

Status: Point in time view as at 25/06/2004. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Local Government Act 2000, SCHEDULE 5 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 107.

MINOR AND CONSEQUENTIAL AMENDMENTS

Children and Young Persons Act 1933 (c. 12)

- 1 In section 34A of the Children and Young Persons Act 1933 (attendance at court of parent or guardian), in subsection (2)(b) for the words “stand referred to their social services committee under” there is substituted “are social services functions within the meaning of”.

Commencement Information

- 11** Sch. 5 para. 1 wholly in force at 28.7.2001; Sch. 5 para. 1 not in force at Royal Assent see s. 108; Sch. 5 para. 1 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 1 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

- 2 In section 55 of that Act (power to order parent or guardian to pay fine etc), in subsection (5)(b) for the words “stand referred to their social services committee under” there is substituted “are social services functions within the meaning of”.

Commencement Information

- 12** Sch. 5 para. 2 wholly in force at 28.7.2001; Sch. 5 para. 2 not in force at Royal Assent see s. 108; Sch. 5 para. 2 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 2 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Local Authority Social Services Act 1970 (c. 42)

- 3 In section 2 of the Local Authority Social Services Act 1970 (local authority to establish social services committees)—
- (a) in subsection (1), for paragraphs (a) and (b) there is substituted “their social services functions”,
 - (b) subsection (2) is omitted.

Commencement Information

- 13** Sch. 5 para. 3 wholly in force at 28.7.2001; Sch. 5 para. 3 not in force at Royal Assent see s. 108; Sch. 5 para. 3 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 3 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

- 4 In section 3 of that Act (business of social services committee), in subsection (1), the words “(hereafter in this Act referred to as “social services functions”)” are omitted.

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Commencement Information

- I4** Sch. 5 para. 4 wholly in force at 28.7.2001; Sch. 5 para. 4 not in force at Royal Assent see s. 108; Sch. 5 para. 4 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 4 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

- 5 In section 13 of that Act (orders and regulations), in subsection (3), for “2(2)” there is substituted “1A”.

Commencement Information

- I5** Sch. 5 para. 5 wholly in force at 28.7.2001; Sch. 5 para. 5 not in force at Royal Assent see s. 108; Sch. 5 para. 5 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 5 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

- 6 In section 15 of that Act (citation, interpretation etc), in subsection (2), for “3” there is substituted “1A”.

Commencement Information

- I6** Sch. 5 para. 6 wholly in force at 28.7.2001; Sch. 5 para. 6 not in force at Royal Assent see s. 108; Sch. 5 para. 6 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 6 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

- 7 In Schedule 1 to that Act (enactments conferring functions assigned to social services committees) after the entry relating to the ^{M1}Housing Act 1985 there is inserted—

“Disabled Persons (Services,
 Consultation and Representation) Act
 1986 (c. 33)

Sections 1 to 5, 7 and 8 except in so far as they assign functions to a local authority in their capacity as a local education authority.

Representation and assessment of disabled persons.”

Commencement Information

- I7** Sch. 5 para. 7 wholly in force at 28.7.2001; Sch. 5 para. 7 not in force at Royal Assent see s. 108; Sch. 5 para. 7 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 7 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

- M1** 1985 c. 68.

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Local Government Act 1972 (c. 70)

VALID FROM 22/05/2012

8 In section 80 of the Local Government Act 1972 (disqualifications for election and holding office as member of local authority), in subsection (1)(e) the words “or under the Audit Commission Act 1998” are omitted.

9 In section 85 of that Act (vacation of office by failure to attend meetings), after subsection (3) there is inserted—

“(3A) Any period during which a member of a local authority is suspended or partially suspended under section 66, 73, 78 or 79 of the Local Government Act 2000 shall be disregarded for the purpose of calculating the period of six consecutive months under subsection (1) above (and, accordingly, a period during which a member fails to attend meetings of the authority that falls immediately before, and another such period that falls immediately after, a period of suspension or partial suspension shall be treated as consecutive).”

