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SCHEDULES

SCHEDULE 1

Section 19

CAPITAL FINANCE: PARISH AND COMMUNITY COUNCILS AND CHARTER TRUSTEES

Introductory

- 1 The following are local authorities for the purposes of this Schedule—
- (a) a parish council;
 - (b) a community council;
 - (c) charter trustees.

Commencement Information

- I1** Sch. 1 para. 1 in force at 27.11.2003 for specified purposes for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I
I2 Sch. 1 para. 1 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(b) (with art. 8, Sch.)

Borrowing

- 2 (1) Subject to sub-paragraph (2), a local authority may borrow money—
- (a) for any purpose relevant to its functions under any enactment, or
 - (b) for the purposes of the prudent management of its financial affairs.
- (2) A local authority may only borrow money (whether under sub-paragraph (1) or otherwise)—
- (a) for a purpose or class of purpose approved for the purposes of this provision by the appropriate person, and
 - (b) in accordance with any conditions subject to which the approval is given.
- (3) Sub-paragraph (2) does not apply—
- (a) to borrowing by way of temporary loan or overdraft from a bank or otherwise of sums which a local authority may temporarily require—
 - (i) for the purpose of meeting expenses pending the receipt of revenues receivable by it in respect of the period of account in which the expenses are chargeable, or
 - (ii) for the purpose of meeting expenses intended to be met by means of borrowing in accordance with approval under sub-paragraph (2), or
 - (b) to borrowing for the purpose of repaying money borrowed in accordance with approval under sub-paragraph (2), where the new borrowing takes place during the fixed period relating to the existing borrowing.
- (4) A local authority's functions under this paragraph shall be discharged only by the authority.

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Commencement Information

- I3** Sch. 1 para. 2 in force at 27.11.2003 for specified purposes for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I
I4 Sch. 1 para. 2 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(b) (with art. 8, Sch.)

- 3 (1) Where a local authority meets any expenditure by borrowing, it shall in each financial year debit the appropriate amount to the account from which that expenditure would otherwise fall to be met; but that duty shall not prevent the authority debiting a larger amount to that account.
- (2) The appropriate amount for the purposes of sub-paragraph (1) is a sum equivalent to an instalment of principal and interest combined such that if paid annually it would secure the payment of interest at the due rate on the outstanding principal together with the repayment of the principal not later than the end of the fixed period.
- (3) Sub-paragraph (1) has effect subject to sub-paragraph (4) if—
- (a) a local authority makes an advance to any other person and the expenditure incurred in making the advance is met by borrowing, and
 - (b) the terms of that advance are such that repayment is to be made otherwise than by equal instalments of principal and interest combined.
- (4) The local authority may debit to the account from which the expenditure met by the borrowing would otherwise fall to be met sums of different amounts (whether or not including instalments of principal) in respect of different financial years in order to take account of the terms on which its advance falls to be repaid.

Commencement Information

- I5** Sch. 1 para. 3 in force at 27.11.2003 for specified purposes for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I
I6 Sch. 1 para. 3 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(b) (with art. 8, Sch.)

Loans

- 4 (1) A local authority may lend to a qualifying local government body, on such terms as they may agree, such sums as the body may require for any purpose for which it is authorised by or under any enactment to borrow money.
- (2) In sub-paragraph (1), “qualifying local government body” means a body with local government functions which is specified for the purposes of this paragraph by regulations made by the appropriate person.

Commencement Information

- I7** Sch. 1 para. 4 in force at 27.11.2003 for specified purposes for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I
I8 Sch. 1 para. 4(1) in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(b) (with art. 8, Sch.)
I9 Sch. 1 para. 4(2) in force at 18.11.2003 for specified purposes for E. by S.I. 2003/2938, art. 3(g) (with art. 8, Sch.)
I10 Sch. 1 para. 4(2) in force at 1.4.2004 for E. in so far as not already in force by S.I. 2003/2938, art. 7(b) (with art. 8, Sch.)

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“Fixed period”

- 5 In this Schedule, references to the fixed period, in relation to borrowing by a local authority, are to the period within which the money borrowed is to be repaid as determined by the local authority with the consent of the appropriate person.

Commencement Information

- I11** Sch. 1 para. 5 in force at 27.11.2003 for specified purposes for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I
I12 Sch. 1 para. 5 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(b) (with art. 8, Sch.)

SCHEDULE 2

Section 40

WELSH LOCAL GOVERNMENT FINANCE REPORTS

- 1 In Part 5 of the Local Government Finance Act 1988 (c. 41) (grants), after section 84C there is inserted—

“84D Application of Chapter 3

This Chapter applies only in relation to Wales.

84E Revenue support grant: Wales

- (1) The National Assembly for Wales shall pay a grant for each financial year to—
(a) receiving authorities, and
(b) specified bodies.
- (2) Grant under this section shall be known as revenue support grant.
- (3) Revenue support grant shall be payable in accordance with this Chapter.

84F Determination of grant

- (1) The National Assembly for Wales shall for each financial year make—
(a) a determination under subsection (2), or
(b) a determination under each of subsections (3) and (4).
- (2) A determination under this subsection shall state—
(a) the total amount of revenue support grant for the year,
(b) the amount of the grant the Assembly proposes to pay to receiving authorities, and
(c) the amount of the grant the Assembly proposes to pay to each specified body.
- (3) A determination under this subsection shall state—
(a) the total amount of revenue support grant for the year for—
(i) receiving authorities other than police authorities, and
(ii) specified bodies,

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- (b) the amount of the grant the Assembly proposes to pay to receiving authorities that are not police authorities, and
 - (c) the amount of the grant the Assembly proposes to pay to each specified body.
- (4) A determination under this subsection shall state the total amount of revenue support grant for the year for police authorities.
 - (5) Before making a determination under this section, the Assembly shall consult such representatives of local government as appear to it to be appropriate.
 - (6) Different amounts may be stated under subsection (2)(c) or (3)(c) in relation to different specified bodies.
 - (7) In this section “police authority” means a police authority established under section 3 of the Police Act 1996.

84G Local government finance reports

- (1) The National Assembly for Wales shall specify a determination under section 84F in a report, to be called a local government finance report.
- (2) A local government finance report shall also specify the basis on which the Assembly proposes to distribute among the receiving authorities to which the report relates the amount stated under section 84F(2)(b) or, as the case may be, section 84F(3)(b) or (4).
- (3) Before making a report under this section, the Assembly shall notify the general nature of the basis of distribution proposed to be specified in the report to such representatives of local government as appear to it to be appropriate.
- (4) A report made under this section shall be published by the Assembly.
- (5) As soon as is reasonably practicable after a report is published under subsection (4), the Assembly shall send a copy of the report to each of the receiving authorities to which the report relates.

84H Effect of publication of local government finance report

- (1) This section applies where the National Assembly for Wales publishes a local government finance report.
- (2) The Assembly shall pay revenue support grant for the year to which the report relates in accordance with the determination specified in the report.
- (3) The amount of revenue support grant to be paid to receiving authorities in accordance with subsection (2) shall be distributed among, and paid to, them in accordance with sections 84J and 84K.
- (4) The amount of revenue support grant to be paid to a specified body in accordance with subsection (2) shall be paid at such time, or in instalments of such amounts and at such times, as the Assembly may determine.

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- (5) The time of payment under subsection (4) may be during or after the financial year for which the grant is payable.

84J Calculation of grant payable to receiving authorities

- (1) This section applies where the National Assembly for Wales publishes a local government finance report.
- (2) As soon as is reasonably practicable after the report has been published, the Assembly shall calculate in relation to each receiving authority to which the report relates what sum, if any, falls to be paid to the authority by way of revenue support grant for the year to which the report relates.
- (3) The calculation under subsection (2) shall be in accordance with the basis of distribution specified in the report.
- (4) The Assembly may carry out the subsection (2) calculation again at any time before the end of the financial year immediately following the one to which the report relates.
- (5) The power under subsection (4) may only be exercised once and ceases to be exercisable if the Assembly publishes under section 84L a report amending the local government finance report.
- (6) As soon as is reasonably practicable after making a calculation under subsection (2) or (4), the Assembly shall inform each receiving authority to which the report relates of the outcome, so far as relating to it.

84K Payment of grant to receiving authorities

- (1) The National Assembly for Wales shall pay any sum calculated under section 84J(2) as falling to be paid by way of revenue support grant to a receiving authority in instalments of such amounts, and at such times in the financial year for which the grant is payable, as the Assembly may determine.
- (2) Where the Assembly makes a calculation under section 84J(4) that shows an increase in the sum that falls to be paid to a receiving authority, the Assembly shall pay the authority a sum equal to the difference.
- (3) Payment under subsection (2) shall be at such time, or in instalments of such amounts and at such times, as the Assembly may determine, subject to subsection (4).
- (4) The time for payment under subsection (2) must be after the end of the financial year for which the grant is payable.
- (5) Where the Assembly makes a calculation under section 84J(4) that shows a decrease in the sum that falls to be paid to a receiving authority, the authority shall pay to the Assembly a sum equal to the difference.
- (6) The time for payment under subsection (5) shall be such day after the end of the financial year for which the grant is payable as the Assembly may specify.

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84L Amending reports

- (1) Where the National Assembly for Wales has published a local government finance report, the Assembly may make a report containing amendments to the basis of distribution specified under section 84G(2) in the published report.
- (2) Where the Assembly has published two local government finance reports relating to the same financial year, the power under subsection (1) may (in particular) be exercised by making a single report relating to both of the published reports.
- (3) In relation to any particular local government finance report, the power under subsection (1) is exercisable—
 - (a) at any time before the end of the financial year immediately following the one to which the report relates, but
 - (b) only once.
- (4) Before making a report under this section, the Assembly shall notify to such representatives of local government as appear to it to be appropriate the general nature of the amendments it proposes to make.
- (5) A report made under this section shall be published by the Assembly.
- (6) As soon as is reasonably practicable after the Assembly publishes under this section a report relating to a local government finance report, the Assembly shall send a copy of the published report to each receiving authority to which the local government finance report relates.

84M Recalculation of grant following amending report

- (1) This section applies where the National Assembly for Wales publishes under section 84L a report (“the amending report”) relating to a local government finance report (“the original report”).
- (2) As soon as is reasonably practicable after the Assembly publishes the amending report, the Assembly shall calculate in relation to each receiving authority to which the original report relates what sum, if any, falls to be paid to the authority by way of revenue support grant for the financial year to which the original report relates.
- (3) The calculation under subsection (2) shall be in accordance with the amended basis of distribution.
- (4) The Assembly may carry out the subsection (2) calculation again at any time before—
 - (a) the end of the financial year immediately following the one to which the original report relates, or
 - (b) if later, the end of the period of 3 months beginning with the day on which the Assembly publishes the amending report.
- (5) The power under subsection (4) may only be exercised once.

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- (6) As soon as is reasonably practicable after making a calculation under subsection (2) or (4), the Assembly shall inform each receiving authority to which the original report relates of the outcome, so far as relating to it.

84N Payment of grant following amending report

- (1) Where the National Assembly for Wales makes a calculation under section 84M(2) or (4) that shows an increase in the sum that falls to be paid to a receiving authority, it shall pay the authority a sum equal to the difference.
- (2) Payment under subsection (1) shall be at such time, or in instalments of such amounts and at such times, as the Assembly may determine, subject to subsection (3).
- (3) The time for payment under subsection (2) must be after the end of the financial year in which the report under section 84L was made.
- (4) Where the Assembly makes a calculation under section 84M(2) or (4) that shows a decrease in the sum that falls to be paid to a receiving authority, the authority shall pay a sum equal to the difference to the Assembly.
- (5) The time for payment under subsection (4) shall be such day after the end of the financial year in which the report under section 84L was made as the Assembly may specify.

84P Information deadlines

- (1) The National Assembly for Wales may set a deadline for the receipt of information to be taken into account by it when making a calculation under section 84J(2) or (4) or 84M(2) or (4).
- (2) Different deadlines may be set under subsection (1) in relation to different kinds of information.
- (3) A deadline under subsection (1) shall have effect only if the Assembly informs each receiving authority concerned of the deadline and of the information to which it relates.
- (4) Notification under subsection (3) may be given at any time before the making of the calculation to which the deadline relates, including a time before the making of a determination under section 84F for the year concerned.
- (5) When making a calculation in relation to which a deadline under subsection (1) has effect, the Assembly shall leave information to which the deadline applies out of account if it is received after the passing of the deadline.”

