

**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)

## 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\(1\)\(a\)](#)

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*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)—

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- (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—

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“(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,”.

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**Commencement Information**

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

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