



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 12

#### ENTITIES CONTROLLED ETC BY LOCAL AUTHORITIES

#### **212 Entities controlled etc by local authorities**

- (1) An order under this section is an order which requires, prohibits or regulates the taking of specified actions by entities connected with a local authority.
- (2) The Secretary of State may make an order under this section in relation to—
  - (a) all English local authorities;
  - (b) English local authorities of particular descriptions;
  - (c) particular English local authorities.
- (3) The Welsh Ministers may make an order under this section in relation to—
  - (a) all Welsh local authorities;
  - (b) Welsh local authorities of particular descriptions;
  - (c) particular Welsh local authorities.
- (4) An order under this section may also include provision which requires, prohibits or regulates—
  - (a) the taking of specified actions by a local authority in relation to entities connected with the local authority;
  - (b) the taking of specified actions by members or officers of a local authority who are qualifying persons.
- (5) An order under this section may make provision in relation to—
  - (a) every entity connected with a local authority;
  - (b) such entities of a particular description.

*Status: Point in time view as at 08/05/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 12. (See end of Document for details)*

- (6) For the purposes of this section an entity (“E”) is “connected with” a local authority at any time if—
- (a) it is an entity other than the local authority; and
  - (b) according to proper practices in force at that time, financial information about E must be included in the local authority's statement of accounts for the financial year in which that time falls.
- (7) In this section—
- “actions” includes courses of action;
- “English local authority” means a local authority in England;
- “entity” means any entity, whether or not a legal person;
- “financial year” means a period for which accounts of the local authority must be prepared by reason of section 2 of the Audit Commission Act 1998 (c. 18) or section 13 of the Public Audit (Wales) Act 2004 (c. 23);
- “local authority” means any body which—
- (a) is a local authority for the purposes of section 21 of the Local Government Act 2003 (c. 26) (see subsection (6) of that section and section 23 of that Act); and
  - (b) is required to prepare statements of accounts by regulations made under section 27 of the Audit Commission Act 1998 or section 39 of the Public Audit (Wales) Act 2004;
- “qualifying person” means a person who—
- (a) is authorised to represent the local authority at meetings of an entity that is connected with the local authority; or
  - (b) is a member or director of such an entity or the holder of any other specified position in relation to such an entity;
- “specified” means specified, or of a description specified, by the order;
- “Welsh local authority” means a local authority in Wales.

**Commencement Information**

**II** S. 212 in force at 30.12.2007, see [s. 245\(2\)](#)

**213 Trusts**

- (1) In this section a “relevant trust” means a trust connected with a local authority.
- (2) An order under section 212 may include provision which requires, prohibits or regulates—
  - (a) the taking of specified actions by the trustees of a relevant trust;
  - (b) the taking of specified actions by a local authority in relation to the trustees of trusts connected with that local authority;
  - (c) the taking of specified actions by a member or officer of a local authority who is a trustee of a trust connected with that local authority.
- (3) Provision included in an order by virtue of this section may relate to—
  - (a) the trustees of every relevant trust;
  - (b) the trustees of relevant trusts of a particular description.

*Status: Point in time view as at 08/05/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 12. (See end of Document for details)*

- (4) For the purposes of this section a trust (“T”) is “connected with” a local authority at any time if, according to proper practices in force at that time, financial information about T must be included in the local authority's statement of accounts for the financial year in which that time falls.
- (5) In this section the following have the same meaning as in section 212—
- “actions”;
  - “financial year”;
  - “local authority”;
  - “specified”.

#### **Commencement Information**

**I2** S. 213 in force at 30.12.2007, see s. 245(2)

### **214 Further provision about orders**

- (1) An order under section 212 may make provision requiring an entity, a local authority or trustees to obtain the consent of the appropriate person before taking any particular actions.
- (2) In subsection (1) “the appropriate person” means—
- (a) in relation to an order made by the Secretary of State, the Audit Commission;
  - (b) in relation to an order made by the Welsh Ministers, the Auditor General for Wales.
- (3) The provision that may be included in an order by virtue of section 212(4)(a) includes in particular provision—
- (a) requiring a local authority to make arrangements for enabling questions about an entity's activities to be put to members or officers of the authority who are qualifying persons;
  - (b) prohibiting a local authority from taking action (including refraining from exercising a right) which would have the result that a person of a specified description becomes a qualifying person;
  - (c) requiring a local authority to ensure so far as practicable that entities comply with provisions of the order applicable to them.
- (4) The provision that may be included in an order by virtue of section 213(2)(b) includes in particular provision—
- (a) requiring a local authority to make arrangements for enabling questions about a trust connected with the authority to be put to members or officers of the authority who are trustees;
  - (b) prohibiting a local authority from taking action (including refraining from exercising a right) which would have the result that a person of a specified description becomes a trustee of a trust connected with the authority;
  - (c) requiring a local authority to ensure so far as practicable that trustees comply with provisions of the order applicable to them.
- (5) Nothing in subsections (1) to (4) affects the generality of section 212(1) or (4) or 213(2).

