

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, SCHEDULE 8. (See end of Document for details)

SCHEDULES

SCHEDULE 8

Section 144

BEST VALUE: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

PART 1 OF LOCAL GOVERNMENT ACT 1999

- 1 Part 1 of the Local Government Act 1999 (c. 27) (best value authorities) is amended in accordance with this Part of this Schedule.

Commencement Information

- II** Sch. 8 para. 1 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 2 (1) Section 1 (best value authorities) is amended as follows.
- (2) In subsection (1)—
- (a) for paragraph (a) substitute—
“(a) an English local authority;”;
 - (b) in paragraph (b), at the end insert “ for a National Park in England ”;
 - (c) in paragraph (e), after “fire and rescue authority” insert “ in England ”;
 - (d) for paragraph (g) substitute—
“(g) an authority established under section 10 of the Local Government Act 1985 (waste disposal authorities);”;
 - (e) after paragraph (j) insert—
“(k) a Welsh best value authority.”
- (3) In subsection (2) (definition of local authority in relation to England)—
- (a) for the words preceding paragraph (a) substitute “ In this section, “English local authority” means ”;
 - (b) in paragraph (a), after “a county council” insert “ in England ”.
- (4) Omit subsection (3) (definition of local authority in relation to Wales).
- (5) In subsection (4) (definition of police authorities), for “In this section” substitute “ In this Part ”.
- (6) Omit subsection (5) (definition of waste disposal authorities).
- (7) Omit subsection (8) (exclusion of police authorities from certain provisions).

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I2 Sch. 8 para. 2 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 3 (1) Section 2 (power to extend or disapply) is amended as follows.
- (2) In the title, at the end insert “ : Secretary of State ”.
- (3) In subsection (2)—
- (a) in paragraph (b), at the end insert “ in respect of which the county council or charging authority referred to in section 74(1)(b) of that Act was a council or authority for an area in England ”;
- (b) in paragraph (c), at the end insert “ and which as regards the financial year beginning in 1989 had power to levy a rate by reference to property in England ”.
- (4) Omit subsection (3) (power to apply section 7 with modifications).
- (5) In subsection (5), for the words from “to a duty” to the end substitute “ to the duty in section 3. ”
- (6) After subsection (5) insert—
- “(5A) Subsection (5) does not apply in relation to a Welsh best value authority.”

Commencement Information

I3 Sch. 8 para. 3 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 4 (1) Section 2A (power of National Assembly for Wales to extend or disapply best value duties) is amended as follows.
- (2) In the title, for “best value authorities in Wales” substitute “ Welsh Ministers ”.
- (3) In subsections (1) and (4), for “National Assembly for Wales” substitute “ Welsh Ministers ”;
- (4) In subsections (1), (3) and (4) for “best value authority in Wales” substitute “ Welsh best value authority ”.
- (5) In subsection (2)—
- (a) in paragraph (a), at the end insert “ in respect of which the county council or charging authority referred to in section 74(1)(b) of that Act was a council or authority for an area in Wales ”;
- (b) in paragraph (b), at the end insert “ and which as regards the financial year beginning in 1989 had power to levy a rate by reference to property in Wales ”.

Commencement Information

I4 Sch. 8 para. 4 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 5 For the heading immediately preceding section 3 substitute “ *Duties: general* ”.

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I5 Sch. 8 para. 5 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 6 (1) Section 4 (performance indicators and standards) is amended as follows.
- (2) In subsections (1), (3) and (4) for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In subsection (3)—
- (a) in paragraph (a), for “him” substitute “ them ”;
 - (b) in paragraph (b) for “he thinks” substitute “ they think ”.
- (4) In subsection (4)(b)—
- (a) for “him” substitute “ them ”;
 - (b) for “relevant audit authority” substitute “ Auditor General for Wales ”.
- (5) Omit subsection (6) (definition of relevant audit authority).

Commencement Information

I6 Sch. 8 para. 6 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 7 In section 6 (best value performance plans), in subsections (2), (3)(b) and (4) for “Secretary of State” substitute “ Welsh Ministers ”.

Commencement Information

I7 Sch. 8 para. 7 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 8 In the heading immediately before section 7, at the end insert “ : *Welsh best value authorities* ”.

