) paragraphs (a), (b), (c), (ea), (g) and (h);
(iv) in paragraph (f), the words from the beginning to "district councillors," and the words "and the order of retirement" and "for any parish situated in the district";
(d) subsections (3A) and (3B);
(e) in subsection (4), the words "or in an agreement under section 20 below";
(f) subsections (5) and (6).

Commencement Information
I110 Sch. 1 para. 6 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)** (with art. 3)

7 Omit section 18.

Commencement Information
I111 Sch. 1 para. 7 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)** (with art. 3)

8 In section 19 (regulations for supplementing orders), omit subsection (2).

Commencement Information
I112 Sch. 1 para. 8 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)** (with art. 3)

9 Omit sections 20 to 22.

Commencement Information
I113 Sch. 1 para. 9 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)** (with art. 3)

10 In section 26 (orders, regulations and directions), omit the following—
(a) in subsection (1)—
(i) paragraphs (a) and (b);
(ii) in paragraph (c), the words "or relates only to parishes";
(b) subsection (2);
(c) in subsection (3), the words "orders or" in the first place where they occur;
(d) in subsection (4) the words "order or";
(e) subsection (5);

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(f) in subsection (6)—
(i) the words "the Secretary of State is or"
(ii) the words "he or";
(iii) the words "he thinks or".

Commencement Information
I114 Sch. 1 para. 10 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)** (with art. 3)

PART 2 E+W

OTHER AMENDMENTS

Local Government Act 1972 (c. 70)

11 (1) The Local Government Act 1972 is amended as follows.

(2) In section 6(2)(a) (electoral divisions of non-metropolitan county), after "1992" insert " and section 12(4) of the Local Government and Public Involvement in Health Act 2007 ".

(3) In section 12 (supplementary provision about orders to dissolve parish councils etc)—

(a) in subsection (2), for the words from "section 20" to the end substitute "section 16 of the Local Government and Public Involvement in Health Act 2007 (agreements about incidental matters) shall apply as if—
(i) the reference in subsection (1) to an order under section 7 or 10 of that Act were to an order under section 10 or 11 of this Act; and
(ii) the reference in subsection (5)(b) to any order or regulations under Chapter 1 of Part 1 of that Act were to an order under section 10 or 11 of this Act.";

(b) in subsection (3), for "such order" substitute " order under section 10 or 11 above ".

(4) In Schedule 2 (constitution and membership of London borough councils), in paragraph 7, in each of sub-paragraphs (1)(b) and (2) after "1992" insert " or Part 1 of the Local Government and Public Involvement in Health Act 2007 ".

Commencement Information
I115 Sch. 1 para. 11 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)**

Race Relations Act 1976 (c. 74)

12 In Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty), in Part 1, omit paragraph 33.

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Commencement Information
I116 Sch. 1 para. 12 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)**

Rent Act 1977 (c. 42)

13 In section 62(1) of the Rent Act 1977 (registration areas), after "1992" insert " or Part 1 of the Local Government and Public Involvement in Health Act 2007 (orders constituting new local government areas etc) ".

Commencement Information
I117 Sch. 1 para. 13 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)**

Interpretation Act 1978 (c. 30)

14 In Schedule 1 to the Interpretation Act 1978 (words and expressions defined), in the definition of "London borough" for "or Part II of the Local Government Act 1992" substitute " , Part 2 of the Local Government Act 1992 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ".

Commencement Information
I118 Sch. 1 para. 14 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)**

Coroners Act 1988 (c. 13)

15 In section 1 of the Coroners Act 1988 (appointment of coroners)—

(a) in subsection (1)(b), after "1992" insert " or Part 1 of the Local Government and Public Involvement in Health Act 2007 ";

(b) in subsection (1A)(e) for "or section 17 of the Regional Assemblies (Preparations) Act 2003" substitute " , section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ".

Commencement Information
I119 Sch. 1 para. 15 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)**

Local Government Finance Act 1988 (c. 41)

16 (1) The Local Government Finance Act 1988 is amended as follows.

(2) In section 74(2A) (levies), for "or section 17 of the Regional Assemblies (Preparations) Act 2003" substitute " , section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ".

(3) In section 89 (collection funds)—

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(a) in subsection (2), for "subsection (2A)" substitute " subsections (2A) to (2C) ";

(b) after subsection (2B) insert—

"(2C) In the case of—

(a) a district council or London borough council established by an order under Part 1 of the Local Government and Public Involvement in Health Act 2007, or

(b) a county council to which the functions of district councils in relation to the county council's area are transferred by or in consequence of such an order,

the collection fund must be established on a date specified in the order or in regulations made under section 14 of that Act."

(4) In section 91 (general funds)—

(a) in subsection (1)(aa) for "or section 17 of the Regional Assemblies (Preparations) Act 2003" substitute " , section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ";

(b) in subsection (3) for "and (3C)" substitute " to (3D) ";

(c) in subsection (3B) omit "(in this section referred to as "the reorganisation date")";

(d) after subsection (3C) insert—

"(3D) In the case of—

(a) a district council or London borough council established by an order under Part 1 of the Local Government and Public Involvement in Health Act 2007, or

(b) a county council to which the functions of district councils in relation to the county council's area are transferred by or in consequence of such an order,

the general fund must be established on a date specified in the order or in regulations made under section 14 of that Act.";

(e) in subsection (8) for "county council such as is referred to in subsection (3B)(b) above" substitute " relevant county council ";

(f) after subsection (8) insert—

"(9) In subsection (8)—

"relevant county council" means—

(a) a county council such as is referred to in subsection (3B)(b) above, or

(b) an existing county council to which the functions of district councils in relation to the county council's area are transferred by or in consequence of an order under Part 1 of the Local Government and Public Involvement in Health Act 2007, and

"the reorganisation date" means the date on which the council is required by this section to establish its general fund."

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I120 Sch. 1 para. 16 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)**

Food Safety Act 1990 (c. 16)

17 In section 27(5) of the Food Safety Act 1990 (appointment of public analysts), omit the words "pursuant to a structural change".

Commencement Information
I121 Sch. 1 para. 17 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)**

Environment Act 1995 (c. 25)

18 (1) The Environment Act 1995 is amended as follows.

(2) In section 75(8) (National Parks: powers to make orders), for "Part II of the Local Government Act 1992" substitute " Part 1 of the Local Government and Public Involvement in Health Act 2007 ".

(3) In section 79(1) (interpretation of Part 3), in the definition of "public authority"—
(a) omit the words "or residuary body";
(b) after "1992" insert " , any residuary body established under section 17 of the Local Government and Public Involvement in Health Act 2007 ".

Commencement Information
I122 Sch. 1 para. 18 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)**

Police Act 1996 (c. 16)

19 (1) The Police Act 1996 is amended as follows.

(2) In section 1(2)(a) (police areas), for "or section 17 of the Local Government Act 1992" substitute " section 17 of the Local Government Act 1992 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ".

(3) In section 100(1) (chief constables affected by local government reorganisations etc), for ", section 58 of the Local Government Act 1972 or section 17 of the Local Government Act 1992" substitute " or section 58 of the Local Government Act 1972 ".

Commencement Information
I123 Sch. 1 para. 19 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)**

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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Freedom of Information Act 2000 (c. 36)

20 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in paragraph 23 for "section 22 of the Local Government Act 1992" substitute " section 17 of the Local Government and Public Involvement in Health Act 2007 ".

Commencement Information
I124 Sch. 1 para. 20 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)**

Regional Assemblies (Preparations) Act 2003 (c. 10)

21 (1) In the Regional Assemblies (Preparations) Act 2003, after section 27 insert—

"**27A Saving for provisions of Local Government Act 1992 as applied**

This Act shall have effect as if the amendments of the Local Government Act 1992 made by the Local Government and Public Involvement in Health Act 2007 had not been made."

(2) The power under section 243 of this Act to amend the Regional Assemblies (Preparations) Act 2003—

(a) is not limited by this paragraph;

(b) includes power to amend or repeal section 27A of that Act.

Commencement Information
I125 Sch. 1 para. 21 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)**

Fire and Rescue Services Act 2004 (c. 21)

22 (1) The Fire and Rescue Services Act 2004 is amended as follows.

(2) In section 2 (power to create combined fire and rescue authorities), in each of subsections (9)(c) and (10)(a), for "Part 2 of the Local Government Act 1992 (c. 19) or section 17 of the Regional Assemblies (Preparations) Act 2003 (c. 10)" substitute " section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ".

(3) In section 4(7)(b) (combined authorities under the Fire Services Act 1947), for "Part 2 of the Local Government Act 1992 (c. 19) or section 17 of the Regional Assemblies (Preparations) Act 2003 (c. 10)" substitute " section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ".

Commencement Information
I126 Sch. 1 para. 22 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(b)**

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 2 E+W

Section 61

ELECTORAL ARRANGEMENTS: CONSEQUENTIAL AMENDMENTS

Local Government and Housing Act 1989 (c. 42)

1 Section 9 of the Local Government and Housing Act 1989 (assistants for political groups) is amended as follows.

Commencement Information
I127 Sch. 2 para. 1 in force at 30.12.2007, see s. 245(2)

2 In subsection (11), in paragraph (a) of the definition of "appropriate year", for "one in relation to which provision for whole council elections has been made by virtue of section 7(4)(a) or 26(2)(a) of the Local Government Act 1972" substitute " subject to whole council elections by virtue of Chapter 1 of Part 2 of the Local Government and Public Involvement in Health Act 2007 ".

Commencement Information
I128 Sch. 2 para. 2 in force at 30.12.2007, see s. 245(2)

SCHEDULE 3 E+W

Section 74

EXECUTIVES: FURTHER AMENDMENTS

Local Government Act 1972 (c. 70)

1 The Local Government Act 1972 is amended as follows.

Commencement Information
I129 Sch. 3 para. 1 in force at 30.12.2007, see s. 245(2)

2 (1) Section 2 (constitution of principal councils in England) is amended as follows.

(2) After subsection (2A) insert—

"(2B) In such a case, a reference in this Act to a member of a council is a reference to—

(a) the elected mayor of the council,
(b) the chairman of the council, or
(c) a councillor of the council."

Commencement Information
I130 Sch. 3 para. 2 in force at 30.12.2007, see s. 245(2)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

3 (1) Section 3 (chairman) is amended as follows.

(2) In subsection (4A) omit "or a mayor and council manager executive".

Commencement Information
I131 Sch. 3 para. 3 in force at 30.12.2007, see s. 245(2)

4 (1) Section 21 (constitution of principal councils in Wales) is amended as follows.

(2) After subsection (1A) insert—

"(1B) In such a case, a reference in this Act to a member of a council is a reference to—

(a) the elected mayor of the council,
(b) the chairman of the council, or
(c) a councillor of the council."

Commencement Information
I132 Sch. 3 para. 4 in force at 30.12.2007, see s. 245(2)

5 (1) Section 79 (qualifications for election and holding office) is amended as follows.

(2) In subsection (1) omit ", or be qualified to be elected and to be an elected mayor,".

Commencement Information
I133 Sch. 3 para. 5 in force at 30.12.2007, see s. 245(2)

6 (1) Section 80 (disqualification for election and holding office) is amended as follows.

(2) In subsection (1) in the words before paragraph (a) omit ", and be disqualified for being elected or being an elected mayor,".

Commencement Information
I134 Sch. 3 para. 6 in force at 30.12.2007, see s. 245(2)

7 (1) Section 100G (principal councils to publish additional information) is amended as follows.

(2) In subsection (1)(a) for the second "and" substitute " together with, in the case of a councillor, ".

Commencement Information
I135 Sch. 3 para. 7 in force at 30.12.2007, see s. 245(2)

8 (1) Section 100J (application of Part 5A to new authorities, Common Council, etc) is amended as follows.

(2) In subsection (4)(a)—

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(a) for "from "ward" onwards" substitute " after "together with" ";
(b) before "name" insert " the ".

(3) In subsection (4)(aa)—
(a) for "from "ward" onwards" substitute " after "together with" ";
(b) before "name" insert " the ".

(4) In subsection (4)(b) for "from "and the ward" onwards" substitute " after "for the time being" ".

(5) In subsection (4)(c)—
(a) before "ward" insert " , in the case of a councillor, the ";
(b) before "constituent" insert " the ".

(6) In subsection (4A)—
(a) before "the ward" insert " together with, in the case of a councillor, ";
(b) before the first "whether" insert " and ".

Commencement Information
I136 Sch. 3 para. 8 in force at 30.12.2007, see s. 245(2)

9 (1) Section 249 (honorary aldermen and freemen) is amended as follows.

(2) In subsection (1) for "councillors" substitute " members ".

(3) In subsection (2) for "councillor" substitute " member ".

Commencement Information
I137 Sch. 3 para. 9 in force at 30.12.2007, see s. 245(2)

10 (1) Section 270 (general provisions as to interpretation) is amended as follows.

(2) In subsection (1) for the definition of "leader and cabinet executive" substitute—

""leader and cabinet executive means"—
(a) in relation to England: a leader and cabinet executive (England);
(b) in relation to Wales: a leader and cabinet executive (Wales);".

(3) In subsection (1) insert the following definitions at the appropriate places—

""leader and cabinet executive (England)" has the same meaning as in Part 2 of the Local Government Act 2000;";

""leader and cabinet executive (Wales)" has the same meaning as in Part 2 of the Local Government Act 2000;".

(4) In subsection (4A) omit "or a mayor and council manager executive".

Commencement Information
I138 Sch. 3 para. 10 in force at 30.12.2007, see s. 245(2)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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11 (1) Schedule 2 (constitution and membership of London borough councils) is amended as follows.

(2) For paragraph 5C substitute—

"5C (1) The council shall consist of an elected mayor, a chairman and councillors.

(2) A reference in this Act to a member of the council is a reference to—
(a) the chairman of the council,
(b) a councillor of the council, or
(c) the elected mayor of the council."

Commencement Information
I139 Sch. 3 para. 11 in force at 30.12.2007, see s. 245(2)

12 (1) Schedule 12 (meetings and proceedings of local authorities) is amended as follows.

(2) In paragraph 5(5) (who presides over meeting of council operating mayoral executive) omit "or a mayor and council manager executive".

Commencement Information
I140 Sch. 3 para. 12 in force at 30.12.2007, see s. 245(2)

Local Government Act 1974 (c. 7)

13 The Local Government Act 1974 is amended as follows.

Commencement Information
I141 Sch. 3 para. 13 in force at 30.12.2007, see s. 245(2)

14 (1) Section 30 (reports on investigation) is amended as follows.

(2) In subsection (2AB) omit "or mayor and council manager executive".

Commencement Information
I142 Sch. 3 para. 14 in force at 30.12.2007, see s. 245(2)

15 (1) Section 34 (interpretation of Part 3) is amended as follows.

(2) In the definition of "mayor and cabinet executive" and "mayor and council manager executive" for "and "mayor and council manager executive" have" substitute " has ".

Commencement Information
I143 Sch. 3 para. 15 in force at 30.12.2007, see s. 245(2)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Representation of the People Act 1983 (c. 2)

16 The Representation of the People Act 1983 is amended as follows.

Commencement Information
I144 Sch. 3 para. 16 in force at 30.12.2007, see s. 245(2)

17 In section 24 (returning officers: England and Wales) in subsection (1)(dd) omit "or a mayor and council manager executive".

Commencement Information
I145 Sch. 3 para. 17 in force at 30.12.2007, see s. 245(2)

Local Government Act 1985 (c. 51)

18 The Local Government Act 1985 is amended as follows.

Commencement Information
I146 Sch. 3 para. 18 in force at 30.12.2007, see s. 245(2)

19 (1) Section 35 (disqualification) is amended as follows.

(2) In subsection (4) for " "executive leader" and "leader and cabinet executive"" substitute " and executive leader ".

(3) After subsection (4) insert—

"(5) In this section "leader and cabinet executive" means—

(a) in relation to England: a leader and cabinet executive (England);

(b) in relation to Wales: a leader and cabinet executive (Wales);

and for this purpose "leader and cabinet executive (England)" and "leader and cabinet executive (Wales)" have the same meanings as in Part 2 of the Local Government Act 2000."