Commencement Information

113 Sch. 2 para. 1 in force W. at 27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), art. 2, [Sch. 1 Pt. 1](#)

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- 2 (1) In Schedule 8 to the Local Government Finance Act 1988 (c. 41) (non-domestic rates: pooling), Part 3 (distribution of non-domestic rates to be dealt with in local government finance reports) is amended as follows.
- (2) In paragraph 8(2) (meaning of “local government finance report” in Part 3 of the Schedule), after “section 78A” there is inserted “ or 84G ”.
- (3) In paragraph 9(4) (distributable amount to be stated in local government finance report), at the end there is inserted “ , subject to paragraph 9A below. ”
- (4) After paragraph 9 there is inserted—

“Years where two local government finance reports prepared for Wales

- 9A (1) Where the National Assembly for Wales publishes two local government finance reports for a particular financial year—
- (a) paragraph 9(4) above does not apply in relation to Wales as respects that year, and
 - (b) the Assembly shall decide whether—
 - (i) distribution among all receiving authorities of the amount arrived at under paragraph 9 above for the year is to be dealt with in just one of those reports (the chosen report), or
 - (ii) each of those reports is to deal with the distribution of so much of that amount as is for the receiving authorities to which that report relates.
- (2) If the Assembly decides as mentioned in sub-paragraph (1)(b)(i) above—
- (a) the Assembly shall specify that amount (the distributable amount for the year) in the chosen report, and
 - (b) the chosen report is the local government finance report for that year to which the requirement under paragraph 10(1) below applies.
- (3) If the Assembly decides as mentioned in sub-paragraph (1)(b)(ii) above—
- (a) paragraphs 10 and 11 below do not apply in relation to Wales as respects the year (but see paragraphs 11A to 11C below),
 - (b) the power under paragraph 13 below may (in particular) be exercised by making a single amending report relating to both of the local government finance reports for the year, and
 - (c) paragraph 14 below does not apply in relation to any report amending either of those reports (but see paragraph 14A below).”
- (5) In paragraph 11(1)(a) (paragraph applies where distributable amount specified in accordance with paragraph 9), for “paragraph 9” there is substituted “ paragraphs 9 and 9A(2) ”.
- (6) After paragraph 11 there is inserted—
- “11A(1) Where the National Assembly for Wales proposes to publish two local government finance reports for a particular financial year and as respects that year decides as mentioned in paragraph 9A(1)(b)(ii) above, the Assembly shall in each of those reports—
- (a) specify the amount for the year arrived at under paragraph 9 above,
 - (b) specify how much of that amount is for the receiving authorities to which the report relates, and

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- (c) specify the basis on which the Assembly proposes to distribute among those authorities the amount specified under paragraph (b) above.
 - (2) Before making such a report as is mentioned in sub-paragraph (1) above, the Assembly shall notify the general nature of the basis of distribution proposed to be specified in the report to such representatives of local government as appear to the Assembly to be appropriate.
- 11B (1) This paragraph applies where the National Assembly for Wales—
- (a) publishes a local government finance report that is one of two being published by it for a particular financial year, and
 - (b) as respects that year decides as mentioned in paragraph 9A(1)(b)(ii) above.
- (2) The amount specified under paragraph 11A(1)(b) above in the report shall be distributed among and paid to the receiving authorities to which the report relates in accordance with this paragraph and paragraph 12 below.
 - (3) As soon as is reasonably practicable after the report is published, the Assembly shall calculate in relation to each of those authorities what sum falls to be paid to the authority as its share of the amount specified under paragraph 11A(1)(b) above.
 - (4) The calculation under sub-paragraph (3) above shall be in accordance with the basis of distribution specified in the report.
 - (5) The Assembly may carry out the sub-paragraph (3) calculation again at any time before the end of the financial year immediately following the one to which the report relates.
 - (6) The power under sub-paragraph (5) above may only be exercised once and ceases to be exercisable if the Assembly publishes under paragraph 13 below a report amending the report.
 - (7) As soon as is reasonably practicable after making a calculation under sub-paragraph (3) or (5) above, the Assembly shall inform each receiving authority to which the report relates of the outcome, so far as relating to it.
- 11C (1) The National Assembly for Wales may set a deadline for the receipt of information to be taken into account by it when making a calculation under paragraph 11B(3) or (5) above.
- (2) Different deadlines may be set under sub-paragraph (1) above in relation to different kinds of information.
 - (3) A deadline under sub-paragraph (1) above shall only have effect if the Assembly informs each receiving authority concerned of the deadline and of the information to which it relates.
 - (4) Notification under sub-paragraph (3) above may be given at any time before the making of the calculation to which the deadline relates, including a time before the distributable amount for the year is calculated under paragraph 9 above.
 - (5) When making a calculation in relation to which a deadline under sub-paragraph (1) above has effect, the Assembly shall leave information to

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- which the deadline applies out of account if it is received after the passing of the deadline.”
- (7) In paragraph 12(1) (duty to pay amounts calculated under paragraph 11(3)), after “11(3)” there is inserted “ or 11B(3) ”.
- (8) In paragraph 12, in each of sub-paragraphs (3) and (5) (cases where recalculation shows different amount to be due)—
- (a) after “11(4)” there is inserted “ or 11B(5) ”, and
 - (b) after “11(3)” there is inserted “ or 11B(3) ”.
- (9) After paragraph 14 there is inserted—
- “14A(1) This paragraph applies where—
- (a) a report is made under paragraph 13 above amending a report (“the original report”) that is one of two local government finance reports that the National Assembly for Wales publishes for a particular financial year, and
 - (b) as respects that year the Assembly decides as mentioned in paragraph 9A(1)(b)(ii) above.
- (2) As soon as is reasonably practicable after the amending report is published by the Assembly, the Assembly shall calculate in relation to each of the authorities to which the original report relates what sum falls to be paid to the authority as its share of the amount specified under paragraph 11A(1)(b) above in the original report.
- (3) The calculation under sub-paragraph (2) above shall be in accordance with the amended basis of distribution.
- (4) The Assembly may carry out the sub-paragraph (2) calculation again at any time before—
- (a) the end of the financial year immediately following the one to which the original report relates, or
 - (b) if later, the end of the period of 3 months beginning with the day on which the Assembly publishes the amending report.
- (5) The power under sub-paragraph (4) above may only be exercised once.
- (6) Paragraphs 11B(7) and 11C above apply in relation to calculations made under sub-paragraphs (2) and (4) above as they apply in relation to calculations made under paragraph 11B(3) and (5) above.”
- (10) In paragraph 15(1) (paragraph applies where calculation made under paragraph 14(1) or (2)), after “14(1) or (2)” there is inserted “ or 14A(2) or (4) ”.
- (11) In paragraph 15(6) (meaning of “the relevant previous calculation”)—
- (a) after “14(1)” (in each place) there is inserted “ or 14A(2) ”,
 - (b) after “11(3)” there is inserted “ or 11B(3) ”,
 - (c) after “11(4)” there is inserted “ or 11B(5) ”, and
 - (d) after “14(2)” (in each place) there is inserted “ or 14A(4) ”.

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Commencement Information

- I14** Sch. 2 para. 2 in force W. at 27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), art. 2, [Sch. 1 Pt. I](#)

SCHEDULE 3

Section 100

AMENDMENT OF POWERS EXERCISABLE IN RELATION TO LOCAL AUTHORITIES

Local Government and Housing Act 1989 (c. 42)

- 1 The Local Government and Housing Act 1989 is amended as follows.

Commencement Information

- I15** Sch. 3 para. 1 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), art. 3(a) (with art. 8, Sch.)
I16 Sch. 3 para. 1 in force at 27.11.2003 for W. by [S.I. 2003/3034](#), art. 2, [Sch. 1 Pt. I](#)

- 2 In section 67 (orders under Part 5), at the end there is inserted—

“(5) The power under subsection (4) above to make differential provision includes, in particular, power to make different provision for different local authorities or descriptions of local authority.”

Commencement Information

- I17** Sch. 3 para. 2 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), art. 3(a) (with art. 8, Sch.)
I18 Sch. 3 para. 2 in force at 27.11.2003 for W. by [S.I. 2003/3034](#), art. 2, [Sch. 1 Pt. I](#)

- 3 In section 70 (requirements for companies under control or subject to influence of local authorities), at the end there is inserted—

“(6) An order under subsection (1) may be made in relation to—
(a) all local authorities,
(b) particular local authorities, or
(c) particular descriptions of local authority.”

Commencement Information

- I19** Sch. 3 para. 3 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), art. 3(a) (with art. 8, Sch.)
I20 Sch. 3 para. 3 in force at 27.11.2003 for W. by [S.I. 2003/3034](#), art. 2, [Sch. 1 Pt. I](#)

Local Government Act 1999 (c. 27)

- 4 The Local Government Act 1999 is amended as follows.

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Commencement Information

- I21** Sch. 3 para. 4 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)
I22 Sch. 3 para. 4 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 5 In section 4(2)(b) (different performance indicators or standards may be specified for different authorities), after “different authorities” there is inserted “ or descriptions of authority ”.

Commencement Information

- I23** Sch. 3 para. 5 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)
I24 Sch. 3 para. 5 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 6 (1) Section 5 (best value reviews) is amended as follows.
- (2) In subsection (2)(b) (orders specifying periods within which authorities are to conduct best value reviews may make different provision for different authorities), after “different authorities” there is inserted “ or descriptions of authority ”.
- (3) After subsection (4) there is inserted—
- “(4A) An order under subsection (4) may—
- (a) apply to one authority or more;
- (b) make different provision in relation to different authorities or descriptions of authority.”

Commencement Information

- I25** Sch. 3 para. 6 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)
I26 Sch. 3 para. 6 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 7 In section 6 (best value performance plans), after subsection (4) there is inserted—
- “(5) An order under this section may make different provision in relation to different authorities or descriptions of authority.”

Commencement Information

- I27** Sch. 3 para. 7 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)
I28 Sch. 3 para. 7 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 8 (1) Section 16 (power to modify enactments and confer new powers) is amended as follows.
- (2) In subsection (1) (power to modify or exclude application of enactments in relation to best value authorities), for “in relation to those authorities” there is substituted “in relation to—
- (a) all best value authorities,
- (b) particular best value authorities, or
- (c) particular descriptions of best value authority.”

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- (3) In subsection (2) (power to confer powers on best value authorities), for “conferring on best value authorities any power” there is substituted “conferring on—
- (a) all best value authorities,
 - (b) particular best value authorities, or
 - (c) particular descriptions of best value authority,
- any power”.
- (4) After subsection (3) there is inserted—
- “(3A) The power under subsection (3)(d) includes, in particular, power to make different provision in relation to different authorities or descriptions of authority.”
- (5) At the beginning of subsection (4) (order subject to affirmative resolution procedure) there is inserted “ Subject to subsection (4A), ”.
- (6) After subsection (4) there is inserted—
- “(4A) 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 either House of Parliament.”

Commencement Information

I29 Sch. 3 para. 8 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)

I30 Sch. 3 para. 8 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 9 In section 17 (orders under section 16: procedure), after subsection (6) there is inserted—
- “(7) Nothing in this section applies to an order under section 16 which is made only for the purpose mentioned in section 16(4A).”

Commencement Information

I31 Sch. 3 para. 9 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)

I32 Sch. 3 para. 9 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 10 (1) Section 19 (contracts: exclusion of non-commercial considerations) is amended as follows.
- (2) In subsection (1) (power to provide for matters to cease to be non-commercial matters in relation to best value authorities), for “in relation to best value authorities, for” there is substituted “in relation to—
- (a) all best value authorities,

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- (b) particular best value authorities, or
 - (c) particular descriptions of best value authority,
- for ”.
- (3) After subsection (2) there is inserted—
- “(2A) The power under subsection (2)(c) includes, in particular, power to make different provision for different authorities or descriptions of authority.”
- (4) At the beginning of subsection (3) (order subject to affirmative resolution procedure) there is inserted “ Subject to subsection (3A), ”.
- (5) After subsection (3) there is inserted—
- “(3A) 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 either House of Parliament.”

