



Local Government Act 1999

1999 CHAPTER 27

PART I

BEST VALUE

Exercise of functions by best value authorities

[^{F1}17A Power of Welsh Ministers to modify enactments and confer new powers

[^{F2}(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;
- (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.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1999, Section 17A. (See end of Document for details)

- (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).]]

Textual Amendments

- F1** Ss. 17A, 17B inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), **ss. 142(2)**, 245(2) (with s. 142(3))
- F2** S. 17A repealed (E.W.) (1.4.2010) by [Local Government \(Wales\) Measure 2009](#) (nawm 2), s. 53(2), **Sch. 4**; S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

Changes to legislation:

There are currently no known outstanding effects for the Local Government Act 1999, Section 17A.