



Local Government Act 2000

2000 CHAPTER 22

PART I

PROMOTION OF ECONOMIC, SOCIAL OR ENVIRONMENTAL WELL-BEING ETC

Modification of certain enactments

6 Power to modify enactments concerning plans etc

- (1) Subject to subsection (3), the Secretary of State may by order amend, repeal, revoke or disapply any enactment (whenever passed or made) which requires a local authority to prepare, produce or publish any plan or strategy relating to any particular matter.
- (2) The power under subsection (1) may be exercised in relation to—
 - (a) all local authorities,
 - (b) particular local authorities, or
 - (c) particular descriptions of local authority.
- (3) The power under subsection (1) may be exercised in relation to a local authority only if the Secretary of State considers—
 - (a) that it is not appropriate for any such enactment as is mentioned in that subsection to apply to the authority, or
 - (b) that any such enactment should be amended so that it operates more effectively in relation to the authority.
- (4) The power under subsection (1) to amend or disapply an enactment includes a power to amend or disapply an enactment for a particular period.
- (5) In exercising the power under subsection (1), the Secretary of State—
 - (a) must not make any provision which has effect in relation to Wales unless he has consulted the National Assembly for Wales, and
 - (b) must not make any provision—
 - (i) in relation to legislation made by the National Assembly for Wales, or

Status: This is the original version (as it was originally enacted).

- (ii) which has effect both in relation to Wales and in relation to any enactment to which section 7(2) applies, without the consent of the Assembly.
- (6) The National Assembly for Wales may submit proposals to the Secretary of State that the power under subsection (1) should be exercised in relation to Wales in accordance with those proposals.
- (7) An order under this section which would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument shall proceed in that House as if it were not such an instrument.
- (8) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

7 Power to modify enactments concerning plans etc: Wales

- (1) Subject to subsections (4) and (6), the National Assembly for Wales may by order amend, repeal, revoke or disapply any enactment to which subsection (2) applies so far as that enactment has effect in relation to a local authority in Wales.
- (2) This subsection applies to—
 - (a) section 49(1)(c) of the Environmental Protection Act 1990,
 - (b) section 2 of the Home Energy Conservation Act 1995,
 - (c) section 84(2)(b) of the Environment Act 1995,
 - (d) any other enactment (whenever passed or made) which—
 - (i) requires a local authority to prepare, produce or publish any plan or strategy relating to any particular matter, and
 - (ii) is specified in an order made by the Secretary of State under this subsection.
- (3) The power under subsection (1) may be exercised in relation to—
 - (a) all local authorities in Wales,
 - (b) particular local authorities in Wales, or
 - (c) particular descriptions of local authority in Wales.
- (4) The power under subsection (1) may be exercised in relation to a local authority only if the National Assembly for Wales considers—
 - (a) that it is not appropriate for any such enactment as is mentioned in that subsection to apply to the authority, or
 - (b) that any such enactment should be amended so that it operates more effectively in relation to the authority.
- (5) The power under subsection (1) to amend or disapply an enactment includes a power to amend or disapply an enactment for a particular period.
- (6) An order under subsection (2)(d)(ii) which specifies any enactment may provide that the power under subsection (1) may be exercised in relation to that enactment only if the National Assembly for Wales complies with any conditions specified in the order.
- (7) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

8 Modification of section 137 of the 1972 Act

In section 137 of the Local Government Act 1972 (power of local authorities to incur expenditure for certain purposes not otherwise authorised), for subsection (9) there is substituted—

“(9) Subject to subsection (10) below, in this section “local authority” means a parish or community council.

(10) In subsection (3) above “local authority” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Common Council or a parish council,
- (b) in relation to Wales, a county council, a county borough council or a community council.”