Commencement Information

- I33** Sch. 3 para. 10 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)
- I34** Sch. 3 para. 10 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

Local Government Act 2000 (c. 22)

- 11 The Local Government Act 2000 is amended as follows.

Commencement Information

- I35** Sch. 3 para. 11 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)
- I36** Sch. 3 para. 11 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 12 (1) Section 3 (limits on power to promote well-being) is amended as follows.
- (2) After subsection (3) there is inserted—
- “(3A) The power under subsection (3) may be exercised in relation to—
- (a) all local authorities,
 - (b) particular local authorities, or
 - (c) particular descriptions of local authority.”
- (3) At the beginning of subsection (4) (duty to consult) there is inserted “ Subject to subsection (4A), ”.
- (4) After that subsection there is inserted—

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“(4A) Subsection (4) does not apply to 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.”

Commencement Information

I37 Sch. 3 para. 12 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)

I38 Sch. 3 para. 12 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

13 In section 9 (procedures for orders under section 5 or 6), after subsection (7) there is inserted—

“(8) Nothing in this section applies to an order under section 5 or 6 which is made only for the purpose of amending an earlier order under that 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.”

Commencement Information

I39 Sch. 3 para. 13 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)

I40 Sch. 3 para. 13 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

14 (1) Section 105 (orders and regulations) is amended as follows.

(2) At the beginning of subsection (6) (certain instruments subject to affirmative resolution procedure) there is inserted “ Subject to subsection (6A), ”.

(3) After subsection (6) there is inserted—

“(6A) Subsection (6) does not apply to a statutory instrument which contains an order under section 3(3), 5 or 6 if the order is made only for the purpose of amending an earlier such order—

- (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.”

Commencement Information

I41 Sch. 3 para. 14 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)

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I42 Sch. 3 para. 14 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

SCHEDULE 4

Section 105

THE VALUATION TRIBUNAL SERVICE

Membership, chairman and deputy chairman

- 1
- (1) The Service shall consist of not less than six and not more than ten members appointed by the Secretary of State.
 - (2) The Secretary of State shall appoint one of the members of the Service to be its chairman and another of them to be its deputy chairman.
 - (3) The Secretary of State shall exercise his power to appoint members of the Service to secure that at all times—
 - (a) a majority are persons occupying the position of president or chairman of a valuation tribunal, and
 - (b) the rest are persons who, in his opinion, are particularly suited to be members by reason of their qualifications or experience.

Commencement Information

I43 Sch. 4 para. 1 in force at 1.4.2004 for specified purposes by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

Disqualification

- 2
- (1) A person shall be disqualified for being appointed as a member of the Service if—
 - (a) he is, or is married to [^{F1}or is the civil partner of], an employee of the Service;
 - (b) he is the subject of a bankruptcy restrictions order or interim order;
 - (c) a bankruptcy order has been made against him by a court in Northern Ireland, his estate has been sequestrated by a court in Scotland or, under the law of Northern Ireland or Scotland, he has made a composition or arrangement with, or granted a trust deed for, his creditors;
 - (d) in the last five years he has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and has had a qualifying sentence passed on him.
 - (2) Where a person is disqualified under sub-paragraph (1)(c) because a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
 - (a) on his obtaining a discharge, or
 - (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.
 - (3) Where a person is disqualified under sub-paragraph (1)(c) because of his having made a composition or arrangement with, or granted a trust deed for, his creditors, the disqualification shall cease—

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- (a) at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled, or
 - (b) if before then he pays his debts in full, on the date on which the payment is completed.
- (4) For the purposes of sub-paragraph (1)(d), the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.
- (5) In sub-paragraph (1)(d), the reference to a qualifying sentence is to a sentence of imprisonment for a period of not less than three months (whether suspended or not) without the option of a fine.

Textual Amendments

- F1** Words in Sch. 4 para. 2(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(b\), Sch. 27 para. 171](#); [S.I. 2005/3175, art. 2\(2\)](#)

Commencement Information

- I44** Sch. 4 para. 2 in force at 1.4.2004 by [S.I. 2003/2938, art. 6\(a\)](#) (with [art. 8, Sch.](#))

Tenure of office

- 3 (1) Subject to the provisions of this Schedule, a member of the Service shall hold and vacate office in accordance with the terms of his appointment.
- (2) A person shall not be appointed as a member of the Service for more than three years.
- (3) A person may at any time resign his office as a member of the Service by notice in writing to the Secretary of State.
- (4) A person appointed as chairman or deputy chairman of the Service—
- (a) shall hold and vacate that office in accordance with the terms of his appointment,
 - (b) may at any time resign that office by notice in writing to the Secretary of State, and
 - (c) shall cease to hold that office if he ceases to be a member of the Service.

Commencement Information

- I45** Sch. 4 para. 3 in force at 1.4.2004 by [S.I. 2003/2938, art. 6\(a\)](#) (with [art. 8, Sch.](#))

- 4 (1) A person shall cease to be a member of the Service if—
- (a) he ceases to be qualified for appointment as such,
 - (b) having occupied the position of president or chairman of a valuation tribunal at the time of his appointment as a member of the Service, he ceases to be a person who occupies such a position, or
 - (c) he has without reasonable excuse been absent from meetings of the Service for a continuous period of 3 months.

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- (2) The Secretary of State may remove a person from office as a member of the Service if satisfied that he is unable or unfit to carry out his functions as such.

Commencement Information

I46 Sch. 4 para. 4 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

- 5 A person who ceases (otherwise than by virtue of paragraph 4(1)(a) or (c)) to be the chairman or deputy chairman of the Service or to be a member of the Service shall be eligible for re-appointment.

Commencement Information

I47 Sch. 4 para. 5 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

Remuneration, pensions, etc of members

- 6 (1) The Service shall pay to its members such remuneration or allowances as the Secretary of State may determine.
- (2) The Service shall, if so required by the Secretary of State—
- (a) pay such pensions or gratuities to or in respect of its members or former members as the Secretary of State may determine,
 - (b) pay such contributions or payments as the Secretary of State may determine towards provision for the payment of pensions or gratuities to or in respect of its members or former members, and
 - (c) provide and maintain such schemes (whether contributory or not) as the Secretary of State may determine for the payment of pensions or gratuities to or in respect of its members or former members.
- (3) If—
- (a) a person ceases to be a member of the Service or ceases to be the chairman or deputy chairman of the Service, and
 - (b) it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation,
- the Secretary of State may direct the Service to make a payment of such amount as he may determine.

Commencement Information

I48 Sch. 4 para. 6 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

Staff

- 7 (1) The Service shall have a chief executive.
- (2) Appointments to the position of chief executive shall be made as follows—
- (a) the first appointment shall be made by the Secretary of State, and
 - (b) subsequent appointments shall be made by the Service.

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- (3) The appointment under sub-paragraph (2)(a) shall be made after consultation with the chairman of the Service (or the person proposed to be appointed as such).
- (4) Appointments under sub-paragraph (2)(b) shall be made with the consent of the Secretary of State.
- (5) References in this Schedule, except paragraph 8(1), to the employees of the Service include references to its chief executive.

Commencement Information

- I49** Sch. 4 para. 7(1)(2)(b)(4)(5) in force at 1.4.2004 by S.I. 2003/2938, **art. 6(a)** (with art. 8, Sch.)
I50 Sch. 4 para. 7(2)(a)(3) in force at 18.11.2003 by S.I. 2003/2938, **art. 2(a)** (with art. 8, Sch.)

- 8
- (1) The Service may appoint such employees as it may determine.
 - (2) The Service may pay to its employees such remuneration and allowances as it may with the consent of the Secretary of State determine.
 - (3) The Service may—
 - (a) pay such pensions or gratuities to or in respect of its employees or former employees as it may with the consent of the Secretary of State determine,
 - (b) pay such contributions or payments as it may so determine towards provision for the payment of pensions or gratuities to or in respect of its employees or former employees, and
 - (c) provide and maintain such schemes (whether contributory or not) as it may so determine for the payment of pensions or gratuities to or in respect of its employees or former employees.
 - (4) References in sub-paragraph (3) to pensions or gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminishment of emoluments.

Commencement Information

- I51** Sch. 4 para. 8 in force at 1.4.2004 by S.I. 2003/2938, **art. 6(a)** (with art. 8, Sch.)

- 9
- The Service shall not appoint an employee to be the clerk to a valuation tribunal without the consent of the tribunal concerned.

Commencement Information

- I52** Sch. 4 para. 9 in force at 1.4.2004 by S.I. 2003/2938, **art. 6(a)** (with art. 8, Sch.)

Committees

- 10
- (1) The Service may establish committees.
 - (2) Any committee established by the Service may establish one or more sub-committees.

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- (3) A person who is not a member of the Service may be appointed to a committee or a sub-committee of the Service.
- (4) The Service may pay to members of its committees or sub-committees who are neither members nor employees of the Service such remuneration and allowances as the Secretary of State may determine.

Commencement Information

I53 Sch. 4 para. 10 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

Proceedings

- 11 Subject to the following provisions of this Schedule, the Service may regulate its own procedure (including quorum).

Commencement Information

I54 Sch. 4 para. 11 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

Delegation

- 12 (1) The Service may, to such extent as it may determine, delegate any of its functions to any committee of the Service or to any employee of the Service.
- (2) Any such committee may, to such extent as it may determine, delegate any function conferred on it to any of its sub-committees or to any employee of the Service.
- (3) Any sub-committee of the Service may, to such extent as the sub-committee may determine, delegate any function conferred on the sub-committee to any employee of the Service.
- (4) A delegation under this paragraph shall be made in writing.

Commencement Information

I55 Sch. 4 para. 12 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

Members' interests

- 13 (1) A member of the Service who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the Service shall disclose the nature of his interest to the meeting; and, where such a disclosure is made—
 - (a) the disclosure shall be recorded in the minutes of the meeting, and
 - (b) the member shall not take any part in any deliberation or decision of the Service with respect to that matter.
- (2) If a member is not present at a meeting at which a matter in which he is interested is brought up for consideration, sub-paragraph (1) shall only apply to him if he was aware of the fact that the matter would be brought up for consideration at the meeting.

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- (3) For the purposes of sub-paragraph (1), a general notification given at a meeting of the Service by a member to the effect that he—
- (a) has an interest in a specified company, firm or other organisation, and
 - (b) is to be regarded as interested in any matter involving that company, firm or other organisation,
- shall be regarded as sufficient disclosure of his interest in relation to any such matter.
- (4) A member need not attend in person at a meeting in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.
- (5) The Secretary of State may remove a disability under this paragraph subject to such conditions as he considers appropriate.
- (6) The power of the Secretary of State under sub-paragraph (5) includes power to remove, either indefinitely or for any period, a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Secretary of State.
- (7) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether any application should be made to the Secretary of State for the exercise of the power conferred by sub-paragraph (5).

Commencement Information

I56 Sch. 4 para. 13 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

- 14 (1) Paragraph 13 shall apply in relation to meetings of a committee or sub-committee of the Service as it applies in relation to meetings of the Service.
- (2) In the application of paragraph 13 by virtue of this paragraph, references to a member of the Service shall be read as references to a member of a committee or sub-committee of the Service.

Commencement Information

I57 Sch. 4 para. 14 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

Vacancies and defective appointments

- 15 The validity of any proceedings of the Service shall not be affected by a vacancy amongst the members or by a defect in the appointment of a member.

Commencement Information

I58 Sch. 4 para. 15 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

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Minutes

- 16 (1) Minutes shall be kept of proceedings of the Service and of the committees and sub-committees of the Service.
- (2) Minutes of any such proceedings shall be evidence of those proceedings if they are signed by the person purporting to have acted as chairman of the proceedings to which the minutes relate or of any subsequent proceedings in the course of which the minutes were approved as a correct record.
- (3) Where minutes of any such proceedings have been signed as mentioned in sub-paragraph (2), those proceedings shall, unless the contrary is shown, be deemed to have been validly convened and constituted.