Commencement Information
I147 Sch. 3 para. 19 in force at 30.12.2007, see s. 245(2)

Local Government Finance Act 1988 (c. 41)

20 The Local Government Finance Act 1988 is amended as follows.

Commencement Information
I148 Sch. 3 para. 20 in force at 30.12.2007, see s. 245(2)

21 (1) Section 111 (interpretation of Part 8) is amended as follows.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In subsection (3A) omit "leader and cabinet executive,".

(3) After subsection (3A) insert—

"(3B) In this Part, "leader and cabinet executive" means—

(a) in relation to England: a leader and cabinet executive (England);

(b) in relation to Wales: a leader and cabinet executive (Wales);

and for this purpose "leader and cabinet executive (England)" and "leader and cabinet executive (Wales)" have the same meanings as in Part 2 of the Local Government Act 2000."

Commencement Information
I149 Sch. 3 para. 21 in force at 30.12.2007, see s. 245(2)

Local Government Act 2000 (c. 22)

22 The Local Government Act 2000 is amended as follows.

Commencement Information
I150 Sch. 3 para. 22 in force at 30.12.2007, see s. 245(2)

23 In section 29 (operation of and publicity for executive arrangements), in subsection (3) after "A local authority" insert " in Wales ".

Commencement Information
I151 Sch. 3 para. 23 in force at 30.12.2007, see s. 245(2)

24 In section 30 (operation of different executive arrangements), in subsection (1) after "a local authority" insert " in Wales ".

Commencement Information
I152 Sch. 3 para. 24 in force at 30.12.2007, see s. 245(2)

25 In section 33 (operation of alternative arrangements), before subsection (1) insert—

"(A1) In this section references to a local authority are references to a local authority in Wales."

Commencement Information
I153 Sch. 3 para. 25 in force at 30.12.2007, see s. 245(2)

26 In section 83 (interpretation of Part 3) in the definition of "executive leader", for "section 11(3)(a)" substitute " section 11(2A)(a) or (3)(a) ".

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I154 Sch. 3 para. 26 in force at 30.12.2007, see s. 245(2)

27 In section 105 (orders and regulations), in subsection (6) after "32," insert " 33O(6), ".

Commencement Information
I155 Sch. 3 para. 27 in force at 30.12.2007, see s. 245(2)

28 After paragraph 1 of Schedule 1 (executive arrangements: further provision) insert—

"Leader and cabinet executives (England)

1A (1) This paragraph applies in relation to executive arrangements by a local authority which provide for a leader and cabinet executive (England).

(2) Subject to section 11(8), the executive arrangements must include provision which enables the executive leader to determine the number of councillors who may be appointed to the executive under section 11(2A)(b).

(3) The executive arrangements must include provision which requires the executive leader to appoint one of the members of the executive to be his deputy (referred to in this paragraph as the deputy executive leader).

(4) Subject to sub-paragraph (5), the deputy executive leader, unless he resigns as deputy executive leader or ceases to be a member of the authority, is to hold office until the end of the term of office of the executive leader.

(5) The executive leader may, if he thinks fit, remove the deputy executive leader from office.

(6) Where a vacancy occurs in the office of deputy executive leader, the executive leader must appoint another person in his place.

(7) If for any reason the executive leader is unable to act or the office of executive leader is vacant, the deputy executive leader must act in his place.

(8) If for any reason—

(a) the executive leader is unable to act or the office of executive leader is vacant, and

(b) the deputy executive leader is unable to act or the office of deputy executive leader is vacant,

the executive must act in the executive leader's place or must arrange for a member of the executive to act in his place."

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I156 Sch. 3 para. 28 in force at 30.12.2007, see s. 245(2)

29 (1) For the heading before paragraph 2 of Schedule 1 substitute— " Leader and cabinet executives (Wales) ".

(2) Paragraph 2 is amended as follows.

(3) In sub-paragraph (1) for "leader and cabinet executive" substitute " leader and cabinet executive (Wales) ".

(4) In sub-paragraph (4) for "sub-paragraph (2)(a)" substitute " sub-paragraph (3)(a). ".

Commencement Information
I157 Sch. 3 para. 29 in force at 30.12.2007, see s. 245(2)

SCHEDULE 4 E+W

Section 245

NEW ARRANGEMENTS FOR EXECUTIVES: TRANSITIONAL PROVISION

PART 1 E+W

OLD-STYLE LEADER AND CABINET EXECUTIVE

Application of Part

1 This Part applies to a local authority in England if, at the relevant time, the authority is operating an old-style leader and cabinet executive.

Commencement Information
I158 Sch. 4 para. 1 in force at 30.12.2007, see s. 245(2)

Continued operation of existing executive

2 (1) The coming into force of section 62(5) does not prevent the local authority from continuing to operate the old-style leader and cabinet executive until the end of the transitional period.

(2) For as long as the local authority continues to operate the old-style leader and cabinet executive, any enactment amended or repealed by this Part of this Act continues to apply in relation to the local authority, and to the executive and its operation, as if the amendment or repeal had not been made.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I159 Sch. 4 para. 2 in force at 30.12.2007, see s. 245(2)

Change in form of executive

3 (1) The local authority must make a change in governance arrangements of the kind set out in section 33A of the LGA 2000 (new form of executive).

(2) Sections 33E, 33F, 33G, 33I(2) and 33J of the LGA 2000 apply to a change in governance arrangements required by this paragraph as they apply to a change made under section 33A.

(3) In the application of section 33G by virtue of this paragraph, "relevant elections" has the meaning given in paragraph 5.

(4) Any resolution to make the change in governance arrangements must be passed—
(a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
(b) during the permitted resolution period specified in the second column of the following table in relation to the authority.

Type of local authority	***Permitted resolution period***
Metropolitan district	The period ending with 31 December 2009
County	The period ending with 31 December 2008
London borough	The period ending with 31 December 2009
Non-metropolitan district	The period ending with 31 December 2010

(5) The Secretary of State may by order provide that a permitted resolution period is to end later than the last day of the period specified in the table.

Commencement Information
I160 Sch. 4 para. 3 in force at 30.12.2007, see s. 245(2)

Failure to change form of executive: automatic change

4 (1) This paragraph applies if the local authority does not make a change in governance arrangements in accordance with paragraph 3.

(2) Before the end of the transitional period, the local authority must draw up and adopt executive arrangements which provide for a leader and cabinet executive (England).

(3) But if it appears to the Secretary of State that the authority will fail to comply with sub-paragraph (2), the Secretary of State may by order specify executive arrangements which provide for a leader and cabinet executive (England).

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The leader and cabinet executive (England) which is provided for under sub-paragraph (2) or (3) shall come into operation on the last day of the transitional period.

(5) Arrangements which the Secretary of State specifies under sub-paragraph (3) are to be treated as having been made by the local authority itself.

(6) Arrangements which come into operation in accordance with sub-paragraph (4) are to be treated as being operated after the passing of a resolution of the authority under section 33F of the LGA 2000.

(7) As soon as practicable after executive arrangements are adopted under sub-paragraph (2), or specified under sub-paragraph (3), the local authority must comply with the duties set out in the following provisions of the LGA 2000—

(a) section 29(2)(a);

(b) section 29(2)(b)(ii) to (v).

Commencement Information

I161 Sch. 4 para. 4 in force at 30.12.2007, see s. 245(2)

Interpretation

5 (1) In this Part—

"LGA 2000" means the Local Government Act 2000 (c. 22);

"old-style leader and cabinet executive" means a leader and cabinet executive of the form specified in section 11(3) of the LGA 2000;

"relevant elections" means the first ordinary elections of councillors of the local authority which take place after the end of the permitted resolution period (within the meaning of paragraph 3(4)(b));

"relevant time" means the time immediately before section 62(5) comes into force;

"transitional period" means the period that—

(a) starts when section 62(5) comes into force, and

(b) ends with the third day after the day of the relevant elections.

(2) Expressions used in this Part of this Schedule and in Part 2 of the LGA 2000 have the same meaning in this Part as in that Part.

Commencement Information

I162 Sch. 4 para. 5 in force at 30.12.2007, see s. 245(2)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART 2 E+W

MAYOR AND COUNCIL MANAGER EXECUTIVE

Application of Part

6 This Part applies to a local authority in England if, at the relevant time, the authority is operating a mayor and council manager executive.

Commencement Information
I163 Sch. 4 para. 6 in force at 30.12.2007, see s. 245(2)

Continued operation of existing executive

7 (1) The coming into force of section 62(6) does not prevent the local authority from continuing to operate the mayor and council manager executive.

(2) For as long as the local authority continues to operate the mayor and council manager executive, any enactment amended or repealed by this Part of this Act continues to apply in relation to the local authority, and to the executive and its operation, as if the amendment or repeal had not been made.

Commencement Information
I164 Sch. 4 para. 7 in force at 30.12.2007, see s. 245(2)

Change in form of executive

8 (1) The local authority must make a change in governance arrangements of the kind set out in section 33A of the LGA 2000 (new form of executive).

(2) Sections 33E, 33F, 33I(2) and 33J of the LGA 2000 apply to a change in governance arrangements required by this paragraph as they apply to a change made under section 33A.

Commencement Information
I165 Sch. 4 para. 8 in force at 30.12.2007, see s. 245(2)

9 (1) This paragraph applies if the proposals drawn up in accordance with section 33E provide for a change to a mayor and cabinet executive.

(2) The proposals must specify the day on which the authority is to cease operating the mayor and council manager executive and start operating the mayor and cabinet executive.

(3) The day specified in accordance with sub-paragraph (2) must fall before the day which is expected to be the last day of the relevant mayoral term.

(4) Any resolution to make the change in governance arrangements must be passed —

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and

(b) on or before 31 December 2008 or such later date as the Secretary of State may by order provide.

(5) The following sub-paragraphs apply if the local authority adopt the mayor and cabinet executive.

(6) On the day specified in accordance with sub-paragraph (2), the local authority must—

(a) cease operating the mayor and council manager executive, and

(b) start operating the mayor and cabinet executive.

(7) The council manager ceases to hold office when the local authority ceases to operate the mayor and council manager executive.

(8) But—

(a) the mayor does not cease to hold office, and

(b) his term of office is not affected,

by virtue of the local authority ceasing to operate the mayor and council manager executive.

(9) Subject to sub-paragraph (6), the local authority must implement the change in governance arrangements in accordance with the timetable in the proposals.

(10) Any arrangements (including any enactment or subordinate legislation) which apply to the election of the mayor of the mayor and council manager executive—

(a) apply to the first election of the mayor of the mayor and cabinet executive as if it were the election of the mayor of the mayor and council manager executive, and

(b) subject to any order under Part 3, apply in the same way to subsequent elections of the mayor of the mayor and cabinet executive.

Commencement Information

I166 Sch. 4 para. 9 in force at 30.12.2007, see s. 245(2)

10 (1) This paragraph applies if the proposals drawn up in accordance with section 33E provide for a change to a leader and cabinet executive (England).

(2) Section 33K(2), (3), (5) and (6) of the LGA 2000 apply to the change as they would if the change were, by virtue of section 33M of the LGA 2000, subject to approval in a referendum.

(3) Any resolution to make the change in governance arrangements must be passed on or before the earlier of these days—

(a) the last day of the period of 28 days that begins with the day when the referendum is held;

(b) 31 December 2008, or such later date as the Secretary of State may by order provide.

(4) Section 45(1) of the LGA 2000 does not prevent a referendum from being held in accordance with section 33K of the LGA 2000 as applied by sub-paragraph (2).

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) The proposals must provide for the local authority to cease operating the mayor and council manager executive and start operating the leader and cabinet executive (England) on the day which is expected to be the last day of the relevant mayoral term.

(6) The following sub-paragraphs apply if the local authority adopt the leader and cabinet executive (England).

(7) On the day specified in accordance with sub-paragraph (5), the local authority must—
  (a) cease operating the mayor and council manager executive, and
  (b) start operating the leader and cabinet executive (England).

(8) Subject to sub-paragraph (7), the local authority must implement the change in governance arrangements in accordance with the timetable in the proposals.

(9) If the local authority has held its annual meeting in 2009 before changing to the leader and cabinet executive (England), the authority must hold a meeting within the 21 days following the day on which it changes to that form of executive.

(10) For the purposes of section 44B of the LGA 2000, that meeting is to be treated as a relevant annual meeting.

Commencement Information
I167 Sch. 4 para. 10 in force at 30.12.2007, see s. 245(2)

Failure to change form of executive: automatic change

11 (1) This paragraph applies if the local authority does not make a change in its executive arrangements in accordance with paragraph 8.

(2) Before the end of the transitional period, the local authority must draw up and adopt executive arrangements which provide for a mayor and cabinet executive.

(3) But if it appears to the Secretary of State that the authority will fail to comply with sub-paragraph (2), the Secretary of State may by order specify executive arrangements which provide for a mayor and cabinet executive.

(4) The mayor and cabinet executive which is provided for under sub-paragraph (2) or (3) shall come into operation on the last day of the transitional period.

(5) Arrangements which the Secretary of State specifies under sub-paragraph (3) are to be treated as having been made by the local authority itself.

(6) Arrangements which come into operation in accordance with sub-paragraph (4) are to be treated as being operated after the passing of a resolution of the authority under section 33F of the LGA 2000.

(7) As soon as practicable after executive arrangements are adopted under sub-paragraph (2), or specified under sub-paragraph (3), the local authority must comply with the duties set out in the following provisions of the LGA 2000—
  (a) section 29(2)(a);
  (b) section 29(2)(b)(ii) to (v).

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I168 Sch. 4 para. 11 in force at 30.12.2007, see s. 245(2)

Interpretation

12 (1) In this Part—

"LGA 2000" means the Local Government Act 2000 (c. 22);

"relevant election day" means the day in 2009 on which an ordinary election of a mayor would take place if the local authority continued to operate a mayor and council manager executive;

"relevant mayoral term", in relation to proposals, means the term of office of the person who is mayor when the proposals are drawn up;

"relevant time" means the time immediately before section 62(6) comes into force;

"transitional period" means the period that—

(a) starts when section 62(6) comes into force, and

(b) ends with the third day after the relevant election day.

(2) Expressions used in this Part of this Schedule and in Part 2 of the LGA 2000 have the same meaning in this Part as in that Part.

Commencement Information
I169 Sch. 4 para. 12 in force at 30.12.2007, see s. 245(2)

PART 3 E+W

OTHER TRANSITIONAL PROVISION

13 (1) The Secretary of State may by order make transitional, saving or transitory provision for the purposes of—

(a) supplementing or giving full effect to Part 3 of this Act; or

(b) making provision consequential on the passing of Part 3 of this Act.

(2) An order under sub-paragraph (1) may, in particular, make—

(a) provision as to the dates on which and years in which relevant elections may or must be held;

(b) provision as to the intervals between relevant elections;

(c) provision as to the term of office of any member of any form of executive;

(d) provision as to when sections 33A to 33D of the LGA 2000 are to begin to apply in relation to a local authority;

(e) provision as to when section 39(6) and (7) of the LGA 2000 are to begin to apply in relation to a local authority.

(3) An order under sub-paragraph (1) may, in particular, make provision to supplement any provision made in Part 1 or 2 of this Schedule.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) An order under sub-paragraph (1) may not make provision of the kind that may be made under section 243.

(5) In this paragraph "relevant election" means—

(a) an election for the return of an elected mayor;

(b) the election by a local authority of the executive leader of a leader and cabinet executive (England).

Commencement Information

I170 Sch. 4 para. 13 in force at 30.12.2007, see s. 245(2)

VALID FROM 13/02/2008

SCHEDULE 5 E+W

Section 101

PARISHES: FURTHER AMENDMENTS

1 The Local Government Act 1972 (c. 70) is amended in accordance with paragraphs 2 to 9.

2 (1) Section 9 (parish meetings and councils) is amended as follows.

