SCHEDULES

SCHEDULE 7

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;".

Commencement Information

I1 Sch. 7 para. 1 in force at 1.4.2008 by S.I. 2008/917, **art. 2(1)(a)**

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".

Commencement Information

I2 Sch. 7 para. 2 in force at 1.4.2008 by S.I. 2008/917, **art. 2(1)(a)**

Changes to legislation: *There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, SCHEDULE 7. (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)—

(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,".

(10) In section 102 (staff transfer matters: pensions) after subsection (7) insert—

Changes to legislation: *There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, SCHEDULE 7. (See end of Document for details)*

"(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,".

Commencement Information

I3 Sch. 7 para. 3 in force at 1.4.2008 by S.I. 2008/917, **art. 2(1)(a)**

Changes to legislation:
There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, SCHEDULE 7.