Commencement Information

I59 Sch. 4 para. 16 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

Execution and proof of instruments

- 17 (1) The application of the seal of the Service shall be authenticated by the signature of any member or employee of the Service who has been authorised for the purpose by the Service, whether generally or specially.
- (2) Any document which the Service is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the Service by any member or employee of the Service who has been authorised for the purpose by the Service, whether generally or specially.
- (3) Every document purporting to be an instrument made or issued by or on behalf of the Service and to be duly executed under the seal of the Service, or to be signed or executed by a person authorised by the Service for the purpose, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.
- (4) In sub-paragraph (1), the reference to the signature of a person includes a reference to a facsimile of a signature by whatever process reproduced, and “signed” in sub-paragraphs (2) and (3) shall be read accordingly.

Commencement Information

I60 Sch. 4 para. 17 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

Money

- 18 (1) The Secretary of State may pay grants and make loans to the Service.
- (2) The Service shall not otherwise borrow money except with the consent of the Secretary of State.

Commencement Information

I61 Sch. 4 para. 18(1) in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

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I62 Sch. 4 para. 18(2) in force at 1.4.2004 by S.I. 2003/2938, **art. 6(a)** (with **art. 8, Sch.**)

- 19 The Service shall comply with any notice given by the Secretary of State with the approval of the Treasury requiring it to perform duties of a financial nature specified in the notice.

Commencement Information

I63 Sch. 4 para. 19 in force at 1.4.2004 by S.I. 2003/2938, **art. 6(a)** (with **art. 8, Sch.**)

- 20 (1) The Service shall—
- (a) keep proper accounts and proper records in relation to the accounts, and
 - (b) prepare, in respect of each financial year, a statement of accounts giving a true and fair view of the state of affairs and the income and expenditure of the Service.
- (2) The statement of accounts shall comply with any requirement which the Secretary of State has, with the approval of the Treasury, notified to the Service.
- (3) The Service shall send each statement of accounts of the Service to the Secretary of State and to the Comptroller and Auditor General within such period after the end of the financial year to which it relates as the Secretary of State may specify by notice given to the Service.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on each statement of accounts received by him under sub-paragraph (3), and
 - (b) lay a copy of each such statement of accounts, and of his report on it, before each House of Parliament.
- (5) For the purpose of exercising his examination function in relation to a statement of accounts, the Comptroller and Auditor General—
- (a) shall have a right of access at all reasonable times to any documents which he reasonably requires for that purpose and which are in the custody or under the control of the Service;
 - (b) shall have a right to require from any person holding or accountable for any of those documents any assistance, information or explanation which he reasonably thinks necessary for that purpose.
- (6) The right of access to documents conferred by sub-paragraph (5)(a) includes a right to take copies of or make extracts from documents.
- (7) A reference in sub-paragraphs (5) and (6) to documents includes a reference to information recorded in any form; and in the case of information recorded otherwise than in a legible form the right of access conferred by sub-paragraph (5)(a) includes a right of access to, and to take copies of, that information in a legible form.

Commencement Information

I64 Sch. 4 para. 20 in force at 1.4.2004 by S.I. 2003/2938, **art. 6(a)** (with **art. 8, Sch.**)

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The Public Records Act 1958 (c. 51)

- 21 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3 there is inserted at the appropriate place— “ Valuation Tribunal Service. ”

Commencement Information

I65 Sch. 4 para. 21 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

The Parliamentary Commissioner Act 1967 (c. 13)

- 22 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation), the following entry is inserted at the appropriate place— “ Valuation Tribunal Service. ”

Commencement Information

I66 Sch. 4 para. 22 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

The House of Commons Disqualification Act 1975 (c. 24)

- 23 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), the following entry is inserted at the appropriate place— “ The Valuation Tribunal Service. ”

Commencement Information

I67 Sch. 4 para. 23 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

The Freedom of Information Act 2000 (c. 36)

- 24 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) there is inserted at the appropriate place—
“The Valuation Tribunal Service.”

Commencement Information

I68 Sch. 4 para. 24 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

The Enterprise Act 2002 (c. 40)

- 25 (1) Paragraph 2(1)(c), (2) and (3) shall be taken to be within the definition of “provision” in section 268 of the Enterprise Act 2002 (power to remove bankruptcy disqualifications under pre-8th November 2002 provisions or extend them to, or replace them with disqualifications of, persons subject to bankruptcy restrictions regimes).
- (2) That section shall apply in relation to paragraph 2(1)(c), (2) and (3) as if—

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) subsections (5)(d), (6) to (8) and (15) (power to make application of disqualification provision subject to person's discretion) were omitted, and
- (b) for subsection (13) (orders under section to be made by statutory instrument after parliamentary approval of a draft) there were substituted—
 - “(13) An order under this section—
 - (a) must be made by statutory instrument, and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Commencement Information

I69 Sch. 4 para. 25 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

Status

- 26 (1) The Service is not to be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown.
- (2) The property of the Service is not to be regarded as property of, or property held on behalf of, the Crown.

Commencement Information

I70 Sch. 4 para. 26 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

Interpretation

- 27 In this Schedule—
- “delegate” includes further delegate;
 - “financial year” means—
 - (a) the period beginning with the day on which section 105 comes into force and ending with the next 31st March, and
 - (b) any subsequent period of 12 months beginning with 1st April.

Commencement Information

I71 Sch. 4 para. 27 in force at 1.4.2004 by S.I. 2003/2938, art. 6(a) (with art. 8, Sch.)

SCHEDULE 5

Section 106

TRANSFER SCHEMES: FURTHER PROVISION

Contents of transfer scheme

- 1 (1) The property, rights and liabilities which may be transferred by a transfer scheme under section 106 (“transfer scheme”) include property, rights and liabilities that would not otherwise be capable of being transferred or assigned.

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- (2) The transfers authorised by sub-paragraph (1) include transfers which are to take effect as if there were no such contravention, liability or interference with any interest or right as there would otherwise be by reason of any provision having effect (whether under any enactment or agreement or otherwise) in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.

Commencement Information

I72 Sch. 5 para. 1 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

- 2 A transfer scheme may define the property, rights and liabilities to be transferred by specifying or describing them or by referring to all of the property, rights and liabilities comprised in a specified part of the undertaking of the transferor (or partly in one way and partly in the other).

Commencement Information

I73 Sch. 5 para. 2 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

- 3 A transfer scheme may contain provision—
- (a) for the creation, in relation to property which the scheme transfers, of an interest in or right over the property in favour of the transferor,
 - (b) for the creation in favour of the Service of an interest in or right over property retained by the transferor,
 - (c) for the creation of any rights or liabilities as between the transferor and the Service,
 - (d) for any rights or liabilities specified or described in the scheme to be, or to be to any extent, enforceable by or against the transferor or the Service, or
 - (e) for imposing on the transferor and the Service an obligation to enter into written agreements with, or execute other instruments in favour of, each other.

Commencement Information

I74 Sch. 5 para. 3 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

- 4 A transfer scheme may include such supplemental, incidental, consequential and transitional provision as the Secretary of State considers appropriate.

Commencement Information

I75 Sch. 5 para. 4 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

Effect of transfers

- 5 (1) Anything done by or in relation to the transferor for the purpose of or in connection with anything transferred which is in effect immediately before it is transferred shall be treated as if done by or in relation to the Service.

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- (2) A transfer does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.

Commencement Information

I76 Sch. 5 para. 5 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

- 6 There may be continued by or in relation to the Service anything (including legal proceedings) relating to anything transferred which is in the process of being done by or in relation to the transferor immediately before it is transferred.

Commencement Information

I77 Sch. 5 para. 6 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

- 7 The Service shall be substituted for the transferor in any document relating to anything transferred.

Commencement Information

I78 Sch. 5 para. 7 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

Continuity of employment, etc of transferred employees

- 8 Where an employee of a valuation tribunal becomes an employee of the Service under a transfer scheme—
- (a) for the purposes of Part 11 of the Employment Rights Act 1996 (c. 18) (redundancy payments etc), he shall not be regarded as having been dismissed by virtue of the transfer, and
 - (b) for the purposes of that Act, his period of employment with the valuation tribunal counts as a period of employment with the Service and the change of employer does not break the continuity of his employment.

Commencement Information

I79 Sch. 5 para. 8 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

Modification of transfer scheme after appointed day

- 9 (1) If, after the day appointed by a transfer scheme for the coming into force of the scheme, the transferor and the Service so agree in writing, the scheme shall for all purposes be deemed to have come into force on that day with such modifications as may be agreed.
- (2) An agreement under this paragraph may, in connection with giving effect to modifications to the scheme, include supplemental, incidental, consequential and transitional provision.

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Commencement Information

180 Sch. 5 para. 9 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

Provision of information to Secretary of State

- 10 A valuation tribunal shall provide the Secretary of State with such information and other assistance as he may reasonably require for the purposes of or in connection with the making of a transfer scheme.

Commencement Information

181 Sch. 5 para. 10 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

Consultation

- 11 Before making a transfer scheme relating to the property, rights or liabilities of a valuation tribunal, the Secretary of State shall consult the valuation tribunal concerned.

Commencement Information

182 Sch. 5 para. 11 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

Stamp duty

- 12 (1) Stamp duty shall not be chargeable on—
- (a) a transfer scheme, or
 - (b) an instrument or agreement which is certified to the Commissioners of Inland Revenue by the Secretary of State as made in pursuance of a transfer scheme.
- (2) No such scheme, and no instrument or agreement which is certified as mentioned in sub-paragraph (1)(b), shall be taken to be duly stamped unless—
- (a) it has, in accordance with section 12 of the Stamp Act 1891 (c. 39), been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped, or
 - (b) it is stamped with the duty to which it would be liable, apart from this paragraph.
- (3) Section 12 of the Finance Act 1895 (c. 16) shall not operate to require—
- (a) the delivery to the Inland Revenue of a copy of this Act, or
 - (b) the payment of stamp duty under that section on any copy of this Act,
- and shall not apply in relation to any instrument on which, by virtue of sub-paragraph (1), stamp duty is not chargeable.

Commencement Information

183 Sch. 5 para. 12 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

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SCHEDULE 6

Section 120

SECTION 120: TRANSITION

Commencement not to affect existing application of section 15 of the 1982 Act

- 1 The coming into force of section 120 shall not affect the descriptions of person in relation to whom section 15 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) applies in an area in which that section is already in force.

Commencement Information

- I84** Sch. 6 para. 1 in force at 1.4.2004 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. II
I85 Sch. 6 para. 1 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)

Commencement not to affect pending resolutions about the application of section 15 of the 1982 Act

- 2 (1) This paragraph applies where immediately before the coming into force of section 120—
- (a) there is in force a resolution under section 13(2) of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) that section 15 of that Act is to apply to an authority's area, and
 - (b) the resolution specifies as the day for the coming into force of that section the day on which section 120 comes into force, or any later day.
- (2) The coming into force of section 120 shall not affect—
- (a) the validity of the resolution, or
 - (b) the descriptions of person in relation to whom section 15 of that Act applies in pursuance of the resolution.

Commencement Information

- I86** Sch. 6 para. 2 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)
I87 Sch. 6 para. 2 in force at 1.4.2004 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. II

Additional powers of commencement in relation to section 15 of the 1982 Act as amended

- 3 (1) This paragraph applies where an authority has before the coming into force of section 120 passed a resolution that provides, or resolutions that between them provide, for section 15 of the Local Government (Miscellaneous Provisions) Act 1982 to apply to the authority's area in relation to all of the existing descriptions of person.
- (2) Section 13 of that Act shall have effect for the purpose of enabling the authority to bring section 15 of that Act into force in its area—
- (a) in relation to persons carrying on the business of cosmetic piercing, and
 - (b) in relation to persons carrying on the business of semi-permanent skin-colouring.

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- (3) In sub-paragraph (1), the reference to the existing descriptions of person is to the descriptions of person specified in section 15(1) of that Act immediately before the coming into force of section 120.