(2) In subsection (4) for "section 14 of the Local Government and Rating Act 1997" substitute " section 86 of the Local Government and Public Involvement in Health Act 2007 ".

(3) In subsection (6)—

(a) for "section 16 of the Local Government and Rating Act 1997" substitute " section 86 of the Local Government and Public Involvement in Health Act 2007 ";

(b) for "section 16 of the Act of 1997" substitute " section 86 of the 2007 Act ".

3 (1) Section 10 (power to dissolve parish councils in small parishes) is amended as follows.

(2) In subsection (1) after "district council" in each place insert or " London borough council ".

4 (1) Section 11 (orders for grouping parishes etc) is amended as follows.

(2) In subsection (1)—

(a) after "district council" in each place insert " or London borough council ";

(b) after "same district" insert " or London borough ".

(3) In subsection (3), for paragraph (b) substitute—

"(b) the electoral arrangements that are to apply to the council;".

(4) After subsection (3) insert—

"(3A) In this section "electoral arrangements", in relation to a council, means all of the following—

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the year in which ordinary elections of councillors are to be held;
(b) the number of councillors to be elected to the council by each parish;
(c) the division (or not) of any of the parishes, into wards for the purpose of electing councillors;
(d) the number and boundaries of any such wards;
(e) the number of councillors to be elected for any such ward;
(f) the name of any such ward."

(5) In subsection (4) after "district council" in each place insert " or London borough council ".

(6) In subsection (5) for "section 16 of the Local Government and Rating Act 1997" in each place substitute " section 86 of the Local Government and Public Involvement in Health Act 2007 ".

5 (1) Section 12 (provision supplementary to sections 9 to 11) is amended as follows.

(2) In subsection (1)—
(a) after "district councils" in the first place insert " or by a London borough council ";
(b) after "district councils" in the second place insert " or the London borough council ".

6 (1) Section 16 (parish councillors) is amended as follows.

(2) In subsection (1), after "each parish" insert " council ".

(3) In subsection (2), at the end insert " and relevant electoral arrangements ".

(4) After subsection (2) insert—

"(2A) In their application to the election of parish councillors, this Act and Part 1 of the Representation of the People Act 1983 (c. 2) are subject to the relevant electoral arrangements that apply to the election.

(2B) For the purposes of this section "relevant electoral arrangements" means—
(a) any arrangements about the election of councillors that are made in, or applicable by virtue of, provision made by virtue of section 245(6)(b) of the Local Government and Public Involvement in Health Act 2007 (transitional, saving or transitory provision), and
(b) any electoral arrangements applicable to the council by virtue of an order under section 7 or 10 or an order under section 86 of the Local Government and Public Involvement in Health Act 2007."

VALID FROM 31/12/2008

7 (1) Section 137 (power of local authorities to incur expenditure for certain purposes) is amended as follows.

(2) In subsection (9) for "means a parish or community council" substitute "means—
(a) a parish council which is not an eligible parish council for the purposes of Part 1 of the Local Government Act 2000, or

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) a community council".

8 (1) Section 245 (status of certain districts, parishes and communities) is amended as follows.

(2) After subsection (7) insert—

"(7A) A resolution under subsection (6) shall cease to have effect if the parish has an alternative style (within the meaning of section 17A) by virtue of any of the following—

(a) an order under section 11;

(b) a resolution under section 12A;

(c) an order under section 86 of the Local Government and Public Involvement in Health Act 2007."

9 (1) Schedule 3 (establishment of new authorities in England) is amended as follows.

(2) In paragraph 10(1), (2) and (3) (parish councillors) for "Part II of the Local Government and Rating Act 1997" substitute " Part 1 or 4 of the Local Government and Public Involvement in Health Act 2007 ".

10 (1) The Local Government and Rating Act 1997 (c. 29) is amended as follows.

(2) Omit Part 2.

VALID FROM 27/01/2010

SCHEDULE 6 E+W

Section 135

BYELAWS: FURTHER AMENDMENTS

Public Health Acts Amendment Act 1907 (c. 53)

1 In subsection (4) of section 82 of the Public Health Acts Amendment Act 1907 (byelaws relating to the seashore), omit from "Provided" to the end of the subsection.

Public Health Act 1936 (c. 49)

2 In section 231(1) of the Public Health Act 1936 (byelaws with respect to public bathing)—

(a) in paragraph (b), omit "bathing-machines may be stationed, or",

(b) in paragraph (c), omit "bathing-machines,",

(c) omit paragraph (d).

Public Health (Control of Disease) Act 1984 (c. 22)

3 Omit subsections (2) and (3) of section 56 of the Public Health (Control of Disease) Act 1984 (byelaws for preventing disease by the occupants or users of tents, vans, etc).

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Police Reform Act 2002 (c. 30)

4 (1) In paragraph 1(3)(a) of Schedule 4 to the Police Reform Act 2002 (definition of "relevant fixed penalty offence") for "sub-paragraph 1(2)(a) to (d)" substitute " sub-paragraph (2)(a) to (e) ".

(2) In paragraph 1(3)(a) of Schedule 5 to that Act (definition of "relevant fixed penalty offence") for "sub-paragraph (2)(a) to (c)" substitute " sub-paragraph (2)(a) to (d) ".

VALID FROM 01/04/2008

SCHEDULE 7 E+W

Section 136

AMENDMENTS CONSEQUENTIAL ON REMOVING PARISH COUNCILS ETC FROM BEST VALUE DUTIES

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

1 In section 2(1) of the Local Government, Planning and Land Act 1980 (duty of authorities to publish information) after paragraph (b) insert—

"(ba) a parish council;

(bb) a parish meeting of a parish which does not have a separate parish council;

(bc) a community council;".

Local Government Act 1999 (c. 27)

2 (1) The Local Government Act 1999 is amended as follows.

(2) Before section 19 insert— " Exclusion of non-commercial considerations ".

(3) In section 19 (exclusion of non-commercial considerations for the purposes of section 17 of the Local Government Act 1988)—

(a) in subsection (1)(a) and (b), for "best value authorities" substitute " relevant authorities ";

(b) in subsections (1)(c) and (4), for "best value authority" substitute " relevant authority ";

(c) after subsection (4) insert—

"(5) In this section, "relevant authority" means—

(a) a best value authority,

(b) a parish council, or

(c) a community council."

(4) After section 19 insert— " Publication of information ".

(5) In section 26(2)(a) (guidance), omit "best value".

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Local Government Act 2003 (c. 26)

3 (1) The Local Government Act 2003 is amended as follows.

(2) Omit sections 34 and 35 (best value grants to parishes and communities).

(3) In section 93 (power to charge for discretionary services)—

(a) in subsections (1), (5) and (6), for "best value authority" substitute " relevant authority ";

(b) after subsection (8) insert—

"(9) In this section, "relevant authority" means—

(a) a best value authority;

(b) a parish council;

(c) a parish meeting of a parish which does not have a separate parish council; or

(d) a community council."

(4) In section 94 (power to disapply section 93(1))—

(a) in subsections (1)(a) and (b)(iii) for "best value authority" substitute " relevant authority ";

(b) in subsections (1)(a) and (b)(i) and (ii) for "best value authorities" substitute " relevant authorities ";

(c) after subsection (2) insert—

"(3) In this section, "relevant authority" has the meaning given in section 93."

(5) In section 95 (power to trade in function-related activities through a company)—

(a) in subsections (1)(a) and (3)(a) (in both places) for "best value authorities" substitute " relevant authorities ";

(b) in subsections (2), (3)(a) and (5) and in the definition of "ordinary functions" in subsection (7), for "best value authority" substitute " relevant authority ";

(c) in subsection (7), omit the definition of "best value authority";

(d) in that subsection, at the end insert—

""police authority" means—

(a) a police authority established under section 3 of the Police Act 1996;

(b) the Common Council of the City of London in its capacity as a police authority; or

(c) the Metropolitan Police Authority;

"relevant authority" means—

(a) a best value authority, other than a police authority or the London Development Agency;

(b) a parish council;

(c) a parish meeting of a parish which does not have a separate parish council; or

(d) a community council."

(6) In section 96 (regulation of trading powers)—

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) in subsections (1), (2) and (3)(c) for "best value authority" substitute " relevant authority ";

(b) in subsection (3)(a) and (b) for "best value authorities" substitute " relevant authorities ";

(c) for subsection (4) substitute—

"(4) In this section, "relevant authority" has the meaning given in section 95."

(7) In section 97 (power to modify enactments in connection with charging or trading)—

(a) in subsections (1) and (4)(a) and (b) for "best value authorities" substitute " relevant authorities ";

(b) in subsections (2), (4)(c), (6) and (11) (in the definition of "discretionary service" and "ordinary functions") for "best value authority" substitute " relevant authority ";

(c) in subsection (11) at the end insert—

""relevant authority" means—

(a) a best value authority;

(b) a parish council;

(c) a parish meeting of a parish which does not have a separate parish council; or

(d) a community council."

(8) In section 98 (procedure for orders under section 97)—

(a) in subsection (1)(a) for "best value authorities" substitute " relevant authorities ";

(b) after subsection (7) insert—

"(8) In this section, "relevant authority" has the meaning given in section 97."

(9) In section 101 (staff transfer matters: general)—

(a) in subsections (1) and (3) for "a best value authority (in Scotland, a relevant authority)" substitute " a relevant authority ";

(b) in subsection (6)(a)(i) for "all best value authorities (or, as the case may be, relevant authorities)" substitute " all relevant authorities ";

(c) after subsection (7) insert—

"(7A) In this section, in relation to England and Wales, "relevant authority" means—

(a) a best value authority;

(b) a parish council;

(c) a parish meeting of a parish which does not have a separate parish council; or

(d) a community council."

(d) in subsection (8)—

(i) after "In this section" insert " , in relation to Scotland ";

(ii) in the definition of "appropriate person" omit ", in relation to Scotland,".

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(10) In section 102 (staff transfer matters: pensions) after subsection (7) insert—

"(7A) In this section, in relation to England, "local authority" means—

(a) a county council in England, a district council, a London borough council, a parish council or a parish meeting of a parish which does not have a separate parish council;

(b) the Council of the Isles of Scilly;

(c) the Common Council of the City of London in its capacity as a local authority; and

(d) the Greater London Authority so far as it exercises its functions through the Mayor.

(7B) In this section, in relation to Wales, "local authority" means a county council, county borough council or community council in Wales."

(11) In section 102(8) (definitions)—

(a) after "in this section" insert " , in relation to Scotland ";

(b) in the definition of "appropriate person", omit "in relation to Scotland,";

(c) in the definition of "local authority"—

(i) omit paragraph (a);

(ii) in paragraph (b), omit "in relation to Scotland,";

(d) after the definition of "local authority" insert—

"(9) In this section,".

VALID FROM 01/04/2008

SCHEDULE 8 E+W

Section 144

BEST VALUE: MINOR AND CONSEQUENTIAL AMENDMENTS

. . . . . .

VALID FROM 01/04/2008

SCHEDULE 9 E+W

Section 146

CONSEQUENTIAL AMENDMENTS RELATING TO CHANGE OF NAME OF THE AUDIT COMMISSION

Amendment of references to the current name of the Commission

1 (1) In the provisions listed in sub-paragraph (2), in the expression "Audit Commission for Local Authorities and the National Health Service in England and Wales", omit "and Wales".

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The provisions are—

(a) paragraphs 2(2)(h), 3(2)(e) and 4(h) of Schedule A1 to the Prison Act 1952 (c. 52) (interaction between Her Majesty's Chief Inspector of Prisons and other authorities);

(b) the entry in Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (offices disqualifying for membership) relating to any member of the Audit Commission in receipt of remuneration;

(c) the entry relating to the Audit Commission in Part 2 of Schedule 1A to the Race Relations Act 1976 (c. 74) (bodies and other persons subject to general statutory duty);

(d) section 75(1A) of the Housing Associations Act 1985 (c. 69) (general function of the Housing Corporation);

(e) section 22(5)(b) of the Airports Act 1986 (c. 31) (auditors of public airport companies);

(f) section 124B(5) of the Education Reform Act 1988 (c. 40) (accounts of higher education corporations);

(g) paragraph 5(6)(c)(i) of Schedule 8 to the Local Government Finance Act 1988 (c. 41) (non-domestic rating contributions);

(h) section 123(8)(ja) of the Social Security Administration Act 1992 (c. 5) (unauthorised disclosure of information relating to particular persons);

(i) the definition of "Audit Commission" in section 43A(7) of the Charities Act 1993 (c. 10) (annual audit or examination of English National Health Service charity accounts);

(j) paragraphs 2(2)(h), 3(2)(e) and 4(h) of Schedule 4A to the Police Act 1996 (c. 16) (interaction between Her Majesty's Inspectors of Constabulary and other authorities);

(k) the definition of "the Commission" in section 53(1) of the Audit Commission Act 1998 (c. 18) (interpretation);

(l) section 53(1) of the School Standards and Framework Act 1998 (c. 31) (certification of statements by Audit Commission);

(m) section 22(1) of the Local Government Act 1999 (c. 27) (Audit Commission);

(n) section 125(2)(b) of the Greater London Authority Act 1999 (c. 29) (information);

(o) paragraphs 2(2)(h) and 4(h) of the Schedule to the Crown Prosecution Service Inspectorate Act 2000 (c. 10) (interaction between Her Majesty's Chief Inspector of the Crown Prosecution Service and other authorities);

(p) the definition of "the Audit Commission" in section 83(1) of the Local Government Act 2000 (c. 22) (interpretation of Part 3);

(q) the entry relating to the Audit Commission in Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities);

(r) paragraphs 2(2)(h), 3(2)(e) and 4(h) of Schedule 1A to the Criminal Justice and Court Services Act 2000 (c. 43) (interaction between Her Majesty's Inspectorate of the National Probation Service for England and Wales and other authorities);

(s) the definition of "the Audit Commission" in section 99(7) of the Local Government Act 2003 (c. 26) (categorisation of English local authorities by reference to performance);

(t) section 110(4) of that Act (financial year of the Audit Commission);

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(u) paragraphs 2(2)(h), 3(2)(a) and 4(h) of Schedule 3A to the Courts Act 2003 (c. 39) (interaction between Her Majesty's inspectorate of court administration and other authorities);

(v) the definition of "Audit Commission" in section 148 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (interpretation of Part 2);

(w) the definition of "the Audit Commission" in section 71 of the Public Audit (Wales) Act 2004 (c. 23) (interpretation);

(x) section 20(4)(e) of the Children Act 2004 (c. 31) (joint area reviews);

(y) paragraph 1(2)(h) of Schedule 13 to the Education and Inspections Act 2006 (c. 40) (inspection authorities);

(z) paragraph 23(7) of Schedule 7 to the National Health Service Act 2006 (c. 41) (audit of public benefit corporations);

(z1) paragraph 4(4) of Schedule 15 to that Act (audit of certain NHS bodies).

Amendment of references to the old name of the Commission

2 (1) In the provisions listed in sub-paragraph (2), in the expression "Audit Commission for Local Authorities in England and Wales", for "in England and Wales" substitute " and the National Health Service in England ".

(2) The provisions are—

(a) section 76(1) of the Transport Act 1985 (c. 67) (audit of accounts of public transport companies);

(b) section 70(5) of the Local Government and Housing Act 1989 (c. 42) (requirements for companies under control or subject to influence of local authorities).

Repeal of provision in the Audit Commission Act 1998 (c. 18) relating to the previous change of name of the Commission

3 In Schedule 4 to the Audit Commission Act 1998 (transitional provisions, savings etc), omit paragraph 8.

VALID FROM 31/03/2008

SCHEDULE 10 E+W

Section 148

BENEFIT FRAUD INSPECTORATE: TRANSFER SCHEMES

Transfer of staff

1 Paragraphs 2 to 4 apply where the rights and liabilities relating to an individual's contract of employment are transferred in accordance with a transfer scheme.

2 (1) The individual's contract of employment—

(a) is not terminated by the transfer; and

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(b) has effect from the transfer date as if originally made between the individual and the Audit Commission.

