



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 16

MISCELLANEOUS

Contracting out

239 Contracting out

(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.”

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Contracting out. (See end of Document for details)

- (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—

“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;

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- (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;
- (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.”

Commencement Information

II S. 239 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(u\)](#) (with [art. 6\(6\)](#))

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