Commencement Information

- I88** Sch. 6 para. 3 in force at 1.4.2004 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. II
I89 Sch. 6 para. 3 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)

Effect of existing ear-piercing registrations following extension of control to cosmetic piercing

- 4 (1) This paragraph applies where, immediately before section 15 of the Local Government (Miscellaneous Provisions) Act 1982 comes into force in an authority's area in relation to persons carrying on the business of cosmetic piercing—
- (a) that section is in force in the area in relation to persons carrying on the business of ear-piercing, and
 - (b) a person is registered under that section by the authority to carry on a business of ear-piercing at premises in the area which are registered under that section for the carrying-on of that business.
- (2) From the coming into force of that section in that area in relation to persons carrying on the business of cosmetic piercing, the registrations of the person and the premises in respect of ear-piercing shall have effect as registrations in respect of cosmetic piercing, subject to sub-paragraph (3).
- (3) Sub-paragraph (2) ceases to apply when the business of cosmetic piercing carried on by the person at the premises subsequently first involves cosmetic piercing other than ear-piercing.

Commencement Information

- I90** Sch. 6 para. 4 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)
I91 Sch. 6 para. 4 in force at 1.4.2004 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. II

Interpretation

- 5 In this Schedule, except paragraph 2(1)(a) and 3(1), any reference to section 15 of the Local Government (Miscellaneous Provisions) Act 1982 includes a reference to section 16 of that Act so far as it has effect for the purposes of that section.

Commencement Information

- I92** Sch. 6 para. 5 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)
I93 Sch. 6 para. 5 in force at 1.4.2004 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. II

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SCHEDULE 7

Section 127(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

Fire Services Act 1947 (c. 41)

F2₁

Textual Amendments

F2 Sch. 7 para. 1 repealed (1.10.2004 except in relation to W. otherwise 10.11.2004) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 2](#); [S.I. 2004/2304](#), art. 2; [S.I. 2004/2917](#), art. 2

Commencement Information

I94 Sch. 7 para. 1 in force at 18.11.2003 by [S.I. 2003/2938](#), [art. 2\(a\)](#) (with [art. 8](#), [Sch.](#))

Public Works Loans Act 1965 (c. 63)

- 2 In section 2 of the Public Works Loans Act 1965 (local loans)—
- (a) in subsection (3), for “section 43 of the Local Government and Housing Act 1989” there is substituted “ section 1 of the Local Government Act 2003 ”; and
 - (b) in subsection (5), for “section 47 of the Local Government and Housing Act 1989” there is substituted “ section 13 of the Local Government Act 2003 ”.

Commencement Information

I95 [Sch. 7 para. 2](#) in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#)

I96 [Sch. 7 para. 2](#) in force at 1.4.2004 for E. by [S.I. 2003/2938](#), [art. 7\(a\)](#) (with [art. 8](#), [Sch.](#))

Public Works Loans Act 1967 (c. 61)

- 3 In section 2(2) of the Public Works Loans Act 1967 (local loans), for “section 43 of the Local Government and Housing Act 1989” there is substituted “ section 1 of the Local Government Act 2003 ”.

Commencement Information

I97 [Sch. 7 para. 3](#) in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#)

I98 [Sch. 7 para. 3](#) in force at 1.4.2004 for E. by [S.I. 2003/2938](#), [art. 7\(a\)](#) (with [art. 8](#), [Sch.](#))

Local Government Act 1972 (c. 70)

- 4 In section 137(3) of the Local Government Act 1972 (which permits local authorities to make contributions to certain charitable and other funds), after “subject” there is inserted “ , in the case of a parish or community council, ”.

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Commencement Information

- I99** Sch. 7 para. 4 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)
I100 Sch. 7 para. 4 in force at 1.4.2004 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. II

Local Government Act 1974 (c. 7)

- 5 (1) Schedule 4 to the Local Government Act 1974 (the Commissions for Local Administration in England and in Wales) is amended as follows.
- (2) In paragraph 6 (each Commission deemed a specified body for purposes of determining revenue support grant)—
- (a) in sub-paragraph (1), for “Each of the Commissions”,
 - (b) in sub-paragraph (2), for “each Commission”, and
 - (c) in sub-paragraph (3), for “the Commissions”,
- there is substituted “ the Commission for Local Administration in England ”.
- ^{F3}(3)
- (4) In paragraph 8 (making of assumptions where a Commission fails to submit expenses estimate), for “a Commission” there is substituted “ the Commission for Local Administration in England ”.
- ^{F4}(5)
- (6) This paragraph applies in relation to the financial year beginning on 1st April 2004 and subsequent financial years.

Textual Amendments

- F3** Sch. 7 para. 5(3) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, Sch. 7; S.I. 2005/2800, art. 5(1)(3)
F4 Sch. 7 para. 5(5) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, Sch. 7; S.I. 2005/2800, art. 5(1)(3)

Commencement Information

- I101** Sch. 7 para. 5 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

Stock Transfer Act 1982 (c. 41)

- 6 In section 1(3)(b) of the Stock Transfer Act 1982 (extension of powers relating to securities), the words from “section 43” to “powers)” are omitted.

Commencement Information

- I102** Sch. 7 para. 6 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. I
I103 Sch. 7 para. 6 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)

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Representation of the People Act 1985 (c. 50)

- 7 (1) Section 15 of the Representation of the People Act 1985 (combination of polls) shall have effect as if the following were inserted after subsection (5)—

“(5A) The power under subsection (5) above to make provision in connection with the combining under this section of polls at—

- (a) a local government election in England and Wales, and
- (b) the European Parliamentary general election in 2004,

includes power to make provision modifying, in relation to such elections, any enactment relating to election of members of the European Parliament or any instrument made under any such enactment or under the Representation of the People Acts.”

- (2) The following shall extend to Gibraltar—

- (a) the power conferred by section 15(5) of the Representation of the People Act 1985 (c. 50), so far as extended by section 15(5A) of that Act, and
- (b) the Representation of the People Acts, so far as relating thereto.

Local Government Act 1988 (c. 9)

- 8 Section 33 of the Local Government Act 1988 (restrictions on contracts with local authority companies) ceases to have effect.

Commencement Information

I104 Sch. 7 para. 8 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)

I105 Sch. 7 para. 8 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

Local Government Finance Act 1988 (c. 41)

- 9 (1) The Local Government Finance Act 1988 is amended as follows.
(2) Paragraphs 12 to 17 and 22 apply in relation to the financial year beginning on 1st April 2004 and subsequent financial years.

Commencement Information

I106 Sch. 7 para. 9 partly in force; Sch. 7 para. 9(1) in force at Royal Assent see s. 128(1)(b)

I107 Sch. 7 para. 9(2) in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 10 In section 47 (discretionary relief), in subsections (1)(b) and (5), for “section 58” there is substituted “ section 57A or 58 ”.

Commencement Information

I108 Sch. 7 para. 10 in force at 25.11.2004 for E. by S.I. 2004/3132, art. 3(1)(e) (with art. 4)

- 11 In section 49 (reduction or remission of liability), in subsection (3), for “section 58” there is substituted “ section 57A or 58 ”.

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Commencement Information

I109 Sch. 7 para. 11 in force at 25.11.2004 for E. by S.I. 2004/3132, art. 3(1)(e) (with art. 4)

12 Section 76 shall become Chapter 1 of Part 5, entitled “General”.

Commencement Information

I110 Sch. 7 para. 12 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

13 Sections 78 to 84C shall become Chapter 2 of Part 5, entitled “Revenue support grant: England”.

Commencement Information

I111 Sch. 7 para. 13 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

14 In the Chapter 2 so formed, at the beginning there is inserted—

“Introductory

Application of Chapter 2

Application of Chapter 2

77A This Chapter applies only in relation to England.”

Commencement Information

I112 Sch. 7 para. 14 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

15 In sections 78(1) and 78A(2) (which refer to revenue support grant being payable under the Part), for “Part” there is substituted “ Chapter ”.

Commencement Information

I113 Sch. 7 para. 15 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

16 Section 85, together with the sections in Part 5 that follow that section, shall become Chapter 4 of that Part, entitled “Other grants”.

Commencement Information

I114 Sch. 7 para. 16 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

17 In section 85(2) (which refers to additional grant being payable under the Part), for “Part” there is substituted “ section and section 86 below ”.

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Commencement Information

I115 Sch. 7 para. 17 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 18 In section 88 (transport grants: supplementary), in subsections (4) and (6), for the words from “expenditure for” to “1989” there is substituted “ capital expenditure for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance) ”.

Commencement Information

I116 Sch. 7 para. 18 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

I117 Sch. 7 para. 18 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)

- 19 In section 90 (payments to and from collection funds), in subsection (1)(d), for “or regulations” there is substituted “ , under regulations made for the purpose mentioned in paragraph 4(7) of that Schedule or under regulations ”.

Commencement Information

I118 Sch. 7 para. 19 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)

I119 Sch. 7 para. 19 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 20 In section 138 (judicial review), in subsection (2)(j), after “multiplier” there is inserted “ or small business non-domestic rating multiplier ”.

Commencement Information

I120 Sch. 7 para. 20 in force at 25.11.2004 by S.I. 2004/3132, art. 2(d) (with art. 4)

- 21 In section 139 (functions to be discharged only by authority), in subsection (2) (d), after “multiplier” there is inserted “ or small business non-domestic rating multiplier ”.

Commencement Information

I121 Sch. 7 para. 21 in force at 25.11.2004 by S.I. 2004/3132, art. 2(d) (with art. 4)

- 22 In section 140(2) (Parts 3 and 5 of the Act to apply, and be administered, separately in England and Wales)—
- (a) in paragraph (c), at the end there is inserted “ and ”,
 - (b) paragraph (d) is omitted, and
 - (c) in paragraph (e), the words “section 84A above or” are omitted.

Commencement Information

I122 Sch. 7 para. 22 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

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- 23 In section 141 (payments to and from authorities), in subsection (7), after “below,” there is inserted “ regulations made for the purpose mentioned in paragraph 4(7) of that Schedule, ”.

Commencement Information

I123 Sch. 7 para. 23 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)

I124 Sch. 7 para. 23 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 24 (1) Section 143 (orders and regulations) is amended as follows.
- (2) In subsection (3), for “(9A)” there is substituted “ (9AA) ”.
- (3) In subsection (4), for “58” there is substituted “ 57A ”.
- (4) After that subsection there is inserted—
- “(4A) As regards any power of the National Assembly for Wales to make an order or regulations under this Act, subsection (3) above shall have effect without the words from “subject to annulment” to the end.”
- (5) After subsection (9A) there is inserted—
- “(9AA) The power of the Secretary of State to make an order under paragraph 5G of Schedule 9 shall be exercisable by statutory instrument, and no such order shall be made by him unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

Commencement Information

I125 Sch. 7 para. 24(1)(2)(5) in force at Royal Assent see s. 128(1)(b)

I126 Sch. 7 para. 24(3) in force at 25.11.2004 for E. by S.I. 2004/3132, art. 3(1)(e) (with art. 4)

I127 Sch. 7 para. 24(4) in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 25 (1) Schedule 7 (non-domestic rating multipliers) is amended as follows.
- (2) In paragraph 5 (interpretation of definitions of “non-domestic rating multiplier”), after sub-paragraph (13) there is inserted—
- “(14) Sub-paragraph (13) above does not apply to orders made by the National Assembly for Wales.
- (15) An order made under sub-paragraph (3) above by the National Assembly for Wales (including an order amending or revoking another) is effective in relation to a particular financial year only if it is made—
- (a) before 1 March in the preceding financial year, and
- (b) at a time when no local government finance report for the year has been published by the Assembly.”
- (3) In paragraph 6 (calculation of non-domestic rating multiplier), after sub-paragraph (4) there is inserted—
- “(4A) Sub-paragraph (4) above does not apply to a calculation made by the National Assembly for Wales for a financial year beginning in or after 2004.

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(4B) A calculation made by the Assembly under this paragraph for a financial year beginning in or after 2004 is invalid unless one or both of the following conditions is fulfilled—

- (a) it is made after the Assembly has published the local government finance report for the year or, where the Assembly is publishing two local government finance reports for the year, it is made after the Assembly has published both of those reports;
- (b) it is made on or after 1 March in the preceding financial year.”

(4) In paragraph 9 (special authority’s non-domestic rating multiplier), in sub-paragraph (4), in the definition of A, after “year” there is inserted “ so far as relating to England ”.

(5) In paragraph 10 (substituted multiplier), for sub-paragraph (1) there is substituted—

“(1) Where a special authority has set multipliers for a financial year (whether originally or by way of substitute) it may set multipliers in substitution if, and only if, they have been quashed.”