(2) The rights, powers, duties and liabilities of the Secretary of State under or in connection with the contract are transferred to the Audit Commission on the transfer date.

(3) Anything done before the transfer date by or in relation to the Secretary of State in respect of the contract or otherwise in his capacity as the employer of the individual shall be treated from that date as having been done by or in relation to the Audit Commission.

(4) For the purposes of the Employment Rights Act 1996 (c. 18)—
(a) the period of employment of the individual in the civil service of the State counts as a period of employment with the Audit Commission; and
(b) the transfer does not break the continuity of the period of employment.

(5) For the purposes of Part 11 of that Act (redundancy), the individual shall not be regarded as having been dismissed by virtue of the transfer.

(6) This paragraph does not apply in relation to—
(a) so much of a contract of employment as relates to a pension scheme; or
(b) any rights, powers, duties or liabilities relating to a pension scheme.

(7) In this paragraph, "transfer date", in relation to a transfer scheme and an individual, means the date on which the rights and liabilities relating to an individual's contract of employment are transferred to the Audit Commission by virtue of the scheme.

3 (1) A transfer scheme may make provision with respect to the eligibility of the individual to become a member of a pension scheme by virtue of his employment with the Audit Commission.

(2) A transfer scheme may make provision with respect to the rights of, or rights or liabilities in respect of, the individual under a pension scheme of which he is a member by virtue of his employment immediately before the transfer.

4 In paragraphs 2 and 3, "pension scheme" includes a scheme made under section 1 of the Superannuation Act 1972 (c. 11) (superannuation schemes as respects civil servants etc.).

Property, rights and liabilities etc.

5 (1) A transfer scheme may provide for the transfer of property, rights and liabilities—
(a) whether or not they would otherwise be capable of being transferred or assigned;
(b) irrespective of any requirement for consent that would otherwise apply.

(2) A transfer scheme may—
(a) create rights, or impose liabilities, in relation to property, rights and liabilities transferred by virtue of the scheme;
(b) apportion property, rights and liabilities between the transferor and the Audit Commission.

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(3) A transfer scheme may provide for things done by or in relation to the transferor for the purposes of or in connection with anything transferred by a transfer scheme to be—

(a) treated as done by or in relation to the Audit Commission or its employees;

(b) continued by or in relation to the Audit Commission or its employees.

(4) A scheme may in particular make provision about the continuation of legal proceedings.

(5) A scheme may include supplementary, incidental and consequential provision.

(6) This paragraph has effect subject to paragraph 2 and section 148(4).

VALID FROM 31/01/2008

SCHEDULE 11 E+W Section 149

SCHEDULE TO BE INSERTED IN AUDIT COMMISSION ACT 1998

"SCHEDULE 2A E+W Section 47B

INTERACTION WITH OTHER AUTHORITIES

PART 1 E+W

INTERPRETATION

Inspection authorities

1 (1) In this Schedule (subject to sub-paragraph (2)), "inspection authority" means—

(a) Her Majesty's Chief Inspector of Prisons;

(b) Her Majesty's Chief Inspector of Constabulary;

(c) Her Majesty's Chief Inspector of the Crown Prosecution Service;

(d) Her Majesty's Chief Inspector of the National Probation Service for England and Wales;

(e) Her Majesty's Chief Inspector of Court Administration;

(f) Her Majesty's Chief Inspector of Education, Children's Services and Skills;

(g) the Commission for Healthcare Audit and Inspection; or

(h) the Commission for Social Care Inspection.

(2) In paragraphs 5 to 10 of this Schedule, "inspection authority" also includes—

(a) Her Majesty's Inspectors of Constabulary,

(b) Her Majesty's Inspectorate of the National Probation Service for England and Wales, and

(c) Her Majesty's Inspectorate of Court Administration,

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but notice under paragraph 5(1) in respect of an inspection by those inspectors or inspectorates may be given to their Chief Inspector.

Public authorities

2 (1) In this Schedule "public authority"—
(a) includes any person any of whose functions are of a public nature; but
(b) does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.

(2) Subject to paragraph 9(3), references in this Schedule to a public authority do not include a public authority outside the United Kingdom.

(3) In relation to a particular act, a person is not a public authority by virtue of sub-paragraph (1) if the nature of the act is private.

Inspections and functions

3 In this Schedule—

"Audit Commission inspection" means an inspection under—
(a) section 41A of this Act (inspection of registered social landlords); or
(b) section 10 of the Local Government Act 1999 (c. 27) (inspection of best value authorities);

"inspection functions" means functions relating to Audit Commission inspections;

"national studies functions" means functions relating to studies under any of the following provisions of this Act—
(a) section 33(1) or (4) (studies for improving economy, efficiency and effectiveness in services);
(b) section 34(1) (studies as to impact of statutory provisions etc on economy, efficiency and effectiveness in services);
(c) section 36(1) (studies for improving economy, efficiency and effectiveness in management or operation of educational bodies);
(d) section 38 (benefit administration studies for Secretary of State);
(e) section 40 (studies relating to registered social landlords);

"relevant functions" means—
(a) inspection functions;
(b) national studies functions; and
(c) reporting functions;

"reporting functions" means functions relating to the production of reports by the Commission under—
(a) section 139A of the Social Security Administration Act 1992;
(b) section 47A of this Act;

"section 139A inspector" means a person authorised under section 139A of the Social Security Administration Act 1992 (c. 5) (persons authorised to report on the administration of housing benefit and council tax benefit), other than the Commission.

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PART 2 E+W

EXERCISE OF FUNCTIONS

Inspection programmes and inspection frameworks

4 (1) The Commission must from time to time, or at such times as the Secretary of State may specify by order, prepare—

(a) a document setting out what Audit Commission inspections it proposes to carry out (an "inspection programme");

(b) a document setting out the way in which it proposes to carry out its functions of inspecting and reporting so far as they relate to Audit Commission inspections (an "inspection framework").

(2) Before preparing an inspection programme or an inspection framework, the Commission must consult—

(a) the Secretary of State,

(b) the inspection authorities, and

(c) any other person or body specified by an order made by the Secretary of State,

and it must send to each of the persons or bodies referred to in paragraph (a), (b) or (c) a copy of each programme or framework once it is prepared.

(3) Sub-paragraph (2) does not require the Commission to consult, or to send copies of documents to, a person or body mentioned in paragraph (b) or (c) of that sub-paragraph in cases or circumstances in relation to which the Commission and that person or body have agreed to waive the requirement.

(4) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks must take.

Inspections by other inspectors of organisations within the Commission's remit

5 (1) If—

(a) a specified inspector is proposing to carry out an inspection that would involve inspecting a specified organisation, and

(b) the Commission considers that the proposed inspection would impose an unreasonable burden on the specified organisation, or would do so if carried out in a particular way,

the Commission must, subject to sub-paragraph (6), give a notice to the specified inspector requiring the inspector not to carry out the proposed inspection, or not to carry it out in that way.

(2) In this paragraph "specified inspector" means—

(a) an inspection authority;

(b) a section 139A inspector; or

(c) any other person or body specified by order made by the Secretary of State.

(3) In this paragraph "specified organisation" means a person or body specified by order made by the Secretary of State.

(4) A person or body may be specified under sub-paragraph (3) in relation to particular functions.

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(5) In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge by that person or body of any of the functions in relation to which it is specified.

(6) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.

(7) Where a notice is given under this paragraph, the proposed inspection must not be carried out, or (as the case may be) must not be carried out in the way mentioned in the notice; but this is subject to sub-paragraph (8).

(8) The Secretary of State, if satisfied that the proposed inspection—
- (a) would not impose an unreasonable burden on the specified organisation in question, or
- (b) would not do so if carried out in a particular way,

may give consent to the inspection being carried out, or being carried out in that way.

(9) The Secretary of State may by order make provision supplementing this paragraph, including in particular provision—
- (a) about the form of notices;
- (b) prescribing the period within which notices are to be given;
- (c) prescribing circumstances in which notices are, or are not, to be made public;
- (d) for revising or withdrawing notices;
- (e) for setting aside notices not validly given.

Co-operation

6 The Commission must co-operate with—
- (a) the inspection authorities,
- (b) section 139A inspectors, and
- (c) any other public authority specified by order made by the Secretary of State,

where it is appropriate to do so for the efficient and effective discharge of any of its relevant functions.

Joint action

7 The Commission may act jointly with—
- (a) an inspection authority, and
- (b) a section 139A inspector,

where it is appropriate to do so for the efficient and effective discharge of any of its relevant functions.

Delegation of functions

8 (1) The Commission may delegate any of its relevant functions (to such extent as it may determine) to—
- (a) an inspection authority;
- (b) any other public authority specified by an order made by the Secretary of State.

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(2) If the carrying out of an Audit Commission inspection, or any study referred to in the definition of "national studies functions" in paragraph 3, is delegated under sub-paragraph (1) it is nevertheless to be regarded for the purposes of any enactment as carried out by the Commission.

Advice or assistance for other public authorities

9 (1) The Commission may, if it thinks it appropriate to do so, provide advice or assistance to another public authority for the purpose of the exercise by that authority of its functions.

(2) Advice or assistance under this paragraph may be provided on such terms, including terms as to payment, as the Commission thinks fit.

(3) In sub-paragraph (1), the reference to another public authority includes a public authority outside the United Kingdom.

Inspections carried out under arrangements

10 (1) The Commission may make arrangements with an inspection authority to carry out, on behalf of that authority, inspections in England of any institution or matter which the Commission is not required or authorised to carry out by virtue of any other enactment.

(2) Inspections under this paragraph may be carried out on such terms, including terms as to payment, as the Commission thinks fit."

VALID FROM 01/04/2008

SCHEDULE 12 E+W

Section 182

THE COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1 E+W

AMENDMENTS OF PART 3 OF LOCAL GOVERNMENT ACT 1974

1 Part 3 of the Local Government Act 1974 (c. 7) (Commission for Local Administration in England) is amended in accordance with this Part of this Schedule.

2 In section 23(12) (three-yearly reviews by the Commission), for "complaints" substitute " matters ".

3 (1) Section 26 (matters subject to investigation) is amended as follows.

(2) In subsection (5)—

(a) for "a complaint" substitute " a matter ";

(b) in paragraph (a)—

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(i) for "the complaint has" substitute " the matter has ";
(ii) for "the person aggrieved" substitute " the person affected ";
(iii) for "the complaint relates" substitute " it relates ";
(iv) for "to investigate, and reply to, the complaint" substitute " to investigate the matter and to respond ";

(c) in paragraph (b)—
(i) for "the complaint to be" substitute " the matter to be ";
(ii) for "to investigate, and reply to, the complaint" substitute " to investigate the matter and to respond ".

(3) In subsection (6), for "person aggrieved" (in each place) substitute " person affected ".

(4) In subsection (6A), for "any action taken in connection with the discharge by an authority" substitute " any action taken by or on behalf of an authority in the exercise ".

(5) In subsection (7), in paragraphs (aa), (a) (in both places) and (ba), for "complaint" substitute " matter ".

(6) Omit subsection (10) (Local Commissioners' discretion to investigate matters etc).

(7) In subsection (11)—
(a) in paragraph (a), for "person aggrieved" substitute " person affected ";
(b) omit paragraph (b).

(8) Omit subsections (12) and (13) (restrictions on investigating matters arising before specified dates).

4 (1) Section 28 (payments to complainants and persons assisting with investigations) is amended as follows.

(2) In subsection (1)—
(a) for "conduct an investigation pursuant to a complaint" substitute " investigate a matter under this Part of this Act ";
(b) after "who is alleged in the complaint" insert " (if any), or who otherwise appears to the Local Commissioner, ";
(c) for "the action complained of" substitute " the action which would be the subject of the investigation ";
(d) for "any allegations contained in the complaint" substitute " the matter ".

(3) In subsection (2), for "such investigation" substitute " investigation under this Part of this Act ".

(4) In subsection (3)—
(a) after "the complaint" insert " (if any) ";
(b) omit the words following paragraph (b).

(5) In subsection (4)—
(a) after "the authority concerned" insert " or any other person ";
(b) for "that authority" substitute " the authority concerned or any other person ".

5 (1) Section 29 (further provisions about investigations) is amended as follows.

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(2) In subsection (6), omit "with the approval of the Minister for the Civil Service".

(3) In subsection (8), for "or any officer of the Commission assisting in the performance" substitute " or any person discharging or assisting in the discharge ".

6 (1) Section 31A (consideration of adverse reports) is amended as follows.

(2) For subsections (1) to (2A) substitute—

"(1A) Where a further report of a Local Commissioner under section 31(2A) is considered by a person other than the appropriate listed authority and it is proposed that—

(a) no action should be taken on the report, or

(b) the action recommended in the report should not be taken,

consideration of the report shall be referred to that authority.

(1B) For the purposes of subsection (1A)—

(a) "listed authority" means an authority mentioned in section 25(1) or specified in an order under subsection 25(2) (but does not include a person mentioned in section 25(4) to (5)), and

(b) a listed authority is the appropriate listed authority in relation to a further report if the report relates to the authority (or to any person with which the authority is connected for the purposes of this Part of this Act by virtue of section 25(4) to (5)).

(1C) Subsection (1A) has effect subject to subsection (3)."

(3) In subsection (3)—

(a) for "subsections (1) and (2)" substitute " subsection (1A) ";

(b) in paragraph (a), for "the said section 101, or" substitute " section 101 of the Local Government Act 1972, ";

(c) for paragraph (b) substitute—

"(b) a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966, or

(c) an admission appeal panel or exclusion appeal panel mentioned in section 25(5)(c) or (e),

and the report is considered by that committee or panel. "

(4) In subsection (5), for the words from the beginning to "shall vote" substitute " No individual shall decide or vote ".

(5) Omit subsections (5A) and (6).

(6) In subsection (7)—

(a) omit "Where the authority concerned is the Greater London Authority,";

(b) for "the Authority" substitute " the Greater London Authority ";

(c) for "the authority concerned (other than references to a member of the authority concerned)" substitute " an authority ".

7 (1) Section 32 (law of defamation and disclosure of information) is amended as follows.

(2) In subsection (1)(a), for "any officer of the Commission" substitute " any person discharging or assisting in the discharge of a function of a Local Commissioner ".

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(3) In subsection (1)(b)—

(a) for "any officer of the Commission" substitute " any person discharging or assisting in the discharge of a function of a Local Commissioner ";

(b) after "a complainant" insert " , or with the person affected in relation to a matter, ".

(4) In subsection (1)(ba), for "any officer of the Commission," substitute " any person discharging or assisting in the discharge of a function of a Local Commissioner ".

(5) In subsection (1)(d), for "section 24" substitute " section 23A ".

(6) After subsection (1)(e) insert—

"(f) the publication of any matter by inclusion in a report, statement or summary published or supplied under section 31B."

(7) In subsection (2)—

(a) for "any officer of the Commission" substitute " any person discharging or assisting in the discharge of a function of a Local Commissioner ";

(b) in paragraph (a), for "report to be made under section 30 or 31" insert " report, statement or summary under section 30, 31 or 31B ";

(c) in paragraph (b), for "an officer of the Commission" substitute " a person discharging or assisting in the discharge of a function of Local Commissioner ";

(d) in the words following paragraph (c), for "the officers of the Commission" substitute " persons discharging or assisting in the discharge of a function of a Local Commissioner ".

(8) In subsection (3)—

(a) for "any of the authorities mentioned in section 25(1) above" substitute " any of the authorities to which this Part of this Act applies ";

(b) for "any member of the staff of the Commission who is allocated to assist him" substitute " any person discharging or assisting in the discharge of a function of a Local Commissioner ".

(9) After subsection (3A) (inserted by section 178) insert—

"(3B) Section 25(4), (4A) and (5) do not apply for the purpose of subsection (3)."

8 (1) Section 33 (consultation with other Commissioners etc) is amended as follows.

(2) In subsection (1)—

(a) for "the complaint relates partly to" substitute " the matters which are the subject of the investigation include ";

(b) for "about the complaint and" substitute " about the matter and, where a complaint was made about the matter, he shall ".