Commencement Information

I8 Sch. 8 para. 8 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 9 (1) Section 7 (audit of best value performance plans) is amended as follows.
- (2) In subsection (1), for “best value authority” substitute “ Welsh best value authority ”.
- (3) Omit subsection (3) (auditors appointed by the Audit Commission).
- (4) In subsection (3A), omit “If an authority's auditor is appointed by the Auditor General for Wales,”.
- (5) In subsection (4)—
- (a) omit paragraph (e);
 - (b) in paragraph (ea), omit “if the auditor is appointed by the Auditor General for Wales,”;
 - (c) in paragraph (f) for “Secretary of State” substitute “ Welsh Ministers ”.
- (6) In subsection (5)—
- (a) omit paragraph (b);

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- (b) in paragraph (ba), omit “if the auditor is appointed by the Auditor General for Wales,”;
 - (c) in paragraph (c) (in both places) for “Secretary of State” substitute “ Welsh Ministers ”.
- (7) In subsection (6)(b) for “Secretary of State” substitute “ Welsh Ministers ”.
- (8) In subsection (7), omit “, (3)”.
- (9) In subsection (8)—
- (a) omit paragraph (a);
 - (b) in paragraph (aa), omit “if he was appointed by the Auditor General for Wales,”;
 - (c) in the words following paragraph (b), omit “, (3)”.
- (10) In subsection (8A)—
- (a) in paragraph (a), omit “, if the authority is a best value authority in Wales”;
 - (b) omit paragraph (b).
- (11) Omit subsection (9) (application of section 3 of Audit Commission Act 1998 where auditor appointed by the Audit Commission).

Commencement Information

I9 Sch. 8 para. 9 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 10 Omit section 8 (Audit Commission's code of practice and fees).

Commencement Information

I10 Sch. 8 para. 10 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 11 In section 8A(5)—
- (a) in paragraph (a), for “Assembly” substitute “ Welsh Ministers ”;
 - (b) in paragraph (b), for “best value authorities in Wales” substitute “ Welsh best value authorities ”.

Commencement Information

I11 Sch. 8 para. 11 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 12 In section 8B (auditor's duty in relation to codes) omit—
- (a) subsection (1) (auditors appointed by Audit Commission); and
 - (b) subsections (3) and (4) (transitional provision).

Commencement Information

I12 Sch. 8 para. 12 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 13 In section 9 (response to audit)—

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- (a) in subsections (1) and (2) for “best value authority” substitute “ Welsh best value authority ”;
- (b) in subsection (6) (in both places) for “Secretary of State” substitute “ Welsh Ministers ”.

Commencement Information

I13 Sch. 8 para. 13 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 14 (1) Section 10 (best value inspections by Audit Commission) is amended as follows.
- (2) In subsection (4), omit paragraph (a).
- (3) In subsection (5), for “a best value authority in Wales” substitute “—
- (a) a Welsh best value authority, or
 - (b) a police authority for a police area in Wales.”

Commencement Information

I14 Sch. 8 para. 14 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 15 (1) Section 10A (best value inspections by Auditor General for Wales) is amended as follows.
- (2) In subsection (1) for “a best value authority in Wales” substitute “—
- (a) a Welsh best value authority, or
 - (b) a police authority for a police area in Wales.”
- (3) In subsection (2) for “specified best value authority in Wales” substitute “ specified authority mentioned in subsection (1) ”.

Commencement Information

I15 Sch. 8 para. 15 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 16 In section 11 (inspectors' powers and duties), in subsection (4)(b) omit “must”.

Commencement Information

I16 Sch. 8 para. 16 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 17 In section 12A(4)(b) (consultation about fees for inspections by Auditor General for Wales) for “best value authorities in Wales” substitute “ best value authorities which may be inspected under section 10A ”.

Commencement Information

I17 Sch. 8 para. 17 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 18 In section 13 (reports by Audit Commission) omit subsection (5) (performance plans to record failure to comply with Part 1).

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I18 Sch. 8 para. 18 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 19 In section 13A (reports by Auditor General for Wales), in subsection (5) (performance plans to record failure to comply with Part 1), for “an authority” substitute “ a Welsh best value authority ”.

Commencement Information

I19 Sch. 8 para. 19 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 20 In section 15(2) (Secretary of State's powers)—
- (a) for the words from “direct it” to the end of paragraph (b) substitute—
 - “(aa) in the case of a Welsh best value authority, direct it to prepare or amend a performance plan or to follow specified procedures in relation to a performance plan;”;
 - (b) in paragraph (c), at the beginning insert “ in the case of any best value authority, direct it ”.

Commencement Information

I20 Sch. 8 para. 20 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 21 (1) Section 23 (accounts) is amended as follows.
- (2) In subsection (4), in paragraph (za), for “best value authorities in Wales” substitute “ Welsh best value authorities or police authorities for police areas in Wales ”.
 - (3) In subsection (6), omit “(within the meaning of section 7)”.
 - (4) After subsection (6) insert—
 - “(7) In subsection (6), “auditor” means an auditor appointed by the Audit Commission or the Auditor General for Wales to audit the best value authority's accounts.”

