



Local Government Act 2000

2000 CHAPTER 22

PART VI

SUPPLEMENTAL

105 Orders and regulations.

- (1) Any power to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) Any order or regulations under this Act—
 - (a) may contain such incidental, consequential, transitional or supplemental provision or savings as the Secretary of State considers necessary or expedient,
 - (b) may make different provision for different cases, authorities or descriptions of authority.

[^{F1}(2A) In relation to regulations under section 9HE or 9MG, subsection (2) has effect as if the reference to the Secretary of State were a reference to the Secretary of State or the Lord President of the Council.]

- (3) The provision which may be made under subsection (2) includes provision modifying any enactment (whenever passed or made).
- (4) The power under subsection (3) to modify an enactment is a power—
 - (a) to apply that enactment with or without modifications,
 - (b) to extend, disapply or amend that enactment, or
 - (c) to repeal or revoke that enactment with or without savings.
- (5) Subject to subsections (6) and (7), a statutory instrument which contains an order or regulations under this Act is to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) [^{F2}Subject to subsection (6A),] a statutory instrument which contains an order under section 3(3), 5, 6, [^{F3}9N ^{F4}... or 101, or regulations under [^{F5} section 9BA, 9HE, 9MG

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or 44], is not to be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

[Subsection (6) does not apply to a statutory instrument which contains an order under ^{F6}(6A) 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.]

(7) Subsection (5) does not apply to a statutory instrument which contains an order under section 108.

[If a draft of a statutory instrument containing an order under section 9N would, apart ^{F7}(7A) from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.]

(8) In this section “enactment” includes an enactment contained in a local Act or comprised in subordinate legislation (within the meaning of the ^{M1}Interpretation Act 1978).]

Textual Amendments

- F1** S. 105(2A) inserted (6.11.2013) by [The Transfer of Functions \(Elections and Referendums\) Order 2013 \(S.I. 2013/2597\)](#), art. 1(2), **Sch. para. 7(3)** (with art. 3)
- F2** Words in s. 105(6) inserted (18.11.2003 for E.; 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), **Sch. 3 para. 14(2)**; S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F3** Word in s. 105(6) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 70(2)(a)**; S.I. 2011/2896, art. 2(h)
- F4** Words in s. 105(6) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 52, **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a) (d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (c) (with arts. 3-6)
- F5** Words in s. 105(6) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 70(2)(b)**; S.I. 2011/2896, art. 2(h)
- F6** S. 105(6A) inserted (18.11.2003 for E.; 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), **Sch. 3 para. 14(3)**; S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F7** S. 105(7A) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 70(3)**; S.I. 2011/2896, art. 2(h)

Marginal Citations

- M1** 1978 c. 30.

106 Wales.

(1) In their application to Wales—

- ^{F8}(a)
- (b) Part IV, and

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- (c) section 105(2),
have effect as if for any reference to the Secretary of State there were substituted a reference to the National Assembly for Wales.
- (2) Section 105(5) to (7) does not apply to an order or regulations under this Act which is made by the National Assembly for Wales.
- (3) Any reference in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 to an Act which is amended by this Act is to be treated as referring to that Act as amended by this Act.
- (4) Subsection (3) does not affect the power to make further Orders varying or omitting that reference.
- [^{F9}(5) The power of the Welsh Ministers to make an order under section 21A(13)(b) or section 21G is exercisable by statutory instrument.
- (6) A statutory instrument which contains an order made by the Welsh Ministers under section 21A(13)(b) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (7) A statutory instrument which contains an order under section 21G may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.]

Textual Amendments

- F8** S. 106(1)(a) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 3 para. 71, **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F9** S. 106(5)-(7) inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 176(1), 178(3)**; S.I. 2012/1187, art. 2(1)(p)

107 Minor and consequential amendments and repeals.

- (1) Schedule 5 (minor and consequential amendments) has effect.
- (2) The repeals set out in Schedule 6 have effect.

Commencement Information

- I1** S. 107 partly in force; s. 107 not in force at Royal Assent see s. 108(4); s. 107(2) in force at 1.10.2000 for certain purposes in relation to England only by [S.I. 2000/2187](#), **arts. 1(3), 3**; s. 107(2) in force at 18.10.2000 for certain purposes in relation to England only by [S.I. 2000/2836](#), **arts. 1(3), 2(c)**; s. 107 in force at 26.10.2000 for certain purposes by [S.I. 2000/2849](#), **arts. 1(3), 2(h)**; s. 107(2) in force at 9.4.2001 with application to Wales only by [S.I. 2001/1471](#), **art. 2**; s. 107 in force at 28.7.2001 for certain purposes see s. 108(4)-(6)
- I2** S. 107 in force for specified purposes at 22.5.2012 by [S.I. 2012/1358](#), **art. 2(c)**

108 Commencement.

- (1) This section and sections 105, 106 and 109 come into force on the day on which this Act is passed.