(3) In subsection (2)—

(a) for "a complaint under this Part of this Act" substitute " a matter under investigation under this Part of this Act ";

(b) for "any matter relating to the complaint" substitute " anything relating to the matter ";

(c) in paragraph (a), for "complaint" substitute " matter ".

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9 (1) Section 33ZA (collaborative working between Local Commissioners and other Commissioners) is amended as follows.

(2) In subsection (1), for "the complaint relates partly to" substitute " the matters which are the subject of the investigation include ".

(3) In subsection (2)—

(a) for "the person aggrieved" substitute " the person affected ";

(b) for "any person acting on his behalf in accordance with subsection (2) of section 27 of this Act" substitute " the complainant (if any) ".

(4) In subsection (4), omit "of a complaint".

10 In section 34(1) (interpretation of Part)—

(a) in the definition of "member", omit paragraphs (b) and (c);

(b) for the definition of "person aggrieved" substitute—

""person affected"—

(a) in relation to a matter which is the subject of a complaint made or to be made under this Part of this Act, means the member of the public who claims or is alleged to have sustained injustice in consequence of the matter, and

(b) in relation to a matter coming to the attention of a Local Commissioner to which section 26D applies, means the member of the public who the Local Commissioner considers has, or may have, sustained injustice in consequence of the matter;".

11 (1) Schedule 4 (the Commission) is amended as follows.

(2) In paragraph 3 (remuneration etc of Commissioners and their officers)—

(a) in sub-paragraph (1) omit ", with the approval of the Minister for the Civil Service,";

(b) in sub-paragraph (2) omit ", with the consent of the Minister for the Civil Service,".

(3) In paragraph 4 (staff and accommodation)—

(a) in sub-paragraph (2), for "complaints" substitute " matters ";

(b) omit sub-paragraphs (5) and (6).

12 In Schedule 5 (matters not subject to investigation), in paragraphs 2, 6, 7 and 8, after "taken by" insert " or on behalf of ".

PART 2 E+W

OTHER AMENDMENTS

Parliamentary Commissioner Act 1967 (c. 13)

13 (1) The Parliamentary Commissioner Act 1967 is amended as follows.

(2) In section 3(2A) (administrative provisions) for "any officer or member of staff of the Commission for Local Administration in England" substitute " any person

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discharging or assisting in the discharge of a function of a Local Commissioner, but only if the person is ".

(3) In section 11 (provision for secrecy of information), in subsection (2)(aa) for "a complaint" substitute " a matter ".

(4) In section 11ZAA (collaborative working between Parliamentary Commissioner and other Commissioners)—
- (a) in subsection (3)—
  - (i) for "a complaint which is being investigated" substitute " matters which are the subject of an investigation ";
  - (ii) for "relates partly to" substitute " include ";
  - (iii) after "investigation" insert " of that matter ";
- (b) in subsection (4)—
  - (i) for "a complaint" substitute " a matter ";
  - (ii) for "the complaint" substitute " a complaint about the matter ";
- (c) in subsection (5), omit "of a complaint".

Local Government and Housing Act 1989 (c. 42)

14 (1) The Local Government and Housing Act 1989 is amended as follows.

(2) In section 5 (reports of monitoring officer), in subsection (2)—
- (a) after paragraph (a) insert—
  - "(aa) any such maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners), or";
- (b) in paragraph (b), omit "Part III of the Local Government Act 1974 (Local Commissioners) or".

(3) In section 5A (reports of monitoring officer_local authorities operating executive arrangements), in subsection (3)(b), for "injustice" substitute " failure ".

Health Service Commissioners Act 1993 (c. 46)

15 (1) The Health Service Commissioners Act 1993 is amended as follows.

(2) In section 15 (confidentiality of information), in subsection (1)(aa) for "a complaint" substitute " a matter ".

(3) In section 18ZA (collaborative working between the Commissioner and other Commissioners)—
- (a) in subsection (3)—
  - (i) for "a complaint which is being investigated" substitute " matters which are the subject of an investigation ";
  - (ii) for "relates partly to" substitute " include ";
  - (iii) after "investigation" insert " of that matter ";
- (b) in subsection (4), omit "of a complaint";
- (c) in subsection (5), for "the interests of the complainant and of persons other than the complainant" substitute " the interests of the complainant (if any) and of other persons ".

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(4) In Schedule 1 (the English Commissioner), in paragraph 12A—

(a) after "performed by" insert "—

(a)";

(b) for "the Commission for Local Administration in England" substitute—

"(b) any person discharging or assisting in the discharge of a function of a Local Commissioner,

who is ".

Greater London Authority Act 1999 (c. 29)

16 In section 73(6) of the Greater London Authority Act 1999 (monitoring officer), for "injustice" substitute " failure ".

Local Government Act 2000 (c. 22)

17 (1) The Local Government Act 2000 is amended as follows.

(2) In section 62 (further provisions about investigations by ethical standards officers), in subsection (7)(b) for "by any members or officers of the Commission for Local Administration in England" substitute " obtained in connection with investigations under Part 3 of that Act (Commission for Local Administration in England) ".

(3) In section 67(2) (consultation by Local Commissioners with ethical standards officers)—

(a) for "the complaint relates" substitute " the matters which are the subject of the investigation relate ";

(b) after "about the investigation and" insert " , where a complaint was made about the matter, he may ".

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

18 In section 114 of the Health and Social Care (Community Health and Standards) Act 2003 (complaints about social services), in subsection (5)(a) for "(and to be treated as if it had been duly made under section 26 of that Act)" substitute " (and for the complaint to be treated as satisfying sections 26A and 26B of that Act) ".

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VALID FROM 01/04/2008

SCHEDULE 13 E+W

Section 209

CONSEQUENTIAL AMENDMENTS RELATING TO JOINT WASTE AUTHORITIES

PART 1 E+W

AMENDMENTS OF LOCAL GOVERNMENT ACT 1972

1 The Local Government Act 1972 (c. 70) is amended in accordance with this Part of this Schedule.

2 In section 70 (restriction on promotion of Bills for changing local government areas), in subsections (1) and (3), for "or joint authority" substitute " , joint authority or joint waste authority ".

3 In section 80(2) (disqualifications for election and holding office as member of local authority), after "joint authority" insert " , joint waste authority ".

4 In section 85(4) (vacation of office by failure to attend meetings), at the end insert " and a joint waste authority ".

5 In section 86(2) (declaration by local authority of vacancy in office), at the end insert " and a joint waste authority ".

6 In section 92 (proceedings for disqualification), after subsection (7) insert—

"(7A) In this section "local authority" also includes a joint waste authority.

(7B) The reference in subsection (1) above to a local government elector for the area concerned shall—

(a) in relation to a joint waste authority established for an area that includes a local government area, be construed as including a reference to a local government elector for that local government area;

(b) in relation to a joint waste authority established for an area that includes the City of London, be construed as including a reference to a person whose name appears in a ward list published under section 7 of the City of London (Various Powers) Act 1957;

(c) in relation to a joint waste authority established for an area that includes the Inner Temple or the Middle Temple, be construed as including a reference to a person whose name appears in the ward list published with respect to the ward of Farrington Without in the City under section 7 of the City of London (Various Powers) Act 1957."

7 In section 98(1A) (interpretation), after "joint authority," insert " a joint waste authority, ".

8 In section 100J (application to new authorities)—

(a) in subsection (1), after paragraph (b) insert—

"(ba) a joint waste authority;";

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(b) in subsection (2), in the words following paragraph (b), after "(b)," insert " (ba), ";

(c) in subsection (3), after "(b)," insert " (ba), ";

(d) in subsection (4)(a), after "joint authority" insert " , a joint waste authority ".

9 In section 101(13) (arrangements for discharge of functions by local authorities), after "police authority," insert " a joint waste authority, ".

10 In section 146A(1) (joint authorities etc), after "joint authority," insert " a joint waste authority, ".

11 In section 175(3B) (allowances for attending conferences and meetings), after "London Fire and Emergency Planning Authority" insert " , a joint waste authority ".

12 In section 176(3) (payment of expenses of official visits), after "joint authority" insert " , a joint waste authority ".

13 In section 223(2) (appearance of local authorities in legal proceedings), after "joint authority," insert " a joint waste authority, ".

14 In section 224(2) (arrangements by principal councils for custody of documents), after "joint authority" insert " or joint waste authority ".

15 In section 225(3) (deposit of documents with proper officer of authority), at the end insert " and a joint waste authority ".

16 In section 228 (inspection of documents), after subsection (7A) insert—

"(7B) This section shall apply to the minutes of proceedings and the accounts of a joint waste authority as if that authority were a local authority; and in relation to a joint waste authority the reference to a local government elector for the area of the authority is to be construed in accordance with section 92(7B)."

17 In section 229(8) (photographic copies of documents), after "joint authority" insert " , a joint waste authority ".

18 In section 230(2) (reports and returns), at the end insert " and a joint waste authority ".

19 In section 231(4) (service of notices on local authorities), after "joint authority" insert " , a joint waste authority ".

20 In section 232(1A) (public notices), after "joint authority" insert " , a joint waste authority ".

21 In section 233(11) (service of notices by local authorities), after "joint authority" insert " , a joint waste authority ".

22 In section 234(4) (authentication of documents), after "joint authority" insert " , a joint waste authority ".

23 In section 239(4A) (power to promote or oppose local or personal Bills), at the end insert " and a joint waste authority ".

24 In section 270(1) (general provisions as to interpretation), after the definition of "joint authority" insert—

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""joint waste authority" means an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007;".

PART 2 E+W

OTHER AMENDMENTS

Landlord and Tenant Act 1954 (c. 56)

25 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation), in the definition of "local authority", after "National Park authority," insert " an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ".

Trustee Investments Act 1961 (c. 62)

26 In section 11(4)(a) of the Trustee Investments Act 1961 (local authority investment schemes), after "1985" insert " , an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ".

Leasehold Reform Act 1967 (c. 88)

27 In section 28(5)(a) of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), after "1985," insert " any authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ".

Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)

28 In section 3(2)(b) of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), after "1985," insert " an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ".

Local Authorities (Goods and Services) Act 1970 (c. 39)

29 In section 1(4) of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in the definition of "local authority", after "1985" insert " , any authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ".

Employment Agencies Act 1973 (c. 35)

30 In section 13(7) of the Employment Agencies Act 1973 (interpretation), after paragraph (f) insert—

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"(fza) the exercise by an authority established for an area in England under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) of any of its functions;".

Local Government Act 1974 (c. 7)

31 (1) Part 3 of the Local Government Act 1974 (Commission for Local Administration in England) is amended as follows.

(2) In section 25(1) (authorities subject to investigation), after paragraph (cc) insert—

"(cd) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

(3) In section 26C(6) (referral of complaints by authorities) (inserted by section 174 of this Act), after paragraph (c) insert—

"(d) in relation to an authority established by an order under section 207 of the Local Government and Public Involvement in Health Act 2007, a person who may be a member of the authority in accordance with section 208 of that Act."

Health and Safety at Work etc Act 1974 (c. 37)

32 In section 28(6) of the Health and Safety at Work etc Act 1974 (restrictions on disclosure of information), after "1985" insert " , an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ".

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

33 In section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation of Part 1), in the definition of "local authority"—

(a) in paragraph (a), after "1985" insert " , an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ";

(b) in paragraph (c), after "authorities)," insert " an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ".

Rent (Agriculture) Act 1976 (c. 80)

34 In section 5(3) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord's interest belongs to local authority etc), after paragraph (bb) insert—

"(bba) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

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Rent Act 1977 (c. 42)

35 In section 14 of the Rent Act 1977 (landlord's interest belonging to local authority etc), after paragraph (cb) insert—

"(cba) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

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

36 (1) The Local Government, Planning and Land Act 1980 is amended as follows.

(2) In section 2(1) (duty of authorities to publish information), after paragraph (ka) insert—

"(kaa) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

(3) In section 98(8A) (authorities referred to by subsection (8)(d)), after paragraph (e) (and before the "and" following that paragraph) insert—

"(ea) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

(4) In section 99(4) (representations by certain bodies), after paragraph (db) insert—

"(dba) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

(5) In section 100(1)(a) (meaning of "subsidiary), for "or a joint authority established by Part IV of the Local Government Act 1985," substitute " , a joint authority established by Part 4 of the Local Government Act 1985 or an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ".

(6) In Schedule 16 (bodies to whom Part 10 applies), after paragraph 5B insert—

"5BA An authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)."

Acquisition of Land Act 1981 (c. 67)

37 In section 17(4) of the Acquisition of Land Act 1981 (local authority and statutory undertakers' land), in paragraph (a) of the definition of "local authority", for "and a joint authority established by Part IV of the Local Government Act 1985," substitute " , a joint authority established by Part 4 of the Local Government Act 1985 or an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ".

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

38 (1) The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.

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(2) In section 33(9) (enforceability by local authorities of certain covenants relating to land)—

(a) in paragraph (a), for "or a joint authority established by Part IV of the Local Government Act 1985" substitute " , a joint authority established by Part 4 of the Local Government Act 1985 or an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ";

(b) in paragraph (b), after "joint authority" insert " or joint waste authority ".

(3) In section 41(13) (lost and uncollected property), in the definition of "local authority", after paragraph (e) (and before the "and" following that paragraph) insert—

"(ea) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

Stock Transfer Act 1982 (c. 41)

39 In paragraph 7(2)(a) of Schedule 1 to the Stock Transfer Act 1982 (specified securities), after "1985" insert " , an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ".

County Courts Act 1984 (c. 28)

40 In section 60(3) of the County Courts Act 1984 (right of audience), in the definition of "local authority", after "1985," insert " an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ".

Housing Act 1985 (c. 68)

41 (1) Section 4 of the Housing Act 1985 (descriptions of authority) is renumbered subsection (1) of that section.

(2) In paragraph (e) of that subsection—

(a) for "and a joint authority established by Part IV of the Local Government Act 1985" substitute " , a joint authority established by Part 4 of the Local Government Act 1985, a joint waste authority ";

(b) for "a joint authority established by Part IV of the Local Government Act 1985", in the second place where it occurs, substitute " , a joint authority established by Part 4 of the Local Government Act 1985, a joint waste authority ".

(3) After that subsection insert—

"(2) In this section "joint waste authority" means an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007."

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Landlord and Tenant Act 1985 (c. 70)

42 In section 38 of the Landlord and Tenant Act 1985 (minor definitions), in the definition of "local authority", after "1985" insert " , an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ".

Local Government Act 1988 (c. 9)

43 In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: the public authorities), after the entry relating to an authority established by an order under section 10(1) of the Local Government Act 1985 insert— " An authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities). "

Housing Act 1988 (c. 50)

44 In Schedule 1 to the Housing Act 1988 (tenancies that cannot be assured tenancies), in paragraph 12(1) after paragraph (f) insert—

"(fa) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

Road Traffic Act 1988 (c. 52)

45 In section 144(2)(a)(i) of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance), after "the London Fire and Emergency Planning Authority," insert " an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ".

Local Government and Housing Act 1989 (c. 42)

46 The Local Government and Housing Act 1989 is amended as follows.

47 In section 21(1) (interpretation of Part 1), after paragraph (g) insert—

"(ga) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

48 In section 152(2) (interpretation of sections 150 and 151), after paragraph (i) insert—

"(ia) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

Environmental Protection Act 1990 (c. 43)

49 In section 52(1A) of the Environmental Protection Act 1990 (payments for recycling and disposal etc of waste), at the end insert " or any authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ".

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Local Government (Overseas Assistance) Act 1993 (c. 25)

50 In section 1(10) of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance), after paragraph (d) insert—

"(da) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

51 In section 3(2) of the Housing Grants, Construction and Regeneration Act 1996 (ineligible applicants for grants), after paragraph (j) (and before the "or" following that paragraph) insert—

"(ja) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

Audit Commission Act 1998 (c. 18)

52 In Schedule 2 to the Audit Commission Act 1998 (accounts subject to audit), in paragraph 1, after paragraph (m) insert—

"(ma) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

Local Government Act 1999 (c. 27)

53 In section 1(1) of the Local Government Act 1999 (best value authorities), after paragraph (g) insert—

"(ga) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

Freedom of Information Act 2000 (c. 36)

54 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), after paragraph 15 insert—

"15A An authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)."