Commencement Information

I21 Sch. 8 para. 21 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 22 (1) Section 29 (modification for Wales) is amended as follows.
- (2) For subsections (1) and (2) substitute—
 - “(1) This section has effect for the purposes of the application of this Part in relation to Wales, except in so far as it relates to a police authority for a police area in Wales.
 - (1A) For each reference to the Secretary of State in sections 3, 10A, 12A, 13A, 15, 19, 23, 25 and 26 there shall be substituted a reference to the Welsh Ministers.”

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- (3) In subsection (4)—
- (a) omit “to Wales”;
 - (b) for “National Assembly for Wales” and “Assembly” substitute “ Welsh Ministers ”.
- (4) After subsection (4) insert—
- “(5) In section 19(3) and (3A) for each reference to each House, or either House, of Parliament there shall be substituted a reference to the National Assembly for Wales.
- (6) In section 28(2), for the reference to either House of Parliament there shall be substituted a reference to the National Assembly for Wales.”

Commencement Information

I22 Sch. 8 para. 22 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

PART 2

OTHER MINOR AND CONSEQUENTIAL AMENDMENTS

Housing Associations Act 1985 (c. 69)

^{F123}

Textual Amendments

F1 Sch. 8 para. 23 repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), [art. 1\(2\)](#), [Sch. 4](#) (with [art. 6](#), [Sch. 3](#))

Railways and Transport Safety Act 2003 (c. 20)

24 In section 54 of the Railways and Transport Safety Act 2003 (performance directions), for subsection (1) substitute—

- “(1) The Secretary of State may give a direction to the Authority—
- (a) specifying factors (“performance indicators”) by reference to which the Authority's performance in exercising functions can be measured;
 - (b) specifying standards (“performance standards”) to be met by the Authority in relation to performance indicators specified under paragraph (a).

(1A) In specifying performance indicators and performance standards, and in deciding whether to do so, the Secretary of State shall aim to promote improvement of the way in which the functions of the Authority are exercised, having regard to a combination of economy, efficiency and effectiveness.

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- (1B) A direction under subsection (1) may specify different performance indicators or performance standards—
- (a) for different functions;
 - (b) to apply at different times.
- (1C) The Secretary of State may give a direction to the Authority requiring the Authority to—
- (a) specify performance indicators in relation to functions;
 - (b) set targets for the performance of functions (“performance targets”) by reference to performance indicators specified under paragraph (a) or subsection (1)(a);
 - (c) set a plan of action to be taken for the purposes of meeting a performance target.”

Commencement Information

I23 Sch. 8 para. 24 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

Local Government Act 2003 (c. 26)

- 25 (1) The Local Government Act 2003 is amended as follows.
- (2) In section 36(1) (grants in connection with designation for service excellence), for “subject to any of the duties in sections 3 to 6 of the Local Government Act 1999 (best value duties)” substitute “ which, in relation to any of its functions, is subject to the duty in section 3(1) of the Local Government Act 1999 (best value duty) ”.
 - (3) In section 98(2) (procedure for orders under section 97), for “relate to best value authorities in Wales” (in each place) substitute “ include provision which has effect in relation to Wales ”.
 - (4) In section 101 (staff transfer matters: general), for subsection (7) substitute—

“(7) For the purposes of this section, the Secretary of State is the “appropriate person” in relation to a police authority for a police area in Wales.”

Commencement Information

I24 Sch. 8 para. 25 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

Fire and Rescue Services Act 2004 (c. 21)

- 26 (1) Section 24 of the Fire and Rescue Services Act 2004 (inspection of compliance with obligation to have regard to Fire and Rescue National Framework) is amended as follows.
- (2) In subsection (1), for “13” substitute “ 13A ”.
 - (3) In subsection (2), for “section 13(2)(b) and (4)” substitute “ sections 13(2)(b) and (4) and 13A(2)(b) and (4) ”.

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I25 Sch. 8 para. 26 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

Public Audit (Wales) Act 2004 (c. 23)

- 27 (1) The Public Audit (Wales) Act 2004 is amended as follows.
- (2) In section 41(1)(a) (studies for improving economy etc in services), for “best value authorities in Wales” substitute “local government bodies in Wales that are also best value authorities for the purposes of Part 1 of the Local Government Act 1999”.
- (3) In section 59 (interpretation), omit subsection (4) (definition of best value authority in Wales).

Commencement Information

I26 Sch. 8 para. 27 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

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