Commencement Information

18 Sch. 5 para. 9 wholly in force at 28.7.2001; Sch. 5 para. 9 not in force at Royal Assent see s. 108; Sch. 5 para. 9 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, art. 2; Sch. 5 para. 9 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

10 In section 86 of that Act (declaration by local authority of vacancy in office in certain cases), in subsection (1)(b) after “1998” there is inserted “ or section 79 of the Local Government Act 2000 ”.

Commencement Information

19 Sch. 5 para. 10 wholly in force at 28.7.2001; Sch. 5 para. 10 not in force at Royal Assent see s. 108; Sch. 5 para. 10 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, art. 2; Sch. 5 para. 10 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

11 In section 87(1) of that Act (date of casual vacancies)—

(a) after paragraph (e) there is inserted—

“(ee) in the case of a disqualification under section 79 of the Local Government Act 2000, on the expiration of the ordinary period allowed for making an appeal or application with respect to the relevant decision under that section or, if an appeal or application is made, on the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof;”

(b) in paragraph (f), for “(e)” there is substituted “ (ee) ”.

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Commencement Information

- I10** Sch. 5 para. 11 wholly in force at 28.7.2001; Sch. 5 para. 11 not in force at Royal Assent see s. 108; Sch. 5 para. 11 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, art. 2; Sch. 5 para. 11 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

VALID FROM 22/05/2012

- 12 Sections 94 to 98 of that Act (restrictions on voting) cease to have effect.

VALID FROM 22/05/2012

- 13 Section 105 of that Act (disability for voting on account of interest in contracts etc) ceases to have effect.

Local Government Act 1974 (c. 7)

- 14 In section 25(1) of the Local Government Act 1974 (authorities to which Part III applies) after paragraph (bf) there is inserted—
 “(bg) a fire authority constituted by a combination scheme under the ^{M2}Fire Services Act 1947;”.

Commencement Information

- I11** Sch. 5 para. 14 wholly in force at 28.7.2001; Sch. 5 para. 14 not in force at Royal Assent see s. 108; Sch. 5 para. 14 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, art. 2; Sch. 5 para. 14 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

- M2** 1947 c. 41.

VALID FROM 22/05/2012

- 15 In section 30 of that Act (reports on investigation by Local Commissioner)—
 (a) in subsection (3), the words “except where subsection (3A) below applies” are omitted,
 (b) subsection (3A) is omitted.

Adoption Act 1976 (c. 36)

- 16 In section 2 of the Adoption Act 1976 (local authorities’ social services), for the words “stand referred to the authority’s social services committee” there is substituted “ are social services functions within the meaning of the ^{M3}Local Authority Social Services Act 1970 ”.

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Commencement Information

I12 Sch. 5 para. 16 wholly in force at 28.7.2001; Sch. 5 para. 16 not in force at Royal Assent see s. 108; Sch. 5 para. 16 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 16 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

M3 1970 c. 42.

National Health Service Act 1977 (c. 49)

- 17 In section 28A of the National Health Service Act 1977 (power to make payments towards expenditure on community services), in subsection (2)(a) for the words from “any function” to “committee” there is substituted “ any social services functions (within the meaning of the Local Authority Social Services Act 1970) ”.

Commencement Information

I13 Sch. 5 para. 17 wholly in force at 28.7.2001; Sch. 5 para. 17 not in force at Royal Assent see s. 108; Sch. 5 para. 17 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 17 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Registered Homes Act 1984 (c. 23)

- 18 In its application to a registration authority which are operating executive arrangements (within the meaning of Part II of this Act), section 13 of the Registered Homes Act 1984 (right to make representations) shall have effect as if for subsection (5) there were substituted—

“(5) If he informs the registration authority that he desires to make oral representations, they shall make arrangements to enable him to make such representations.”