Local Government Act 2003 (c. 26)

55 (1) The Local Government Act 2003 is amended as follows.

(2) In section 23(1) (definition of local authority for purposes of Part 1), after paragraph (k) insert—

"(ka) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

(3) In section 33(1) (power to pay grant: interpretation), after paragraph (j) insert—

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"(ja) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

PROSPECTIVE

SCHEDULE 14 E+W+S

Section 216

CONSEQUENTIAL AMENDMENTS RELATING TO ENTITIES CONTROLLED ETC BY LOCAL AUTHORITIES

Prevention of Corruption Act 1916 (c. 64)

F1 1 . . . . . .

Textual Amendments

F1 Sch. 14 para. 1 repealed (1.7.2011) by Bribery Act 2010 (c. 23), s. 19(1), **Sch. 2** (with ss. 16, 19(5)); S.I. 2011/1418, art. 2

Local Government Act 1972 (c. 70)

2 (1) Section 80 of the Local Government Act 1972 (disqualifications for election and holding office as member of local authority) is amended as follows.

(2) In subsection (1), for paragraph (aa) substitute—

"(aa) holds any employment in an entity which is under the control of the local authority; or".

(3) After subsection (3) insert—

"(3A) In subsection (1)(aa) as it applies in relation to a local authority in England, the reference to an entity under the control of the local authority has the meaning given by order under section 217 of the Local Government and Public Involvement in Health Act 2007.

F2(...) . . . . . ."

Textual Amendments

F2 Words in Sch. 14 para. 2(3) omitted (17.11.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 2 para. 13(3)**; S.I. 2021/1249, art. 2(b)

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

3 (1) The Local Government, Planning and Land Act 1980 is amended as follows.

(2) In section 98 (disposal of land at direction of Secretary of State)—

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(a) in subsection (8)(d)—

(i) for "bodies" substitute " authorities ";

(ii) for the words from "a company" to the end substitute " an entity which is under the control of that body, subject to its influence or jointly controlled by it and one or more other bodies ";

(b) in subsection (8A) for "bodies" substitute " authorities ".

(3) In section 100 (interpretation etc of Part 10)—

(a) in subsection (1)(a), for the words from "a company" to "interests)" substitute " an entity which is under the control of that body, subject to its influence or jointly controlled by it and one or ore other bodies ";

(b) after subsection (1) insert—

"(1ZA) In relation to a body in England to whom this Part of this Act applies, references in this Part to—

(a) an entity under the control of the body,

(b) an entity subject to the influence of the body, and

(c) an entity jointly controlled by the body and one or more other bodies,

have the meanings given by order under section 217 of the Local Government and Public Involvement in Health Act 2007.

(1ZB) In relation to a body in Wales to whom this Part of this Act applies, those references have the meanings given by order under section 218 of that Act."

Environment Act 1995 (c. 25)

4 (1) Paragraph 7 of Schedule 7 to the Environment Act 1995 (National Park authorities) is amended as follows.

(2) In sub-paragraph (2) for the words from "a company" to the end substitute " an entity which is under the control of that authority ".

(3) After sub-paragraph (4) insert—

"(4A) In sub-paragraph (2) as it applies in relation to a National Park authority in England, the reference to an entity under the control of the authority has the meaning given by order under section 217 of the Local Government and Public Involvement in Health Act 2007.

(4B) In sub-paragraph (2) as it applies in relation to a National Park authority in Wales, that reference has the meaning given by order under section 218 of that Act."

Local Government Act 2003 (c. 26)

5 (1) The Local Government Act 2003 is amended as follows.

(2) In section 18 (local authority companies etc)—

(a) in subsection (2), at the end of paragraph (a) insert "and", and for paragraphs (b) and (c) substitute—

"(b) an entity which is, or the trustees of a trust which is—

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(i) under the control of a local authority or Passenger Transport Executive,

(ii) subject to the influence of such an authority or Executive, or

(iii) jointly controlled by bodies that include such an authority or Executive."

(b) after subsection (2) insert—

"(2A) The references in subsection (2)(b) to—

(a) "an entity under the control of" and "a trust under the control of" a local authority or Passenger Transport Executive,

(b) "an entity subject to the influence of" and "a trust subject to the influence of" such an authority or Executive, and

(c) "an entity jointly controlled by bodies that include" and "a trust jointly controlled by bodies that include" such an authority or Executive,

have the meanings given by order under section 217 of the Local Government and Public Involvement in Health Act 2007."

(3) The provision in section 24 of that Act (Wales) is renumbered subsection (1) of that section, and after that provision there is inserted—

"(2) In its application to Wales, section 18 has effect as if—

(a) any reference to a Passenger Transport Executive were omitted, and

(b) for the reference in subsection (2A) to section 217 of the Local Government and Public Involvement in Health Act 2007 there were substituted a reference to section 218 of that Act."

(4) In section 95 (power to trade in function-related activities through a company)—

(a) in subsection (4) omit the words from "within" to the end;

(b) for subsections (5) and (6) substitute—

"(5) An order under section 212 of the Local Government and Public Involvement in Health Act 2007 (regulation of entities controlled etc by local authorities) may include provision applying any of the provisions of that order, with or without modifications—

(a) to a company through which a relevant authority which is not a local authority for the purposes of that section exercises or proposes to exercise powers conferred by order under this section; or

(b) to such a relevant authority, or members or officers of such a relevant authority, in relation to such a company.

(6) Any requirement or prohibition imposed on or in relation to a company by virtue of subsection (5) must relate to the doing for a commercial purpose of the thing to which the order under this section relates.";

(c) in subsection (7), before the definition of "ordinary functions" insert—

""company" means—

(a) a company within the meaning given by section 1(1) of the Companies Act 2006; or

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969,".

(5) In subsection 96(5) (definition of "company") for the words from "Part 5" to the end substitute " section 95 ".

[F3](6) . . . . . .

Textual Amendments

F3 Sch. 14 para. 5(6) repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 123(e)**; S.I. 2015/841, art. 3(x)

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

6 (1) Section 48 of the Public Audit (Wales) Act 2004 (permitted methods of publishing information) is amended as follows.

(2) In subsection (3)(a) for "a local authority company" substitute " an entity under the control of a local authority ".

(3) For subsections (5) and (6) substitute—

"(5) In subsection (3) "an entity under the control of a local authority" has the meaning given for the purposes of that subsection by order under section 218 of the Local Government and Public Involvement in Health Act 2007.

(6) But the Welsh Ministers may direct that an entity, or entities of a particular description, are to be treated as not being under the control of a local authority for the purposes of subsection (3).

(7) A direction under subsection (6) may be given so as to apply—
(a) for a period specified in the direction; or
(b) subject to conditions so specified.

(8) A direction under subsection (6) may be varied or revoked by a subsequent direction under that subsection.

(9) In subsection (6) "entity" means any entity, whether or not a legal person."

VALID FROM 01/04/2008

SCHEDULE 15 E+W Section 219

THE VALUATION TRIBUNAL FOR ENGLAND

Introduction

1 Schedule 11 to the Local Government Finance Act 1988 (c. 41) is amended as follows.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Establishment of the Tribunal

2 Before paragraph 1 (and the italic heading preceding it) insert—

"**PART 1** E+W

THE VALUATION TRIBUNAL FOR ENGLAND

Establishment

A1 There shall be a Valuation Tribunal for England.

Jurisdiction

A2 (1) The jurisdiction of the existing English tribunals, including their jurisdiction under current legislation, is transferred to the Tribunal.

(2) The jurisdiction of the existing English tribunals under current legislation is their jurisdiction under any of the following—

This Act

Regulations under section 55.
Paragraph 4 of Schedule 4A.
Paragraph 5C of Schedule 9.

Land Drainage Act 1991 (c. 59)

Section 45.

Local Government Finance Act 1992 (c. 14)

Section 16.
Regulations under section 24.
Paragraph 3 of Schedule 3.

(3) The jurisdiction transferred by this paragraph is to be exercised as regards all appeals under that jurisdiction, whether made before or after the transfer.

(4) The existing English tribunals are the valuation tribunals established in relation to England by regulations under this Schedule (prior to its amendment by the Local Government and Public Involvement in Health Act 2007) which are in existence immediately before this paragraph comes into force.

A3 (1) This paragraph applies as regards any matter which falls within the jurisdiction of the Tribunal.

(2) The Secretary of State may by regulations provide that, where the persons mentioned in sub-paragraph (3) below agree in writing that the matter is to be referred to arbitration, the matter shall be so referred.

(3) The persons are the persons who, if the matter were to be the subject of an appeal to the Tribunal, would be the parties to the appeal.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Membership

A4 The Tribunal is to consist of the following members—
(a) the President of the Valuation Tribunal for England;
(b) one or more Vice-Presidents of the Valuation Tribunal for England;
(c) the members of a panel of persons to act as chairmen of the Tribunal;
(d) other persons appointed as members of the Tribunal.

A5 A Vice-President has the functions assigned to him by the President.

A6 (1) This paragraph applies if—
(a) the office of President is vacant, or
(b) the President is absent or otherwise unable to act.

(2) The President's functions may be exercised by any Vice-President.

A7 (1) It is for the Lord Chancellor to appoint the members of the Tribunal.

(2) It is for the Secretary of State to determine the terms and conditions on which members of the Tribunal are to be appointed.

(3) Paragraphs A11 to A13 make further provision about determination of remuneration etc.

A8 (1) It is for the Secretary of State to determine the following matters—
(a) how many Vice-Presidents the Tribunal is to have;
(b) how many members the panel of chairmen is to have;
(c) how many other members the Tribunal is to have.

(2) A determination under this paragraph may specify, in relation to a class of member—
(a) a particular number, or
(b) a minimum number or a maximum number, or both.

(3) Before making a determination under this paragraph the Secretary of State must consult both of the following—
(a) the President;
(b) the Valuation Tribunal Service.

Tenure of office

A9 (1) A member of the Tribunal shall hold office in accordance with the terms and conditions of his appointment.

(2) That is subject to the other provisions of this Schedule.

A10 The Lord Chancellor may remove a member of the Tribunal from office if the Lord Chancellor is satisfied that the member is—
(a) unable,
(b) unwilling, or
(c) unfit (whether because of misbehaviour or otherwise),

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to perform his functions as a member of the Tribunal.

Remuneration, allowances & pension

A11 It is for the Secretary of State to determine what (if any) remuneration is payable to the President and the Vice-Presidents.

A12 It is for the Secretary of State to determine what (if any) allowances (including travelling and subsistence allowances) are payable to the members of the Tribunal.

A13 It is for the Secretary of State to determine—

(a) what (if any) pension is payable to, or in respect of, a person who has held office as President or Vice-President, and

(b) what (if any) amounts are payable towards provision for the payment of a pension to, or in respect of, a person who has held office as President or Vice-President.

A14 The Valuation Tribunal Service must pay any amount which is payable in accordance with a determination made by the Secretary of State under paragraph A11, A12 or A13.

Organisation & delegation

A15 The President may make arrangements for the organisation of the Tribunal (whether in divisions or otherwise).

A16(1) The President or a Vice-President may delegate any of his functions to any other member of the Tribunal.

(2) But where the President or a Vice-President has been selected to deal with an appeal, that person may not delegate any function of deciding that appeal.

(3) A member of the Tribunal to whom a function is delegated under sub-paragraph (1) may delegate the function to any other member of the Tribunal (unless the delegation under sub-paragraph (1) does not allow such sub-delegation).

(4) Any delegation under sub-paragraph (1) or (3) must be made in writing.

Dealing with appeals

A17(1) The President must make tribunal business arrangements.

(2) Tribunal business arrangements are arrangements which provide for the selection of the member or members of the Tribunal to deal with any appeal made to the Tribunal.

(3) Tribunal business arrangements must provide for at least one senior member of the Tribunal to deal with an appeal.

(4) The senior members of the Tribunal are—

(a) the President;

(b) the Vice-Presidents;

(c) the members of the panel of chairmen.

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) Tribunal business arrangements must comply with, and are subject to, regulations under paragraph A19.

A18 (1) This paragraph applies if a member of the Tribunal dealing with an appeal becomes unable to act.

(2) The other members dealing with the appeal may continue to deal with the appeal.

(3) Or, if the member who becomes unable to act is the only member dealing with the appeal, a further selection must be made in accordance with tribunal business arrangements.

Regulations

A19 (1) The Secretary of State may, by regulations, make provision in relation to procedure or any other matter relating to the Tribunal.

(2) Regulations under this paragraph may include provision about any of these matters—

(a) the circumstances in which persons are disqualified from becoming or continuing to be members of the Tribunal;

(b) the circumstances in which members of the Tribunal are to be disqualified from acting;

(c) the factors which are not to disqualify persons from becoming or continuing to be members of the Tribunal;

(d) the factors which are not to disqualify members of the Tribunal from acting;

(e) the functions of the Tribunal relating to an appeal which may be discharged on its behalf by the clerk of the Tribunal or by any other member of the Tribunal's staff.

(3) Regulations under this paragraph may not make provision in relation to staff, accommodation and equipment.

(4) Part 3 makes further provision about the kind of regulations that may be made under this paragraph.

Interpretation

A20 In this Part—

(a) "Tribunal" means the Valuation Tribunal for England;

(b) "President" means President of the Valuation Tribunal for England;

(c) "Vice-President" means Vice-President of the Valuation Tribunal for England;

(d) "panel of chairmen" means the panel of persons to act as chairmen of the Tribunal;

(e) "Tribunal's staff" means the staff provided to the Tribunal by (or under arrangements made by) the Valuation Tribunal Service."

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/10/2009

Schedule 11 to be divided into Parts

3 (1) The entries in the first column of the following table set out certain provisions of Schedule 11 (as amended in accordance with this Schedule).

(2) The provisions set out in such an entry become the Part of Schedule 11 set out in the corresponding entry in the second column.

(3) That Part has the title set out in the corresponding entry in the third column.

Provisions	***Part***	***Title***
Paragraphs 1 to 7A	PART 2	VALUATION TRIBUNALS: WALES
Paragraphs 8 to 12A	PART 3	PROCEDURE, ORDERS ETC
Paragraphs 13 to 18	PART 4	MISCELLANEOUS

VALID FROM 01/10/2009

Retention of existing arrangements for Wales

4 In paragraph 1 (establishment of tribunals)—

(a) in sub-paragraph (1) for "of tribunals" insert " , in relation to Wales, of one or more tribunals ";

(b) omit sub-paragraph (2)(a);

(c) in sub-paragraph (2)(b) omit "so far as relating to Wales,".

5 After paragraph 1 insert—

"1A In this Part, references to a tribunal are references to any tribunal established in relation to Wales by regulations under paragraph 1."

6 (1) Omit paragraph 3 (transfer of jurisdiction of local valuation courts).

(2) The repeal of paragraph 3 does not affect any regulations made under that paragraph before the repeal comes into force.

7 In paragraph 5(1) (regulations about membership of tribunals), in sub-paragraph (p) after "such" insert " remuneration and ".

8 In paragraph 6(1) (staff) omit ", so far as relating to Wales,".

9 In paragraph 7(1) (accommodation and equipment) omit ", so far as relating to Wales,".

10 (1) For the italic heading before paragraph 8 substitute— " Dealing with appeals "

(2) Paragraph 8(1) becomes paragraph 7A of Schedule 11.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 01/10/2009

Amendment of provisions relating to England and to Wales

11 Before paragraph 8(2) insert—

"Procedure

8 (1) Regulations under paragraph A19 or paragraph 1 may include provision of any kind specified in this paragraph."