(6) In paragraphs 10(2) and 11(1), after “9” there is inserted “ or 9A ”.

Commencement Information

I128 Sch. 7 para. 25 partly in force; Sch. 7 para. 25(1) in force at Royal Assent see [s. 128\(1\)\(b\)](#)

I129 Sch. 7 para. 25(2)(3) in force at 27.11.2003 for W. by [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#)

I130 [Sch. 7 para. 25\(4\)-\(6\)](#) in force at 25.11.2004 by [S.I. 2004/3132](#), [art. 2\(d\)](#) (with [art. 4](#))

26 (1) Schedule 8 (non-domestic rating: pooling) is amended as follows.

(2) In paragraph 2(2) (debits to the non-domestic rating account), in paragraph (a), after “(14) below” there is inserted “ , under regulations made for the purpose mentioned in paragraph 4(7) below ”.

(3) In paragraph 4(3) (contributions by special authorities), for paragraph (a) there is substituted—

“(a) the authority’s non-domestic rating multiplier and small business non-domestic rating multiplier for the year were equal respectively to the non-domestic rating multiplier and the small business non-domestic rating multiplier for the year, so far as relating to England, determined in accordance with Part 1 of Schedule 7 above, and.”

Commencement Information

I131 [Sch. 7 para. 26\(1\)\(2\)](#) in force at 18.11.2003 for E. by [S.I. 2003/2938](#), [art. 3\(a\)](#) (with [art. 8](#), [Sch.](#))

I132 [Sch. 7 para. 26\(1\)\(2\)](#) in force at 27.11.2003 for W. by [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#)

I133 [Sch. 7 para. 26\(3\)](#) in force at 25.11.2004 by [S.I. 2004/3132](#), [art. 2\(d\)](#) (with [art. 4](#))

27 In Schedule 11 (valuation tribunals)—

- (a) in paragraph 1 (power to make regulations for establishment of tribunals), in sub-paragraph (2) (provision which the regulations may include), for the words from “in relation to” to the end there is substituted—

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- “(a) so far as relating to England, in relation to membership, procedure and other matters relating to tribunals, except staff, accommodation and equipment, and
- (b) so far as relating to Wales, in relation to membership, staff, accommodation, equipment, procedure and other matters relating to tribunals.”;
- (b) in paragraph 6(1) (staff), after “paragraph 1 above” there is inserted “ , so far as relating to Wales, ”; and
- (c) in paragraph 7(1) (accommodation and equipment), after “paragraph 1 above” there is inserted “ , so far as relating to Wales, ”.

Commencement Information

I134 Sch. 7 para. 27 in force at 1.4.2004 by S.I. 2003/2938, art. 6(d)(i) (with art. 8, Sch.)

Local Government and Housing Act 1989 (c. 42)

- 28 The Local Government and Housing Act 1989 is amended as follows.
- 29 Part 4 (revenue accounts and capital finance of local authorities) ceases to have effect.

Commencement Information

- I135** Sch. 7 para. 29 in force at 18.11.2003 for specified purposes for E. by S.I. 2003/2938, art. 3(h) (with art. 8, Sch.)
- I136** Sch. 7 para. 29 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- I137** Sch. 7 para. 29 in force at 1.4.2004 for E. in so far as not already in force by S.I. 2003/2938, art. 7(b) (with art. 8, Sch.)

- 30 (1) Section 70 (requirements for companies under control or subject to influence of local authorities) is amended as follows.
 - (2) In subsection (2), for “the provisions for the time being made by order under subsection (1) above” there is substituted “ any provisions made by order under subsection (1) above which are for the time being applicable to it ”.
 - (3) In subsection (3)—
 - (a) for “local authorities” there is substituted “ a local authority ”, and
 - (b) for “any” there is substituted “ the ”.
 - (4) In subsection (4), for the words from “every” to “prescribed” there is substituted “ a local authority to comply with any requirements for the time being applicable to it ”.

Commencement Information

- I138** Sch. 7 para. 30 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)
- I139** Sch. 7 para. 30 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

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31 For the second sentence of section 80A(4) (overpaid Housing Revenue Account subsidy may be recovered by withholding or reducing subsidy) there is substituted—

“(4A) Without prejudice to other methods of recovery, a sum recoverable under subsection (4) above may—

- (a) be recovered by withholding or reducing subsidy, and
- (b) if the sum is referable to housing benefit in respect of houses or other property within the authority’s Housing Revenue Account, be recovered by withholding or reducing rent rebate subsidy under Part 8 of the Social Security Administration Act 1992.”

Commencement Information

I140 Sch. 7 para. 31 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

32 In section 88(1)(d) (construction of references in Part 6 to “proper practices”), for “section 66(4) above” there is substituted “ section 21 of the Local Government Act 2003 ”.

Commencement Information

I141 Sch. 7 para. 32 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

I142 Sch. 7 para. 32 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)

- 33 (1) Schedule 4 (keeping of the Housing Revenue Account) is amended as follows.
- (2) In Part 1 (credits to the Account), item 5 (housing benefit transfers) is omitted.
- (3) In that Part, for item 9 (sums directed by Secretary of State) there is substituted—

“Item 9: sums directed by Secretary of State or National Assembly for Wales

Any sums which for the year the authority is required, by reason of a direction given by the appropriate person, to carry to the credit of the account from some other revenue account of theirs.

A direction under this item may require the transfer of sums calculated in accordance with formulae specified in the direction, and any formula so specified may include variables framed (in whatever way the appropriate person considers appropriate) by reference to such matters as the appropriate person thinks fit.”

- (4) In Part 2 (debits to the Account), item 4 (rent rebates) is omitted.
- (5) In that Part, after item 9 there is inserted—

“Item 10: sums directed by Secretary of State or National Assembly for Wales

Any sums which for the year the authority is required, by reason of a direction given by the appropriate person, to carry from the account to the credit of some other revenue account of theirs.

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A direction under this item may require the transfer of sums calculated in accordance with formulae specified in the direction, and any formula so specified may include variables framed (in whatever way the appropriate person considers appropriate) by reference to such matters as the appropriate person thinks fit.

In giving a direction under this item, the appropriate person may (in particular) take into account the effect of such a direction on—

- (a) other revenue accounts in the authority’s relevant fund,
- (b) the amounts of council tax falling to be set by the authority under section 30 of the Local Government Finance Act 1992, and
- (c) the authority’s budget requirement under section 32(4) of that Act.

In this item the reference to the authority’s “relevant fund” is—

- (a) in relation to England, to the authority’s general fund within the meaning of section 91(2) of the Local Government Finance Act 1988, and
- (b) in relation to Wales, to the authority’s council fund within the meaning of section 38(1) of the Local Government (Wales) Act 1994.”

Commencement Information

- I143** Sch. 7 para. 33 partly in force; Sch. 7 para. 33(1) in force at Royal Assent see s. 128(1)(b)
- I144** Sch. 7 para. 33(2)(4) in force at 1.4.2004 by S.I. 2003/2938, art. 6(d)(i) (with art. 8, Sch.)
- I145** Sch. 7 para. 33(3)(5) in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)
- I146** Sch. 7 para. 33(3)(5) in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. I (with Sch. 2 para. 5)

Social Security Administration Act 1992 (c. 5)

- 34 The Social Security Administration Act 1992 is amended as follows.
- 35 (1) In section 134(2) (forms that may be taken by the rent rebates and allowances referred to since 1st April 1997 in subsections (1A) and (1B) instead of subsection (1)), for “subsection (1)” substitute “ subsections (1A) and (1B) ”.
- (2) Sub-paragraph (1) shall be deemed to have come into force on 1st April 1997.
- 36 In section 140B (calculation of rent rebate subsidy, rent allowance subsidy and council tax benefit subsidy), the following are omitted—
- (a) the second sentence of subsection (2) (Housing Revenue Account rebates paid by housing authority in England and Wales not relevant benefit for purpose of determining amount of subsidy), and
 - (b) subsection (7) (section not to be taken as implying that additions and deductions may not be determined by reference to certain matters).

Commencement Information

- I147** Sch. 7 para. 36 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

- 37 In section 140C (payment of subsidy), after subsection (1) there is inserted—

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“(1A) Conditions under subsection (1) above may (in particular) be imposed to obtain information for the purposes of the carrying-out by the Secretary of State of any of his functions relating to subsidy.”

Commencement Information

I148 Sch. 7 para. 37 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

- 38 In section 140D (rent rebate subsidy: accounting provisions), the following are omitted—
- (a) subsection (1)(c) (accounting for rent rebate subsidy by development corporation in England and Wales), and
 - (b) subsection (2) (treatment of Housing Revenue Account rebates).

Commencement Information

I149 Sch. 7 para. 38 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

- 39 In section 140G (interpretation of Part 8), in the definition of “Housing Revenue Account”, paragraph (b) (definition of Housing Revenue Account rebate) is omitted.

Commencement Information

I150 Sch. 7 para. 39 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

Local Government Finance Act 1992 (c. 14)

- 40 The Local Government Finance Act 1992 is amended as follows.
- 41 In section 11(2) (discounts), for “section 12” there is substituted “ sections 11A and 12 ”.
- 42 In section 13(3) (reduced amounts), after “section 11” there is inserted “ , 11A ”.
- 43 (1) In section 17 (completion of new dwellings), in subsection (4) (which defines the date to be taken as the completion date)—
- (a) in paragraph (a), for “an appeal” there is substituted “ no appeal ”, and
 - (b) in paragraph (b), for “no appeal” there is substituted “ an appeal ”.
- (2) This paragraph has effect in relation to any completion notice under Schedule 4A to the Local Government Finance Act 1988 (c. 41) (new buildings: completions days), as applied by section 17 of the Local Government Finance Act 1992 (c. 14), which—
- (a) is served on or after the day on which this paragraph comes into force, or
 - (b) becomes the subject of such an appeal on or after the day on which this paragraph comes into force.
- 44 In section 21 (valuations for purposes of lists), in subsection (2) (basis of valuations), for “1st April 1991” there is substituted “ the appropriate date ” and after that subsection there is inserted—

“(2A) For the purposes of subsection (2) above, the appropriate date is—

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- (a) in relation to a list under section 22, 1st April 1991, and
 - (b) in relation to a list under section 22B, the later of—
 - (i) two years before the date on which the list falls to be compiled, and
 - (ii) such date, if any, within that two year period as may be specified by regulations.
- (2B) The power to make regulations under subsection (2A)(b)(ii) is exercisable—
- (a) in relation to a list to be compiled for a billing authority in England, by the Secretary of State, and
 - (b) in relation to a list to be compiled for a billing authority in Wales, by the National Assembly for Wales.”
- 45 In section 22(2) (when valuation list comes into force), for the words from “and” to the end there is substituted “, shall come into force on that day and shall remain in force until a new list for the authority is compiled under section 22B below”.
- 46 In section 24 (alteration of lists), in subsection (9)(b), for “or 22A(10)” there is substituted “, 22A(10) or 22B(10)”.
- 47 Section 25 (compilation and maintenance of new lists) ceases to have effect.
- 48 In section 28 (information about lists)—
- (a) in subsection (2)(a), for “or 22A(10)” there is substituted “, 22A(10) or 22B(10)”, and
 - (b) in subsection (3)(a), after “22(6)” there is inserted “ or 22B(8) ”.
- 49 In section 66(2) (matters subject only to judicial review), in paragraph (b) (determinations)—
- (a) after “8(2)” there is inserted “, 11A”, and
 - (b) for “12(1)” there is substituted “ 12 ”.

Commencement Information

I151 Sch. 7 para. 49 partly in force; Sch. 7 para. 49(a) in force at 18.11.2003 see [s. 128\(2\)\(e\)](#)

I152 Sch. 7 para. 49(b) in force at 27.11.2003 for W. by [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#)

- 50 In section 67 (functions to be discharged only by the authority), in subsection (2) (a) (making of determination)—
- (a) after “8(2)” there is inserted “, 11A”, and
 - (b) for “12(1)” there is substituted “ 12 ”.