Commencement Information

I14 Sch. 5 para. 18 wholly in force at 28.7.2001; Sch. 5 para. 18 not in force at Royal Assent see s. 108; Sch. 5 para. 18 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 18 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Children Act 1989 (c. 41)

- 19 In section 22 of the Children Act 1989 (general duty of local authority in relation to children looked after by them), in subsection (1)(b) for the words “stand referred to their social services committee under” there is substituted “ are social services functions within the meaning of ”.

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Commencement Information

I15 Sch. 5 para. 19 wholly in force at 28.7.2001; Sch. 5 para. 19 not in force at Royal Assent see s. 108; Sch. 5 para. 19 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 19 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

- 20 In section 42 of that Act (right of guardian ad litem to have access to local authority records), in subsection (1)(b) for the words “stand referred to their social services committee under” there is substituted “ are social services functions within the meaning of ”.

Commencement Information

I16 Sch. 5 para. 20 wholly in force at 28.7.2001; Sch. 5 para. 20 not in force at Royal Assent see s. 108; Sch. 5 para. 20 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 20 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

- 21 In section 81 of that Act (inquiries), in subsection (1)(a) for the words “the social services committee of a local authority” there is substituted “ a local authority which are social services functions within the meaning of the Local Authority Social Services Act 1970 ”.

Commencement Information

I17 Sch. 5 para. 21 wholly in force at 28.7.2001; Sch. 5 para. 21 not in force at Royal Assent see s. 108; Sch. 5 para. 21 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 21 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

- 22 In section 105 of that Act (interpretation), in subsection (5) for the words “which stand referred to the social services committee of that or any other local authority under” there is substituted “ of that or any other local authority which are social services functions within the meaning of ”.

Commencement Information

I18 Sch. 5 para. 22 wholly in force at 28.7.2001; Sch. 5 para. 22 not in force at Royal Assent see s. 108; Sch. 5 para. 22 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 22 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

- 23 In its application to a local authority (within the meaning of Schedule 6 to that Act) which are operating executive arrangements (within the meaning of Part II of this Act), paragraph 6 of that Schedule (right to make representations) shall have effect as if for subsection (5) there were substituted—

“(5) If he informs the local authority that he desires to make oral representations, they shall make arrangements to enable him to make such representations.”

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Commencement Information

- II9** Sch. 5 para. 23 wholly in force at 28.7.2001; Sch. 5 para. 23 not in force at Royal Assent see s. 108; Sch. 5 para. 23 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 23 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Local Government and Housing 1989 (c. 42)

- 24 (1) Section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer) is amended as follows.
- (2) In subsection (1), before “the officer so” there is inserted “ subject to subsection (1A) below ”.
- (3) After that subsection there is inserted—
- “(1A) The officer designated under subsection (1) above by a relevant authority to which this subsection applies may not be the head of that authority’s paid service.
- (1B) Subsection (1A) above applies to the following relevant authorities in England and Wales—
- (a) a county council,
 - (b) a county borough council,
 - (c) a district council,
 - (d) a London borough council,
 - (e) the Greater London Authority, and
 - (f) the Common Council of the City of London in its capacity as a local authority, police authority or port health authority.”
- (4) In subsection (2), the words “or of any code of practice made or approved by or under any enactment” are omitted.
- (5) In subsection (2), as substituted in relation to the Greater London Authority by section 73(6) of the ^{M4}Greater London Authority Act 1999, in paragraph (a) the words “or of any code of practice made or approved by or under any enactment” are omitted.
- (6) After that subsection there is inserted—
- “(2A) No duty shall arise by virtue of subsection (2)(b) above unless a Local Commissioner (within the meaning of the ^{M5}Local Government Act 1974) has conducted an investigation under Part III of that Act in relation to the proposal, decision or omission concerned.”
- (7) In subsection (8), in paragraph (a) of the definition of “relevant authority”, for “(j)” there is substituted “ (k) ”.
- (8) After that subsection there is inserted—
- “(8A) Any reference in this section to the duties of a monitoring officer imposed by this section, or to the duties of a monitoring officer under this section, shall include a reference to the functions which are conferred on a monitoring officer by virtue of Part III of the Local Government Act 2000.”