12 In paragraph 9(2) for "paragraph 1" substitute " paragraph A19 or paragraph 1 ".

13 In paragraph 10(2) for "paragraph 1" substitute " paragraph A19 or paragraph 1 ".

14 In paragraph 10A(2) for "paragraph 1" substitute " paragraph A19 or paragraph 1 ".

15 In paragraph 11(1) for "paragraph 1" substitute " paragraph A19 or paragraph 1 ".

16 In paragraph 12(1) for "paragraph 1" substitute " paragraph A19 or paragraph 1 ".

17 After paragraph 12 insert—

"Meaning of tribunal

12A In this Part references to a tribunal are—

(a) in relation to England, references to the Valuation Tribunal for England;

(b) in relation to Wales, references to a tribunal established under paragraph 1 of this Schedule."

18 (1) For the italic heading before paragraph 13 substitute— " Finance: Wales "

(2) In paragraph 13 for "tribunals" substitute " the tribunals established in relation to Wales by regulations under paragraph 1 ".

19 In paragraph 15 for "paragraph 4" substitute " paragraph A3 or paragraph 4 ".

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VALID FROM 01/04/2008

SCHEDULE 16 E+W

Section 220

CONSEQUENTIAL AMENDMENTS RELATING TO THE CREATION OF THE VALUATION TRIBUNAL FOR ENGLAND

House of Commons Disqualification Act 1975 (c. 24)

1 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), insert at the appropriate place—
" The Valuation Tribunal for England. "

VALID FROM 01/10/2009

Local Government Finance Act 1988 (c. 41)

2 The Local Government Finance Act 1988 is amended as follows.

3 (1) Section 55 (alteration of lists) is amended in accordance with this paragraph.

(2) In subsection (5) omit "established under Schedule 11 below".

(3) After subsection (7A) insert—

"(8) In this section "valuation tribunal" means—
(a) in relation to England: the Valuation Tribunal for England;
(b) in relation to Wales: a valuation tribunal established under paragraph 1 of Schedule 11."

4 (1) Schedule 4A (non-domestic rating: new buildings (completion days)) is amended in accordance with this paragraph.

(2) In paragraph 4 (appeals against completion notices), after sub-paragraph (2) insert—

"(3) In this paragraph "valuation tribunal" means—
(a) in relation to England: the Valuation Tribunal for England;
(b) in relation to Wales: a valuation tribunal established under paragraph 1 of Schedule 11."

5 (1) Schedule 9 (non-domestic rating: administration) is amended in accordance with this paragraph.

(2) In paragraph 5C (non-compliance with information notice: appeals against penalties), after sub-paragraph (6) insert—

"(7) In this paragraph "valuation tribunal" means—
(a) in relation to England: the Valuation Tribunal for England;
(b) in relation to Wales: a valuation tribunal established under paragraph 1 of Schedule 11."

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/10/2009

Land Drainage Act 1991 (c. 59)

6 (1) Section 45 of the Land Drainage Act 1991 (appeals against determinations of annual value) is amended in accordance with this paragraph.

(2) In subsection (7)(a) omit “, in accordance with regulations under Schedule 11 to the Local Government Finance Act 1988,”.

(3) After subsection (7) insert—

“(8) For the purposes of subsection (7)—

(a) “valuation tribunal” means—

(i) the Valuation Tribunal for England, or

(ii) a valuation tribunal established under paragraph 1 of Schedule 11 to the Local Government Finance Act 1988;

(b) England is to be treated as the area for which the Valuation Tribunal for England is established.”

VALID FROM 01/10/2009

Local Government Finance Act 1992 (c. 14)

7 (1) Section 69 of the Local Government Finance Act 1992 (interpretation etc of Part 1) is amended in accordance with this paragraph.

(2) In subsection (1), for the definition of “valuation tribunal” substitute—

““valuation tribunal” means—

(a) in relation to England: the Valuation Tribunal for England;

(b) in relation to Wales: a valuation tribunal established under paragraph 1 of Schedule 11 to the 1988 Act.”

VALID FROM 01/10/2009

Tribunals and Inquiries Act 1992 (c. 53)

8 (1) Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of Council on Tribunals) is amended in accordance with this paragraph.

(2) In entry 28, for “Valuation tribunals established” substitute “ The Valuation Tribunal for England and the valuation tribunals established in relation to Wales ”.

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/10/2009

Finance Act 2003 (c. 14)

9 (1) Section 78A of the Finance Act 2003 (disclosure of information contained in land transaction returns) is amended in accordance with this paragraph.

(2) In subsection (1)(b), omit "established under Schedule 11 to the Local Government Finance Act 1988".

(3) After subsection (3) insert—

"(4) In this section "valuation tribunal" means—

(a) in relation to England: the Valuation Tribunal for England;

(b) in relation to Wales: a valuation tribunal established under paragraph 1 of Schedule 11 to the Local Government Finance Act 1988."

Local Government Act 2003 (c. 26)

10 The Local Government Act 2003 is amended as follows.

11 (1) Section 105 (the Valuation Tribunal Service) is amended in accordance with this paragraph.

(2) In subsection (2)—

(a) for "valuation tribunals in England" substitute " the Valuation Tribunal for England (referred to in this section and Schedule 4 as "the Tribunal") ";

(b) in paragraph (a) for "tribunals" substitute " the Tribunal ";

(c) in paragraph (a)(ii) for "clerks to tribunals" substitute " the clerk of the Tribunal ";

(d) in paragraph (a)(v) for "(including clerks to) tribunals" substitute " the Tribunal (including the clerk of the Tribunal) ";

(e) after paragraph (a) insert—

"(aa) making payments in accordance with paragraph A14 of Schedule 11 to the Local Government Finance Act 1988;";

(f) in paragraph (b) for "tribunals" substitute " the Tribunal ".

(3) In subsection (5)—

(a) for "valuation tribunals" substitute " the Tribunal ";

(b) for "their" substitute " its ".

(4) In subsection (6)—

(a) for "valuation tribunals" substitute " the Tribunal ";

(b) for "the Tribunals concerned" substitute " the President of the Tribunal ".

VALID FROM 01/10/2009

12 In section 124 (general interpretation), omit the definition of "valuation tribunal".

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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13 (1) Schedule 4 (the Valuation Tribunal Service) is amended in accordance with this paragraph.

(2) In paragraph 1 (membership)—

(a) after sub-paragraph (1) insert—

"(1A) The Secretary of State must appoint the person who is for the time being President of the Tribunal as one of the members of the Service (unless that person is already a member of the Service).";

(b) for sub-paragraph (3)(a) substitute—

"(a) a majority are senior members of the Tribunal, and".

(3) In paragraph 3 (tenure of office)—

(a) after sub-paragraph (1) insert—

"(1A) The person who is for the time being President of the Tribunal shall hold office as a member of the Service for as long as he remains President of the Tribunal.";

(b) in sub-paragraph (2) after "A person" insert " other than the President of the Tribunal ".

(4) In paragraph 4 (cessation of membership), for sub-paragraph (1)(b) substitute—

"(b) he ceases to be President of the Tribunal (whether or not he was appointed to the Service by virtue of being President),

(ba) having been a Vice-President of the Tribunal, or a member of the panel of chairmen of the Tribunal, at the time of his appointment, he ceases to hold that office without being appointed to another of the senior offices of the Tribunal, or".

(5) For paragraph 9 substitute—

"9 The Service shall not appoint an employee to be the clerk of the Tribunal without the consent of the President of the Tribunal."

(6) In paragraph 27 (interpretation), after the definition of "financial year" insert—

""senior member of the Tribunal" means a person holding one of the senior offices of the Tribunal;

"senior offices of the Tribunal" means any of these offices—

(a) President of the Tribunal;

(b) Vice-President of the Tribunal;

(c) member of the panel of chairmen of the Tribunal."

Constitutional Reform Act 2005 (c. 4)

14 The Constitutional Reform Act 2005 is amended as follows.

15 (1) Schedule 7 (protected functions of the Lord Chancellor) is amended in accordance with this paragraph.

(2) In Part A of that Schedule (general), insert at the appropriate place—

"Local Government Finance Act 1988

Schedule 11, paragraph A7"

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

16 (1) Schedule 14 (Judicial Appointments Commission: relevant offices and enactments) is amended in accordance with this paragraph.

(2) In Part 3 of the Schedule, insert at the appropriate place—

"President of the Valuation Tribunal for England	Paragraph A7 of Schedule 11 to the Local Government Finance Act 1988
Vice-President of the Valuation Tribunal for England	Paragraph A7 of Schedule 11 to the Local Government Finance Act 1988
Member of the panel of chairmen of the Valuation Tribunal for England	Paragraph A7 of Schedule 11 to the Local Government Finance Act 1988
Other member of the Valuation Tribunal for England	Paragraph A7 of Schedule 11 to the Local Government Finance Act 1988"

SCHEDULE 17 E+W

Section 235

POWERS OF NATIONAL ASSEMBLY FOR WALES

1 Schedule 5 to the Government of Wales Act 2006 (c. 32) (Assembly measures) is amended in accordance with this Schedule.

Commencement Information
I171 Sch. 17 para. 1 in force at 30.12.2007, see s. 245(2)

2 In Part 1, after the heading "*Field 12: local government*" insert—

"Matter 12.1

Provision for and in connection with—

(a) the constitution of new principal areas and the abolition or alteration of existing principal areas, and

(b) the establishment of councils for new principal areas and the abolition of existing principal councils.

"Principal area" means a county borough or a county in Wales, and "principal council" means a council for a principal area.

Matter 12.2

Provision for and in connection with—

(a) the procedure for the making and coming into force of byelaws, and

(b) the enforcement of byelaws.

"Byelaws" means those of a class which may be confirmed by the Welsh Ministers (but the provision which may be made includes provision to remove a requirement of confirmation).

Matter 12.3

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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Any of the following—

(a) the principles which are to govern the conduct of members of relevant authorities,

(b) codes of conduct for such members,

(c) the conferral on any person of functions relating to the promotion or maintenance of high standards of conduct of such members (including the establishment of bodies to have such functions),

(d) the making or handling of allegations that members (or former members) of relevant authorities have breached standards of conduct, including in particular—

(i) the investigation and adjudication of such allegations and reports on the outcome of investigations,

(ii) the action that may be taken where breaches are found to have occurred,

(e) codes of conduct for employees of relevant authorities.

For the purposes of this matter—

"relevant authority" has the same meaning as in Part 3 of the Local Government Act 2000, except that other than in paragraph (d) it does not include a police authority,

"member" includes a co-opted member within the meaning of that Part.

Matter 12.4

Provision for and in connection with strategies of county councils and county borough councils for promoting or improving the economic, social or environmental well-being of their areas or contributing to the achievement of sustainable development in the United Kingdom, including provision imposing requirements in connection with such strategies on other persons with functions of a public nature.

Matter 12.5

Provision for and in connection with—

(a) the making of arrangements by relevant Welsh authorities to secure improvement in the way in which their functions are exercised,

(b) the making of arrangements by relevant Welsh authorities for the involvement in the exercise of their functions of people who are likely to be affected by, or interested in, the exercise of the functions, and

(c) the assessment and inspection of the performance of relevant Welsh authorities in exercising their functions.

The following are "relevant Welsh authorities"—

(a) a county council, county borough council or community council in Wales,

(b) a National Park authority for a National Park in Wales,

(c) a fire and rescue authority in Wales 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,

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(d) a levying body within the meaning of section 74(1) of the Local Government Finance Act 1988 in respect of which the county council or charging authority referred to in section 74(1)(b) of that Act was a council or authority for an area in Wales,

(e) a body to which section 75 of that Act applies (special levies) and which as regards the financial year beginning in 1989 had power to levy a rate by reference to property in Wales."

Commencement Information
I172 Sch. 17 para. 2 in force at 30.12.2007, see s. 245(2)

3 In Part 2, after paragraph 2 insert—

"Police areas

2A A provision of an Assembly Measure cannot make any alteration in police areas."

Commencement Information
I173 Sch. 17 para. 3 in force at 30.12.2007, see s. 245(2)

4 In Part 3, after paragraph 7 insert—

"Police areas

7A Part 2 does not prevent a provision of an Assembly Measure making an alteration to the boundary of a police area in Wales if the Secretary of State consents to the provision."

Commencement Information
I174 Sch. 17 para. 4 in force at 30.12.2007, see s. 245(2)

SCHEDULE 18 E+W+S

Section 241

REPEALS

PART 1 E+W

STRUCTURAL AND BOUNDARY CHANGE

Commencement Information
I175 Sch. 18 Pt. 1 in force at 1.11.2007 for E. by S.I. 2007/3136, **art. 2(c)** (with art. 3)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Short title and chapter	***Extent of repeal***
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 1, paragraph 33.
Local Government Finance Act 1988 (c. 41)	In section 91(3B), the words "(in this section referred to as "the reorganisation date")".
Food Safety Act 1990 (c. 16)	In section 27(5), the words "pursuant to a structural change".
Local Government Act 1992 (c. 19)	In section 13— (a) subsections (1) and (2); (b) subsection (7)(a). In section 14— (a) in subsection (1), paragraphs (a) and (b), in paragraph (c) the words from "whether" to the end of the paragraph, and the words after paragraph (c); (b) subsections (2), (3), (5), (6) and (7). Section 15(7A)(a). Section 16. In section 17— (a) subsection (1); (b) subsection (2)(a); (c) in subsection (3), the words "Subject to subsection (3A) below,", the words "Electoral Commission or of the", paragraphs (a), (b), (c), (ea), (g) and (h), and, in paragraph (f), the words from the beginning to "district councillors," and the words "and the order of retirement" and "for any parish situated in the district"; (d) subsections (3A) and (3B); (e) in subsection (4), the words "or in an agreement under section 20 below"; (f) subsections (5) and (6). Section 18. Section 19(2). Sections 20 to 22. In section 26— (a) in subsection (1), paragraphs (a) and (b) and, in paragraph (c), the words "or relates only to parishes"; (b) subsection (2); (c) in subsection (3), the words "orders or" in the first place where they occur; (d) in subsection (4) the words "order or"; (e) subsection (5); (f) in subsection (6), the words "the Secretary of State is or", the words "he or", and the words "he thinks or".
Environment Act 1995 (c. 25)	In section 79(1), in the definition of "public authority", the words "or residuary body".

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PROSPECTIVE

PART 2 E+W

ELECTORAL ARRANGEMENTS

Short title and chapter	*Extent of repeal*
Local Government Act 1972 (c. 70)	Section 7(4) to (6). Section 8(2) and (3).
Local Government Act 1992 (c. 19)	In section 15— (a) subsection (1)(c) and the word "and" immediately preceding it; (b) subsection (2); (c) subsection (3)(a) and (c); (d) in subsection (6)(a), the words "a further report under subsection (4) containing"; (e) subsection (8). Section 15A. In section 17(2), the words "or the submission of a report".

PROSPECTIVE

PART 3 E+W

EXECUTIVE ARRANGEMENTS

Reference	*Extent of repeal or revocation*
Local Government Act 1972 (c. 70)	In section 3(4A) the words "or a mayor and council manager executive". In section 79(1) the words ", or be qualified to be elected and to be an elected mayor,". In section 80(1), in the words before paragraph (a), the words ", and be disqualified for being elected or being an elected mayor,". In section 270(4A) the words "or a mayor and council manager executive". In Schedule 2, in paragraph 5B, the words "or a mayor and council manager executive". In Schedule 12— (a) paragraph 1(2)(aa);

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	(b) in paragraph 5(5), the words "or a mayor and council manager executive".
Local Government Act 1974 (c. 7)	In section 30(2AB), the words "or mayor and council manager executive".
Representation of the People Act 1983 (c. 2)	In section 24(1)(dd) the words "or a mayor and council manager executive".
Local Government Finance Act 1988 (c. 41)	In section 111(3A), the words "leader and cabinet executive,".
The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 (S.I. 2001/2237)	Articles 4 and 5(a).

VALID FROM 13/02/2008

PART 4 E+W

PARISHES

Short title and chapter	*Extent of repeal*
Local Government and Rating Act 1997 (c. 29)	Part 2.

PART 5 E+W

COMMUNITY STRATEGIES

Commencement Information
I176 Sch. 18 Pt. 5 in force at 30.12.2007, see s. 245(2)

Short title and chapter	*Extent of repeal*
Local Government Act 2000 (c. 22)	Section 6(5) and (6). Section 7(2) and (6).