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- (2) The following provisions of this Act—
- (a) Part IV,
 - (b) section 104, and
 - (c) in Schedule 6, the repeal of paragraph 63 of Schedule 37 to the ^{M2}Education Act 1996,
- come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) The following provisions of this Act—
- (a) section 90, 91, and 93 to 96,
 - (b) in Schedule 5, paragraphs 8, 12, 13, 15, 25, 26 and 34,
 - (c) in Schedule 6, the repeal—
 - (i) in section 80(1)(e) of the ^{M3}Local Government Act 1972,
 - (ii) of sections 94 to 98 and 105 of that Act,
 - (iii) in section 265A(1)(b) of that Act,
 - (iv) of the provisions of the ^{M4}Local Government Act 1974, the ^{M5}Local Government Act 1985, the ^{M6}Transport Act 1985 and the ^{M7}Financial Services Act 1986 specified in Schedule 6,
 - (v) of sections 19, 31 and 32(1) of the ^{M8}Local Government and Housing Act 1989,
 - (vi) in Schedule 11 to that Act,
 - (vii) of the provisions of the ^{M9}Local Government Finance Act 1992, the ^{M10}Local Government (Wales) Act 1994, the ^{M11}Police and Magistrates' Courts Act 1994, the Environment Act 1995, the ^{M12}Police ^{M13} Act 1996, the Police Act 1997, the ^{M14}Audit ^{M15}Commission Act 1998 and the ^{M16}Greater London Authority Act 1999 specified in Schedule 6,
- come into force on such day as the Secretary of State may by order appoint.
- (4) Subject to subsections (5) and (6), the remaining provisions of this Act come into force at the end of the period of 12 months beginning with the day on which this Act is passed.
- (5) The Secretary of State may by order provide—
- (a) for paragraphs 17 and 18 of Schedule 4 to come into force before the time appointed by subsection (4),
 - (b) for paragraph 28 of Schedule 5 to come into force before the time appointed by that subsection,
 - (c) for any of the provisions of Part III of this Act so far as they relate to police authorities in Wales to come into force before the time appointed by that subsection, or
 - (d) for any of the other provisions mentioned in that subsection to come into force in relation to England before the time appointed by that subsection.
- (6) The National Assembly for Wales may by order provide—
- (a) for paragraph 28 of Schedule 5 to come into force before the time appointed by subsection (4), or
 - (b) for any of the other provisions mentioned in that subsection to come into force in relation to Wales before the time appointed by that subsection.

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(7) An order under subsection (3), (5) or (6) may appoint different days for different purposes.

Subordinate Legislation Made

- P1** S. 108(3)(7) power partly exercised (W.): 1.8.2001 appointed for specified provisions by [S.I. 2001/2684, art. 2](#)
S. 108(3)(7) power partly exercised (W.): 30.6.2002 appointed for specified provisions by [S.I. 2002/1359, art. 2](#)
S. 108(3)(7) power partly exercised: 27.7.2002 appointed for specified provisions by [S.I. 2002/1718, art. 2](#)
- P2** S. 108(5)(7) power partly exercised: different dates appointed for specified provisions by [S.I. 2000/2187, arts. 2, 3](#)
S. 108(5)(7) power partly exercised: 18.10.2000 appointed for specified provisions by [S.I. 2000/2836, art. 2](#)
S. 108(5)(7) power partly exercised: 26.10.2000 appointed for specified provisions by [S.I. 2000/2849, art. 2](#)
S. 108(5)(7) power partly exercised: 19.12.2000 appointed for specified provisions and purposes by [S.I. 2000/3335, art. 2](#)
S. 108(5)(7) power partly exercised: 19.2.2001 appointed for specified provisions by [S.I. 2001/415, art. 2](#)
- P3** S. 108(5)(d) power partly exercised: 25.8.2000 appointed for specified provisions by [S.I. 2000/2420, art. 2](#)
- P4** S. 108(6) power partly exercised: 1.11.2000 appointed for specified provisions by [S.I. 2000/2948, art. 2](#)
S. 108(6) power partly exercised: 9.4.2001 appointed for specified provisions by [S.I. 2001/1471, art. 2](#)

Marginal Citations

- M2** 1996 c. 56.
M3 1972 c. 70.
M4 1974 c. 7.
M5 1985 c. 51.
M6 1985 c. 67.
M7 1986 c. 60.
M8 1989 c. 42.
M9 1992 c. 14.
M10 1994 c. 19.
M11 1994 c. 29.
M12 1995 c. 25.
M13 1996 c. 16.
M14 1997 c. 50.
M15 1998 c. 18.
M16 1999 c. 29.

109 Short title and extent.

- (1) This Act may be cited as the Local Government Act 2000.
- (2) Subject to subsections (3) and (4), this Act extends to England and Wales only.
- (3) Sections 94 to 96, 105 and 108 extend also to Scotland.

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- (4) This section, paragraphs 17 and 18 of Schedule 4 and paragraph 28 of Schedule 5 extend also to Scotland and Northern Ireland.

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