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Marginal Citations

- M4 1999 c. 29.
- M5 1974 c. 7.

VALID FROM 22/05/2012

25 Section 19 of that Act (members’ interests) ceases to have effect.

VALID FROM 22/05/2012

26 Sections 31 and 32(1) of that Act (National Code of Local Government Conduct) are omitted.

27 Sections 33 to 35 of that Act (economic development and discretionary expenditure by local authorities) cease to have effect.

Tribunals and Inquiries Act 1992 (c. 53)

28 In Part I of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under the supervision of the Council on Tribunals), at the end of paragraph 27 there is inserted—

“Local authorities, conduct of members 27A. A case tribunal or interim case tribunal appointed under section 76 of the Local Government Act 2000.”

Commencement Information

- I20 Sch. 5 para. 28 wholly in force at 28.7.2001; Sch. 5 para. 28 not in force at Royal Assent see s. 108; Sch. 5 para. 28 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, art. 2; Sch. 5 para. 28 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Audit Commission Act 1998 (c. 18)

F129

Textual Amendments

- F1 Sch. 5 para. 29 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), Sch. 14 Pt. 2; S.I. 2004/759, art. 13

Commencement Information

- I21 Sch. 5 para. 29 wholly in force at 28.7.2001; Sch. 5 para. 29 not in force at Royal Assent see s. 108; Sch. 5 para. 29 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 29 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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30 In section 49 of that Act (restriction on disclosure of information), after subsection (1)(d) there is inserted—

“(dd) for the purposes of the functions of an ethical standards officer or a Local Commissioner in Wales under Part III of the Local Government Act 2000”.

Commencement Information

I22 Sch. 5 para. 30 wholly in force at 28.7.2001; Sch. 5 para. 30 not in force at Royal Assent see s. 108; Sch. 5 para. 30 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, art. 2; Sch. 5 para. 30 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Greater London Authority Act 1999 (c. 29)

31 In section 6 of the Greater London Authority Act 1999 (failure to attend meeting of the Assembly), after subsection (4) there is inserted—

“(5) Any period during which an Assembly member is suspended or partially suspended under section 66, 73, 78 or 79 of the Local Government Act 2000 shall be disregarded for the purpose of calculating the period of six consecutive months under subsection (1).”

Commencement Information

I23 Sch. 5 para. 31 wholly in force at 28.7.2001; Sch. 5 para. 31 not in force at Royal Assent see s. 108; Sch. 5 para. 31 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, art. 2; Sch. 5 para. 31 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

32 Section 13 of that Act (failure of Mayor to attend meetings) is to become subsection (1) of that section and after that subsection there is inserted—

“(2) Any meeting of the Assembly which the Mayor is unable to attend because he is suspended or partially suspended under section 66, 73, 78 or 79 of the Local Government Act 2000 shall be disregarded for the purposes of subsection (1) above.”

Commencement Information

I24 Sch. 5 para. 32 wholly in force at 28.7.2001; Sch. 5 para. 32 not in force at Royal Assent see s. 108; Sch. 5 para. 32 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, art. 2; Sch. 5 para. 32 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

33 In section 31 of that Act (limits of the general power), in subsection (5), for paragraphs (a) and (b) there is substituted “any social services function within the meaning of the Local Authority Social Services Act 1970”.

Commencement Information

I25 Sch. 5 para. 33 wholly in force at 28.7.2001; Sch. 5 para. 33 not in force at Royal Assent see s. 108; Sch. 5 para. 33 in force at 26.10.2000 in relation to England only by S.I. 2000/2849, arts. 1(3), 2(f); Sch. 5 para. 33 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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34	Section 66 of that Act (the Secretary of State's guidance on ethical standards) ceases to have effect.
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