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 30/04/2009

PART 6 E+W

OVERVIEW AND SCRUTINY COMMITTEES

Short title and chapter	*Extent of repeal*
Local Government Act 2000 (c. 22)	Section 21(8).
National Health Service (Consequential Provisions) Act 2006 (c. 43)	In Schedule 1, paragraph 206.
Police and Justice Act 2006 (c. 48)	Section 20(5)(f) and (g)(i) to (iii).

PROSPECTIVE

PART 7 E+W

BYELAWS

Short title and chapter	*Extent of repeal*
Public Health Acts Amendment Act 1907 (c. 53)	In subsection (4) of section 82, the words from "Provided" to the end of the subsection.
Public Health Act 1936 (c. 49)	In section 231(1)— (a) in paragraph (b), the words "bathing-machines may be stationed, or"; (b) in paragraph (c), the words "bathing-machines,"; (c) paragraph (d).
Public Health (Control of Disease) Act 1984 (c. 22)	Section 56(2) and (3).

PART 8 E+W

BEST VALUE

Commencement Information

I177 Sch. 18 Pt. 8 in force at 30.12.2007 for specified purposes, see s. 245(2)

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Short title and chapter	***Extent of repeal***
Housing Associations Act 1985 (c. 69)	In section 75(1B), the words from “, except” to the end.
Local Government Act 1999 (c. 27)	In section 1— (a) in subsection (1)(d), the words “(subject to subsection (8))”; (b) subsection (3); (c) subsection (5); (d) subsection (6)(c); (e) subsection (8). In section 2— (a) subsection (2)(a); (b) subsection (3). Section 4(6). Section 5. Section 6(2)(c), (d) and (l). Section 7(3). In section 7(3A), the words “If an authority's auditor is appointed by the Auditor General for Wales,”. In section 7(4)— (a) paragraph (e); (b) in paragraph (ea), the words “if the auditor is appointed by the Auditor General for Wales,”. In section 7(5)— (a) paragraph (b); (b) in paragraph (ba), the words “if the auditor is appointed by the Auditor General for Wales,”. In section 7(7), the word “, (3)”. In section 7(8)— (a) paragraph (a); (b) in paragraph (aa), the words “if he was appointed by the Auditor General for Wales,”; (c) in the words following paragraph (b), the word “, (3)”. In section 7(8A)— (a) in paragraph (a), the words “, if the authority is a best value authority in Wales,”; (b) paragraph (b). Section 7(9). Section 8. Section 8B(1), (3) and (4). In section 10(4), paragraph (a) and the word “and” following that paragraph. In section 11(4)(b), the word “must”. Section 13(5). Section 21. Section 22(8).

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Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

	In section 23(6), the words "(within the meaning of section 7)". In section 26(2)(a), the words "best value". In section 28(2), the word "5,". In section 29— (a) subsection (3); (b) in subsection (4), the words "to Wales".
Local Government Act 2000 (c. 22)	In section 21— (a) in subsection (4), the words "Subject to subsection (5),"; (b) subsection (5).
Local Government Act 2003 (c. 26)	Sections 34 and 35. In section 95(7), the definition of "best value authority". In section 100(2)(b), the words "4 to 6,". In section 101(8), in the definition of "appropriate person", the words ", in relation to Scotland,". In section 102(8)— (a) in the definition of "appropriate person", the words "in relation to Scotland,"; (b) in the definition of "local authority", paragraph (a) and, in paragraph (b), the words "in relation to Scotland,".
Public Audit (Wales) Act 2004 (c. 23)	Section 59(4). In Schedule 1— (a) paragraph 4; (b) paragraph 5(2), (4), (6), (9) and (13).
Police and Justice Act 2006 (c. 48)	Section 4.
Local Government and Public Involvement in Health Act 2007 (c. 28)	Section 136(1)(b).

VALID FROM 01/04/2008

PART 9 E+W

CHANGE OF NAME OF THE AUDIT COMMISSION

Short title and chapter	*Extent of repeal*
Prison Act 1952 (c. 52)	In Schedule A1, in paragraphs 2(2)(h), 3(2)(e) and 4(h), the words "and Wales".
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 3, in the entry relating to any member of the Audit Commission in receipt of remuneration, the words "and Wales".

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 2, in the entry relating to the Audit Commission, the words “and Wales”.
Housing Associations Act 1985 (c. 69)	In section 75(1A), the words “and Wales”.
Airports Act 1986 (c. 31)	In section 22(5)(b), the words “and Wales”.
Education Reform Act 1988 (c. 40)	In section 124B(5), the words “and Wales”.
Local Government Finance Act 1988 (c. 41)	In Schedule 8, in paragraph 5(6)(c)(i), the words “and Wales”.
Social Security Administration Act 1992 (c. 5)	In section 123(8)(ja), the words “and Wales”.
Charities Act 1993 (c. 10)	In section 43A(7), in the definition of “Audit Commission”, the words “and Wales”.
Police Act 1996 (c. 16)	In Schedule 4A, in paragraphs 2(2)(h), 3(2)(e) and 4(h), the words “and Wales”.
Audit Commission Act 1998 (c. 18)	In section 1(1), the words “and Wales”. In section 53(1), in the definition of “the Commission”, the words “and Wales”. In Schedule 4, paragraph 8.
School Standards and Framework Act 1998 (c. 31)	In section 53(1), the words “and Wales”.
Local Government Act 1999 (c. 27)	In section 22(1), the words “and Wales”.
Greater London Authority Act 1999 (c. 29)	In section 125(2)(b), the words “and Wales”.
Crown Prosecution Service Inspectorate Act 2000 (c. 10)	In the Schedule, in paragraphs 2(2)(h) and 4(h), the words “and Wales”.
Local Government Act 2000 (c. 22)	In section 83(1), in the definition of “the Audit Commission”, the words “and Wales”.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 6, in the entry relating to the Audit Commission, the words “and Wales”.
Criminal Justice and Court Services Act 2000 (c. 43)	In Schedule 1A, in paragraphs 2(2)(h), 3(2)(e) and 4(h), the words “and Wales”.
Local Government Act 2003 (c. 26)	In section 99(7), in the definition of “the Audit Commission”, the words “and Wales”. In section 110(4), the words “and Wales”.
Courts Act 2003 (c. 39)	In Schedule 3A, in paragraphs 2(2)(h), 3(2)(a) and 4(h), the words “and Wales”.
Health and Social Care (Community Health and Standards) Act 2003 (c. 43)	In section 148, in the definition of “Audit Commission”, the words “and Wales”.

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Public Audit (Wales) Act 2004 (c. 23)	In section 71, in the definition of "the Audit Commission", the words "and Wales".
Children Act 2004 (c. 31)	In section 20(4)(e), the words "and Wales".
Education and Inspections Act 2006 (c. 40)	In Schedule 13, in paragraph 1(2)(h), the words "and Wales".
National Health Service Act 2006 (c. 41)	In Schedule 7, in paragraph 23(7), the words "and Wales". In Schedule 15, in paragraph 4(4), the words "and Wales".

VALID FROM 31/01/2008

PART 10 E+W

INTERACTION OF THE AUDIT COMMISSION WITH OTHER AUTHORITIES

Short title and chapter	*Extent of repeal*
Audit Commission Act 1998 (c. 18)	Section 37. In Schedule 1, paragraph 8(2)(a).
Health and Social Care (Community Health and Standards) Act 2003 (c. 43)	In Schedule 9, paragraph 12(9).
Education and Inspections Act 2006 (c. 40)	In Schedule 14, paragraph 29.
Police and Justice Act 2006 (c. 48)	In Schedule 14, paragraph 35.

VALID FROM 31/01/2008

PART 11 E+W

STUDIES AND REPORTS ETC OF THE AUDIT COMMISSION

Short title and chapter	*Extent of repeal*
Town and Country Planning Act 1990 (c. 8)	In section 2(6B)(a), the words ", 44 to 47".
Audit Commission Act 1998 (c. 18)	In section 5(1), paragraph (f) and the word "and" immediately preceding it. Section 33(2). In section 33(6)— (a) the words ", other than a study within paragraph (a) or (b) of subsection (2),";"

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	(b) in paragraph (c), the words "the Secretary of State,"; (c) the word "and" immediately preceding paragraph (e). Sections 35 and 35A. In section 40(1), the words "(other than registered social landlords in Wales)". Section 41A(1A). Section 42. Sections 44 to 47. In Schedule 1, paragraph 8(2)(d).
Government of Wales Act 1998 (c. 38)	In Schedule 16, paragraphs 101 and 102.
Greater London Authority Act 1999 (c. 29)	In Schedule 8, paragraphs 9 and 10.
Health and Social Care (Community Health and Standards) Act 2003 (c. 43)	In Schedule 9, paragraph 12(8).
Public Audit (Wales) Act 2004 (c. 23)	In section 70— (a) in subsection (3), "or 35"; (b) in subsection (4), "or, as the case may be, 35". In Schedule 2, paragraphs 27(2)(b), 29(2) and 31.

VALID FROM 31/01/2008

PART 12 E+W

AUDIT COMMISSION AND AUDITORS: MISCELLANEOUS

Short title and chapter	*Extent of repeal*
Audit Commission Act 1998 (c. 18)	Section 49(1A). In section 49(3)(a), the words "to imprisonment for a term not exceeding six months or" and the words "or to both; or". Section 49(3)(b). Section 49A.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 31/01/2008

PART 13 E+W

AUDITOR GENERAL FOR WALES AND AUDITORS

Short title and chapter	*Extent of repeal*
Public Audit (Wales) Act 2004 (c. 23)	Section 54(2A). In section 54(4)(a), the words "to imprisonment for a term not exceeding six months or" and the words "or to both;". Section 54(4)(b). Section 54A.

VALID FROM 01/04/2008

PART 14 E+W

THE COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Short title and chapter	*Extent of repeal*
Parliamentary Commissioner Act 1967 (c. 13)	In section 11ZAA(5), the words "of a complaint".
Local Government Act 1974 (c. 7)	In section 23— (a) in subsection (4), the words from "after consultation" to the end; (b) in subsection (6), the words from ", and shall in any case vacate office" to the end. Section 23A(4) and (5). In section 25— (a) in subsection (4A), paragraphs (b) and (c); (b) subsection (4B). In section 26— (a) subsections (2) to (4); (b) subsection (10); (c) subsection (11)(b) (together with the word "and" immediately preceding it); (d) subsections (12) and (13). Section 27(2). In section 28(3), the words following paragraph (b).

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	In section 29(6), the words "with the approval of the Minister for the Civil Service". In section 31A— (a) subsection (5A); (b) subsection (6); (c) in subsection (7), the words "Where the authority concerned is the Greater London Authority,". In section 33ZA(4), the words "of a complaint". In section 34(1), in the definition of "member", paragraphs (b) and (c). In Schedule 4— (a) in paragraph 1(1)(b), the words "or is a member (by co-option) of a committee of any of those authorities"; (b) in paragraph 3(1), the words ", with the approval of the Minister for the Civil Service,"; (c) in paragraph 3(2), the words ", with the consent of the Minister for the Civil Service,"; (d) paragraph 4(5) and (6).
Local Government Act 1988 (c. 9)	In Schedule 3, paragraph 5(2), (3), (6) and (7).
Local Government and Housing Act 1989 (c. 42)	In section 5(2)(b), the words "Part III of the Local Government Act 1974 (Local Commissioners) or". Section 24(1). In Schedule 11, paragraph 37.
Health Service Commissioners Act 1993 (c. 46)	In section 18ZA(4), the words "of a complaint".
Environment Act 1995 (c. 25)	In Schedule 7, paragraph 18(3).
Greater London Authority Act 1999 (c. 29)	In Schedule 18, paragraph 16(3).
Local Government Act 2003 (c. 26)	In Schedule 7, paragraph 5(2) and (4).
Public Services Ombudsman (Wales) Act 2005 (c. 10)	In Schedule 6— (a) paragraph 9(5); (b) paragraph 13(2), (3) and (4); (c) paragraph 18(11).

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VALID FROM 31/01/2008

PART 15 E+W

ETHICAL STANDARDS

Short title and chapter	*Extent of repeal*
Local Government and Housing Act 1989 (c. 42)	Section 3(8)(a).
Local Government Act 2000 (c. 22)	In section 52, in each of subsections (1) to (4), the words "in performing his functions". In section 54A(2), the words "55 or". In section 55— (a) in the sidenote, the words "or sub-committees"; (b) subsection (3); (c) in subsection (8), the words from the beginning to "section, and"; (d) subsections (9) and (10); (e) in subsection (11), the words "or in relation to", in both places where they occur, and the words after paragraph (b). In section 62(1), the words "relating to a relevant authority" and the words from "in relation to" to the end. In Schedule 4, in paragraph 2(1), the word "or" following paragraph (b).

PROSPECTIVE

PART 16 E+W+S

ENTITIES CONTROLLED ETC BY LOCAL AUTHORITIES

Short title and chapter	*Extent of repeal*
Prevention of Corruption Act 1916 (c. 64)	In section 4(2), the words from "and companies" to "local authorities".
Local Government and Housing Act 1989 (c. 42)	Part 5.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Local Government Act 2003 (c. 26)	In section 95(4), the words from "within" to the end.

PROSPECTIVE

PART 17 E+W

VALUATION TRIBUNALS

Short title and chapter	***Extent of repeal***
Local Government Finance Act 1988 (c. 41)	In section 55(5), the words "established under Schedule 11 below". In Schedule 11— (a) paragraph 1(2)(a); (b) in paragraph 1(2)(b) the words "so far as relating to Wales,"; (c) paragraph 3; (d) in paragraph 6(1) the words ", so far as relating to Wales,"; (e) in paragraph 7(1) the words ", so far as relating to Wales,".
Land Drainage Act 1991 (c. 59)	In section 45(7)(a), the words ", in accordance with regulations under Schedule 11 to the Local Government Finance Act 1988,".
Finance Act 2003 (c. 14)	In section 78A(1)(b), the words "established under Schedule 11 to the Local Government Finance Act 1988".
Local Government Act 2003 (c. 26)	In section 124, the definition of "valuation tribunal". In Schedule 7, paragraph 27(b) and (c).

VALID FROM 01/04/2008

PART 18 E+W

PATIENT AND PUBLIC INVOLVEMENT IN HEALTH

Reference	***Extent of repeal or revocation***
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entry in respect of the Commission for Patient and Public Involvement in Health.

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 2— (a) the entry in respect of the Commission for Patient and Public Involvement in Health, and (b) the entry in respect of Patients' Forums established under section 237 of the National Health Service Act 2006.
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 3, the entry in respect of the Commission for Patient and Public Involvement in Health.
Mental Health Act 1983 (c. 20)	In section 134(3)(e), the words “, a Patients' Forum”.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 3, paragraphs 41A and 45B.
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	Section 19(6) and (7). In Schedule 6, paragraphs 17 to 19.
National Health Service Reform and Health Care Professions Act 2002 (Commencement No. 6) Order 2003 (S.I. 2003/2246)	Article 3.
Health Act 2006 (c. 28)	In Schedule 5, the entry in respect of the Commission for Patient and Public Involvement in Health.
National Health Service Act 2006 (c. 41)	In section 35(5), paragraph (a). In section 38(2), paragraph (b). In section 56(8), paragraph (a). Sections 237 to 241. Section 243. Section 248(7) and (8). In section 271(3), paragraphs (e) and (f). Schedule 16.
National Health Service (Consequential Provisions) Act 2006 (c. 43)	In Schedule 1, paragraphs 53 and 211(h).

PROSPECTIVE

PART 19 E+W

CONTRACTING OUT

Short title and chapter	*Extent of repeal*
Deregulation and Contracting Out Act 1994 (c. 40)	Section 79(2).

Status: *Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.*
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Environment Act 1995 (c. 25)	In Schedule 8, paragraph 13.

Status:
Point in time view as at 30/12/2007. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:
Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.