



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 7

BEST VALUE

Powers to modify enactments etc

141 Consultation with and consent of Welsh Ministers

- (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)—

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Section 141. (See end of Document for details)

- (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.”;
- (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

II S. 141 in force at 30.12.2007, see s. 245(2)

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Section 141.