Commencement Information

I153 Sch. 7 para. 50 partly in force; Sch. 7 para. 50(a) in force at 18.11.2003 see [s.128\(2\)\(e\)](#)

I154 Sch. 7 para. 50(b) in force at 27.11.2003 for W. by [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#)

- 51 (1) Section 69 (interpretation of Part 1) is amended as follows.
- (2) In subsection (1), the definition of “revenue support grant” is omitted.
- (3) After subsection (2) there is inserted—

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- “(2A) In this Part, any reference to expenditure incurred by a billing authority, major precepting authority or local precepting authority in any financial year includes the following (whether or not giving rise to actual payments)—
- (a) any amount which does not form part of the authority’s capital receipts for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance) and which is set aside for the year by the authority as provision to meet credit liabilities; and
 - (b) any other amount which is set aside for the year by the authority as reasonably necessary for the purpose of providing for any liability or loss which is likely or certain to be incurred but is uncertain as to the amount or the date on which it will arise (or both).”

Commencement Information

- I155** Sch. 7 para. 51 partly in force; Sch. 7 para. 51(1) in force at Royal Assent see [s. 128\(1\)\(b\)](#)
- I156** Sch. 7 para. 51(2) in force at 27.11.2003 for W. by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#)
- I157** Sch. 7 para. 51(3) in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#)
- I158** Sch. 7 para. 51(3) in force at 1.4.2004 for E. by [S.I. 2003/2938, art. 7\(a\)](#) (with [art. 8, Sch.](#))

- 52 (1) Section 113 (orders and regulations) is amended as follows.
- (2) In each of subsections (1) and (2) (powers to make regulations or orders under the Act include power to make differential and incidental etc. provision), for “or the Treasury” there is inserted “, the Treasury or the National Assembly for Wales”.
 - (3) In subsection (2), for “or they think” there is substituted “, they or it thinks”.
 - ^{F5}(4)
 - (5) After subsection (3) there is inserted—
 - “(4) Any power of the National Assembly for Wales under this Act to make orders or regulations shall be exercisable by statutory instrument.”

Textual Amendments

- F5** Sch. 7 para. 52(4) repealed (30.3.2006) by [Council Tax \(New Valuation Lists for England\) Act 2006 \(c. 7\), s. 1\(7\)](#)

- 53 (1) Schedule 2 (administration) is amended as follows.
- (2) In paragraph 8 (exempt dwellings etc.)—
 - (a) in sub-paragraph (1), after “22(5)(b)” there is inserted “, 22B(7)”, and
 - (b) in sub-paragraphs (2) and (3)—
 - (i) after “22(5)(b)” there is inserted “, 22B(7)”, and
 - (ii) after “22(7)”, in both places, there is inserted “, 22B(9)”.
 - (3) At the end there is inserted—
 - “21 (1) This paragraph applies where a billing authority exercises the power under section 13A(1) above by determining a class of case in which liability is to be reduced.

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- (2) Where the determination provides for liability to be reduced to nil, any dwelling in relation to which the reduction applies shall be treated for the purposes of this Schedule as an exempt dwelling.
- (3) Where the determination provides for liability to be reduced otherwise than to nil, any amount in relation to which the reduction applies shall be treated for the purposes of this Schedule as subject to a discount equal to the amount of the reduction.”

54 In Schedule 4 (enforcement), at the end there is inserted—

“Interpretation

20 In this Schedule, except paragraph 6, “prescribed” means prescribed by regulations made—

- (a) in relation to England, by the Secretary of State, and
(b) in relation to Wales, by the National Assembly for Wales.”

55 In Schedule 13 (minor and consequential amendments), in paragraph 80 (amendments of section 143 of the Local Government Finance Act 1988)—

- (a) sub-paragraph (1) is omitted, and
(b) in sub-paragraph (2), for “that section” there is substituted “ section 143 of that Act (orders and regulations) ”.

Local Government (Wales) Act 1994 (c. 19)

56 The Local Government (Wales) Act 1994 is amended as follows.

Commencement Information

I159 Sch. 7 para. 56 in force at 27.11.2003 for W. by [S.I. 2003/3034](#), art. 2, [Sch. 1 Pt. I](#)

57 In section 51 (control of disposals and contracts), in subsection (2), in the definition of “capital contract”, for “for capital purposes” there is substituted “ which is capital expenditure for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance) ”.

Commencement Information

I160 Sch. 7 para. 57 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), art. 2, [Sch. 1 Pt. I](#)

- 58 (1) Section 63 (regulations, orders and directions) is amended as follows.
- (2) In subsection (1) (regulations and orders to be made by statutory instrument), after “Secretary of State” there is inserted “ , the National Assembly for Wales ”.
- (3) In subsection (2) (parliamentary procedure), after “other than one made” there is inserted “ by the Assembly or ”.
- (4) In subsection (5)(a) (power to make supplemental etc. provision), for “Secretary of State or (as the case may be) the Lord Chancellor” there is substituted “ person making the regulations or order ”.

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Commencement Information

I161 Sch. 7 para. 58 in force at 27.11.2003 for W. by [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#)

Deregulation and Contracting Out Act 1994 (c. 40)

- 59 In section 71(3) of the Deregulation and Contracting Out Act 1994 (certain functions not excluded by section 71(1)(c)), after paragraph (e) there is inserted—
- “(ea) section 48 of the Local Government Act 2003 (administration etc of BID levy) if the function corresponds to any function falling within paragraph (e) above.”

Commencement Information

I162 Sch. 7 para. 59 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), [art. 3\(a\)](#) (with [art. 8](#), [Sch.](#))

I163 Sch. 7 para. 59 in force at 27.11.2003 for W. by [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#)

Housing Act 1996 (c. 52)

- 60 (1) In section 122(4) of the Housing Act 1996 (which makes provision about the determination of rent allowance subsidy under section 140B of the Social Security Administration Act 1992 (c. 5))—
- (a) in paragraph (b) (which refers to subsection (2) of section 140B), for “that subsection” there is substituted “ subsection (4) or (5) of that section ”, and
- (b) in paragraph (c) (which refers to subsection (4) of section 140B), for “(4)” there is substituted “ (5)(b) ”.
- (2) Sub-paragraph (1) shall be deemed to have come into force on 1st July 1997.

Justices of the Peace Act 1997 (c. 25)

- 61 The Justices of the Peace Act 1997 is amended as follows.

Commencement Information

I164 Sch. 7 para. 61 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), [art. 3\(a\)](#) (with [art. 8](#), [Sch.](#))

I165 Sch. 7 para. 61 in force at 27.11.2003 for W. by [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#)

- 62 In section 67 (justices not disqualified by reason of liability to local taxation)—
- (a) after paragraph (a) there is inserted—
- “(aa) BID levy (within the meaning of Part 4 of the Local Government Act 2003),” and
- (b) for “any charge, tax or rate falling within paragraphs (b)” there is substituted “ any levy, charge, tax or rate falling within paragraphs (aa) ”.

Commencement Information

I166 Sch. 7 para. 62 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), [art. 3\(a\)](#) (with [art. 8](#), [Sch.](#))

I167 Sch. 7 para. 62 in force at 27.11.2003 for W. by [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#)

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- 63 In section 72(1) (interpretation), for the definition of “capital expenditure” there is substituted—

““capital expenditure” means expenditure which is capital expenditure for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance);”.

Commencement Information

I168 Sch. 7 para. 63 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

I169 Sch. 7 para. 63 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)

Local Government (Contracts) Act 1997 (c. 65)

- 64 In section 1(3) of the Local Government (Contracts) Act 1997 (local authorities for the purposes of the Act), in paragraph (a), for “Part IV of the Local Government and Housing Act 1989” there is substituted “ Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance) ”.

Commencement Information

I170 Sch. 7 para. 64 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

I171 Sch. 7 para. 64 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)

Audit Commission Act 1998 (c. 18)

- 65 In Schedule 1 to the Audit Commission Act 1998 (which makes provision about the Commission’s financial affairs)—
- (a) in paragraph 9(6), for “March” there is substituted “ June ”, and
 - (b) in paragraph 11(3), for “31st March” there is substituted “ 30th June ”.

Commencement Information

I172 Sch. 7 para. 65 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

School Standards and Framework Act 1998 (c. 31) and Education Act 2002 (c. 32)

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Textual Amendments

F6 Sch. 7 para. 66 repealed (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 19 Pt. 4; S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(f)

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Government of Wales Act 1998 (c. 38)

67 In section 81 of the Government of Wales Act 1998 (statement of estimated payments), for subsection (2) there is substituted—

“(2) The statement shall also include such other information as the Secretary of State considers appropriate.”

Commencement Information

I173 Sch. 7 para. 67 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

Greater London Authority Act 1999 (c. 29)

68 The Greater London Authority Act 1999 is amended as follows.

Commencement Information

I174 Sch. 7 para. 68 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

69 (1) Section 52 (meetings of the London Assembly) is amended as follows.

(2) After subsection (4) there is inserted—

“(4A) There must be at least 21 clear days between a meeting under subsection (3) above and the last such meeting before it, but this does not apply to the gap between the first such meeting after an ordinary election and the last such meeting before that election.”

(3) In subsection (6)(b) (notice of meeting under subsection (3) to be given at least 28 clear days before meeting), for “28” there is substituted “ 14 ”.

(4) Subsection (7) (notice of meeting not to be given during currency of a notice already given) is omitted.

Commencement Information

I175 Sch. 7 para. 69 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

70 In section 85 (calculation by Greater London Authority of budget requirements), for subsection (9) there is substituted—

“(9) In this section, any reference to expenditure incurred by a body in any financial year includes the following (whether or not giving rise to actual payments)—

(a) any amount which does not form part of the body’s capital receipts for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance) and which is set aside for the year by the body as provision to meet credit liabilities; and

(b) any other amount which is set aside for the year by the body as reasonably necessary for the purpose of providing for any liability

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or loss which is likely or certain to be incurred but is uncertain as to the amount or the date on which it will arise (or both).”

Commencement Information

I176 Sch. 7 para. 70 in force at 1.4.2004 by S.I. 2003/2938, **art. 6(d)(i)** (with **art. 8**, Sch.)

71 Sections 112 to 118 (credit approvals) cease to have effect.

Commencement Information

I177 Sch. 7 para. 71 in force at 1.1.2004 for specified purposes by S.I. 2003/2938, **art. 4(d)(ii)** (with **art. 8**, Sch.)

I178 Sch. 7 para. 71 in force at 1.4.2004 for specified purposes by S.I. 2003/2938, **art. 6(d)(ii)** (with **art. 8**, Sch.)

72 (1) Section 119 (power to redistribute capital receipts of functional bodies) is amended as follows.

(2) In subsection (2), for “expenditure for capital purposes” there is substituted “ capital expenditure ”.

(3) In subsection (3)—

(a) in paragraph (e), for “expenditure for capital purposes” there is substituted “ capital expenditure ”, and

(b) for paragraph (f) there is substituted—

“(f) for and in connection with treating the whole or a prescribed part of the relevant amount as added to the capital receipts of the assisted body, for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance);”.

Commencement Information

I179 Sch. 7 para. 72 in force at 1.4.2004 by S.I. 2003/2938, **art. 6(d)(i)** (with **art. 8**, Sch.)

73 In section 120 (capital grants between the Greater London Authority and functional bodies), for “expenditure for capital purposes”, in each place where it occurs, there is substituted “ capital expenditure ”.

Commencement Information

I180 Sch. 7 para. 73 in force at 1.4.2004 by S.I. 2003/2938, **art. 6(d)(i)** (with **art. 8**, Sch.)

74 In section 121 (revenue grants between the Greater London Authority and functional bodies), for “expenditure for capital purposes”, in each place where it occurs, there is substituted “ capital expenditure ”.

Commencement Information

I181 Sch. 7 para. 74 in force at 1.4.2004 by S.I. 2003/2938, **art. 6(d)(i)** (with **art. 8**, Sch.)

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- 75 (1) Section 122 (Mayor’s capital spending plan for each functional body) is amended as follows.
- (2) In subsection (3)(c), for “usable part of the body’s capital receipts is” there is substituted “body’s capital receipts are”.
- (3) In subsection (4) (content of section B of the plan), for paragraphs (b) to (d) there is substituted—
- “(b) the total of the amounts which the Mayor expects the body—
- (i) to borrow in the year, or
- (ii) to be treated as borrowing in the year because of section 8(2) of the Local Government Act 2003 (under which entry into, or variation of, a credit arrangement is treated as a form of borrowing).”
- (4) In subsection (5) (content of section C of the plan)—
- (a) in paragraph (a), for “expenditure for capital purposes” there is substituted “capital expenditure”, and
- (b) for paragraph (b) there is substituted—
- “(b) the total of the amounts which the Mayor expects the body to be treated as borrowing in the year because of section 8(2) of the Local Government Act 2003;”.
- (5) In subsection (6) (content of section D of the plan), for paragraph (c) there is substituted—
- “(c) the amount which he expects the body to meet by borrowing or entering into or varying credit arrangements;”.

Commencement Information

1182 Sch. 7 para. 75 in force at 1.1.2004 by S.I. 2003/2938, art. 4(d)(i) (with art. 8, Sch.)

- 76 In section 123 (preparation of capital spending plan), for subsection (1) there is substituted—
- “(1) For each financial year, the Mayor shall prepare a draft of the capital spending plan for the year.”

Commencement Information

1183 Sch. 7 para. 76 in force at 1.1.2004 by S.I. 2003/2938, art. 4(d)(i) (with art. 8, Sch.)

- 77 (1) Section 124 (admissible factors in preparing capital spending plan etc.) is amended as follows.
- (2) In subsection (2), for paragraph (b) there is substituted—
- “(b) the amounts to be transferred to the body under section 32(5) of the Local Government Act 2003 (Mayor’s power to transfer expenditure grant);”.
- (3) In subsection (4)—
- (a) after paragraph (a) there is inserted—

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- “(aa) the amount met out of grants under section 31 of the Local Government Act 2003 (expenditure grant) made to the body;”, and
- (b) for paragraph (c) there is substituted—
- “(c) the amount met by borrowing or entering into or varying credit arrangements;”.

Commencement Information

I184 Sch. 7 para. 77 in force at 1.1.2004 by S.I. 2003/2938, art. 4(d)(i) (with art. 8, Sch.)

78 (1) Section 126 (interpretation of Chapter 4) is amended as follows.

(2) For subsection (1) there is substituted—

“(1) In this Chapter—

“capital expenditure” and “capital receipt” have the same meaning as in Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance);

“capital spending plan” means a capital spending plan under section 122 above.”

(3) In subsection (2), for the words from “Part IV” to “section 48” there is substituted “Chapter 1 of Part 1 of the Local Government Act 2003 (see section 7)”.

Commencement Information

I185 Sch. 7 para. 78 in force at 1.4.2004 for specified purposes by S.I. 2003/2938, art. 6(d)(i) (with art. 8, Sch.)

National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)

79 In Schedule 1 to the National Assembly for Wales (Transfer of Functions Order) 1999, in the entry relating to the Local Government and Housing Act 1989 (c. 42), the sentence relating to section 80 of that Act is omitted.

Commencement Information

I186 Sch. 7 para. 79 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. 1

Local Government Act 2000 (c. 22)

80 In section 21(10) of the Local Government Act 2000 (which provides that, subject to provision made by or under paragraphs 7 and 9 of Schedule 1 to that Act, members of an overview and scrutiny committee of a local authority who are not members of the authority may not vote at meetings of the committee), at the end there is inserted “, unless permitted to do so under paragraph 12 of that Schedule”.

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Commencement Information

I187 Sch. 7 para. 80 in force at 18.11.2003 by [S.I. 2003/2938](#), **art. 2(a)** (with [art. 8](#), [Sch.](#))

Homelessness Act 2002 (c. 7)

- 81 In section 3(9) of the Homelessness Act 2002 (public’s rights to inspect each document published under section 3 and to obtain copies)—
- (a) in paragraph (a), for “each document published under” there is substituted “everything published under section 1 or ”, and
 - (b) in paragraph (b), for “a document” there is substituted “anything”.

SCHEDULE 8

Section 127(2)

REPEALS AND REVOCATIONS

PART 1

REPEALS

Commencement Information

- I188** [Sch. 8 Pt. 1](#) in force at 18.11.2003 for specified purposes for E. by [S.I. 2003/2938](#), **art. 3(i)** (with [art. 8](#), [Sch.](#))
- I189** [Sch. 8 Pt. 1](#) in force at 18.11.2003 for specified purposes by [S.I. 2003/2938](#), **art. 2(h)** (with [art. 8](#), [Sch.](#))
- I190** [Sch. 8 Pt. 1](#) in force at 27.11.2003 for specified purposes for W. by [S.I. 2003/3034](#), **art. 2**, **Sch. 1 Pt. I** (with [Sch. 2 paras. 1, 2](#))
- I191** [Sch. 8 Pt. 1](#) in force at 1.1.2004 for specified purposes by [S.I. 2003/2938](#), **art. 4(e)** (with [art. 8](#), [Sch.](#))
- I192** [Sch. 8 Pt. 1](#) in force at 1.4.2004 for specified purposes for E. by [S.I. 2003/2938](#), **art. 7(e)** (with [art. 8](#), [Sch.](#))
- I193** [Sch. 8 Pt. 1](#) in force at 1.4.2004 for specified purposes by [S.I. 2003/2938](#), **art. 6(e)** (with [art. 8](#), [Sch.](#))
- I194** [Sch. 8 Pt. 1](#) in force at 25.11.2004 for specified purposes by [S.I. 2004/3132](#), **art. 2(e)**
- I195** [Sch. 8 Pt. 1](#) in force at 1.4.2005 for specified purposes for E. by [S.I. 2004/3132](#), **art. 3(2)(d)** (with [art. 4](#))
- I196** [Sch. 8 Part 1](#) partly in force; [Sch. 8 Part 1](#) in force for specified purposes at Royal Assent see [s. 128\(1\)\(c\)](#); [Sch. 8 Part 1](#) in force for specified purposes at 18.11.2003 see [s. 128\(2\)\(f\)](#)

Short title and chapter

Extent of repeal

Fire Services Act 1947 (c. 41)	Section 19(3) to (8).
Fire Services Act 1959 (c. 44)	In section 7, subsection (1) and, in subsection (2), paragraph (a).
Local Government Act 1972 (c. 70)	Section 137(4AA) and (4C).
Stock Transfer Act 1982 (c. 41)	In section 1(3)(b), the words from “section 43” to “powers”.
Housing Act 1985 (c. 68)	In section 27AB, in subsection (7)(b)(iii), the words from the beginning to “companies,”

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	and, in subsection (8), the definition of “associated”.
Local Government Act 1986 (c. 10)	Section 2A.
Local Government Act 1988 (c. 9)	Sections 28 and 33.
Local Government Finance Act 1988 (c. 41)	In section 53(4A), paragraph (b) and the word “and” at the end of paragraph (a). In section 140(2), paragraph (d) and, in paragraph (e), the words “section 84A above or”. Section 143(8) and (11). In Schedule 6, paragraph 3. In Schedule 9— (a) in paragraph 5(2), the words from “if it” to “do so” and from “and within” to “is served”, and (b) paragraph 5(3).
Local Government and Housing Act 1989 (c. 42)	Sections 39 to 66 and 80(2). In section 80(3), the words after paragraph (c). In section 155(4), the word “or” at the end of paragraph (ea). Schedule 3. In Schedule 4— (a) in Part 1, item 5, (b) in Part 2, item 4, and (c) in Part 4, paragraph 3. In Schedule 5, in paragraph 37(2), the words “and (3)” and paragraphs 38(12) to (14) and 60. In Schedule 11, paragraphs 6, 7, 59 and 97.
Environmental Protection Act 1990 (c. 43)	Section 88(6)(a).
Ports Act 1991 (c. 52)	Section 29.
Social Security Administration Act 1992 (c. 5)	In section 140B(2), the second sentence. Sections 140B(7) and 140D(1)(c) and (2). In section 140EE(3)(a), the words “, (7)(b)”. In section 140G, in the definition of the “Housing Revenue Account”, paragraph (b) and the word “and” at the end of paragraph (a).
Local Government Finance Act 1992 (c. 14)	In section 11(3), the words “and section 12 below”. Sections 25, 32(11), 43(8), 50(6) and 52Z(3). In section 69(1), the definition of “revenue support grant”. In Schedule 10, paragraph 6(3). In Schedule 13, paragraphs 80(1), 84(2)(a) and 90.
Local Government (Wales) Act 1994 (c. 19)	In section 51(2), the definition of the expression “expenditure for capital purposes”. In Schedule 15, paragraph 30.

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	In Schedule 16, paragraphs 88, 96 and 97.
Police and Magistrates' Courts Act 1994 (c. 29)	Section 30.
Environment Act 1995 (c. 25)	Section 73. In Schedule 8, paragraph 8(5). In Schedule 10, paragraph 31(2).
Police Act 1996 (c. 16)	In Schedule 7, in paragraph 1(2)(zd), the words “39(1)(j),”.
Education Act 1996 (c. 56)	In Schedule 1, paragraph 5.
Social Security Administration (Fraud) Act 1997 (c. 47)	In Schedule 1, paragraph 7(3) and (4).
Local Government and Rating Act 1997 (c. 29)	Section 2(6).
Local Government Finance (Supplementary Credit Approvals) Act 1997 (c. 63)	The whole Act.
School Standards and Framework Act 1998 (c. 31)	In Schedule 30, paragraph 13.
Government of Wales Act 1998 (c. 38)	In section 81(4), the words “, (2)(a)”.
Access to Justice Act 1999 (c. 22)	In Schedule 12, paragraph 5.
Local Government Act 1999 (c. 27)	Sections 22(2) and 31.
Greater London Authority Act 1999 (c. 29)	Sections 52(7), 108(2) and 111 to 118. In section 119(1) and (3)(b), the words “the usable part of”. In section 122(3)(b) and (6)(b), the words “the usable part of”. In section 124(4)(b), the words “the usable part of”. Section 136(1).
Child Support, Pensions and Social Security Act 2000 (c. 19)	In section 70(2)(a), the words “, (7)(b)”.
Local Government Act 2000 (c. 22)	Section 104.
Rating (Former Agricultural Premises and Rural Shops) Act 2001 (c. 14)	Section 1(4).
Criminal Justice and Police Act 2001 (c. 16)	In Schedule 6, in paragraph 53, sub-paragraph (a) and the word “and” at the end of that sub-paragraph.

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PART 2

REVOCATIONS

Commencement Information

I197 Sch. 8 Pt. 2 in force at 18.11.2003 for specified purposes by S.I. 2003/2938, art. 2(h) (with art. 8, Sch.)

I198 Sch. 8 Pt. 2 in force at 27.11.2003 for specified purposes for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

I199 Sch. 8 Part 2 partly in force; Sch. 8 Part 2 in force for specified purposes at Royal Assent see s. 128(1)(c); Sch. 8 Part 2 in force for specified purposes at 18.11.2003 see s. 128(2)(f)

<i>Title</i>	<i>Extent of revocation</i>
Avon Fire Services (Combination Scheme) Order 1995 (S.I. 1995/3127)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Cleveland Fire Services (Combination Scheme) Order 1995 (S.I. 1995/3131)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Humberside Fire Services (Combination Scheme) Order 1995 (S.I. 1995/3132)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
North Yorkshire Fire Services (Combination Scheme) Order 1995 (S.I. 1995/3133)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Leicestershire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2912)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Wiltshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2916)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.

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Staffordshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2917)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Bedfordshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2918)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Derbyshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2919)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Dorset Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2920)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Durham Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2921)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
East Sussex Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2922)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Hampshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2923)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Buckinghamshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2924)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.

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Berkshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2695)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Cambridgeshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2696)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Cheshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2697)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Devon Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2698)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Essex Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2699)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Hereford and Worcester Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2700)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Kent Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2701)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Shropshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2702)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.

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Lancashire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2760)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
Nottinghamshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2761)	In paragraph 6, in sub-paragraph (1), the words “constituted and administered in accordance with the provisions of Part IV” and, in sub-paragraph (2), the words “in accordance with the said provisions”. Paragraphs 20(2) and 21.
National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)	In Schedule 1, in the entry relating to the Local Government and Housing Act 1989, the sentence relating to section 80 of that Act.

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