*Status: Point in time view as at 08/05/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 12. (See end of Document for details)*

- (6) Where an order under section 212—
- (a) makes provision in relation to entities of a particular description, or
  - (b) makes provision in relation to the trustees of trusts of a particular description,
- it may provide for any expression used in identifying that description of entity or trust to have the meaning for the time being given by a relevant document identified by the order.
- (7) In subsection (6) “relevant document”—
- (a) means a document that (at the time the power under subsection (6) is exercised) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 (c. 26) by regulations made under that provision; and
  - (b) includes a document so identified by virtue of section 21(5) of that Act (documents not yet existing).
- (8) An order under section 212 may include incidental, consequential, transitional or supplementary provision.
- (9) In this section the following have the same meaning as in section 212—
- “actions”;
  - “entity”;
  - “local authority”;
  - “qualifying person”;
- and references to a trust connected with a local authority have the same meaning as in section 213.
- (10) In this section “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England.

**Commencement Information**

**I3** S. 214 in force at 30.12.2007, see s. 245(2)

**215 Exemptions from orders**

- (1) The appropriate authority may give a direction exempting—
- (a) a particular entity, or entities of a particular description, or
  - (b) the trustees of a particular trust, or of trusts of a particular description,
- from an order under section 212 or specified provisions of such an order.
- (2) A direction under this section may provide for an exemption to have effect—
- (a) for a specified period; or
  - (b) subject to specified conditions.
- (3) A direction under this section may be varied or revoked by a subsequent direction of the appropriate authority.
- (4) In this section “the appropriate authority” means—
- (a) in relation to an order made by the Secretary of State, the Secretary of State;
  - (b) in relation to an order made by the Welsh Ministers, the Welsh Ministers.

*Status: Point in time view as at 08/05/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 12. (See end of Document for details)*

(5) In this section—

“entity” has the same meaning as in section 212;

“specified” means specified by the direction.

#### **Commencement Information**

**I4** S. 215 in force at 30.12.2007, see s. 245(2)

### **216 Consequential amendments**

(1) Omit Part 5 of the Local Government and Housing Act 1989 (c. 42).

(2) Schedule 14 (other consequential amendments) has effect.

(3) Subsection (4) applies where by virtue of section 14 of the Interpretation Act 1978 (c. 30) (implied power to amend) any subordinate legislation is amended in consequence of the repeal of Part 5 of the Local Government and Housing Act 1989.

(4) Any provision inserted or substituted by the amendment may provide for an expression used in such provision to have the meaning for the time being given by a relevant document identified by such provision.

(5) In subsection (4) “relevant document”—

(a) means a document that (at the time the power under subsection (4) is exercised) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 (c. 26) by regulations made under that provision; and

(b) includes a document so identified by virtue of section 21(5) of that Act (documents not yet existing).

#### **Commencement Information**

**I5** S. 216(3)-(5) in force at 30.12.2007, see s. 245(2)

### **217 Definition of certain terms in amended enactments: England**

(1) The Secretary of State may by order under this section—

(a) define an “entity under the control of a local authority” and an “entity jointly controlled by bodies that include a local authority” for the purposes of section 4(2) of the Prevention of Corruption Act 1916 (c. 64);

(b) define for the purposes of section 80(1)(aa) of the Local Government Act 1972 (c. 70) the reference in that provision to “an entity under the control of” the authority mentioned there;

(c) define, for the purposes of sections 98(8)(d) and 100(1)(a) of the Local Government, Planning and Land Act 1980 (c. 65), the references in each of those provisions to—

(i) “an entity under the control of” the body mentioned there;

(ii) “an entity subject to the influence of” that body; and

(iii) “an entity jointly controlled by” that body and one or more other bodies;

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- (d) define for the purposes of paragraph 7(2) of Schedule 7 to the Environment Act 1995 (c. 25) the reference in that provision to “an entity under the control of” the authority mentioned there;
  - (e) define for the purposes of section 18(2)(b) of the Local Government Act 2003 (c. 26) the references in that provision to—
    - (i) “an entity under the control of” and “a trust under the control of” an authority or Executive mentioned there;
    - (ii) “an entity subject to the influence of” and “a trust subject to the influence of” such an authority or Executive; and
    - (iii) “an entity jointly controlled by bodies that include” and “a trust jointly controlled by bodies that include” such an authority or Executive.
- (2) Any reference in subsection (1) to the purposes of a provision of—  
 the Local Government Act 1972 (c. 70),  
 the Local Government, Planning and Land Act 1980,  
 the Environment Act 1995, or  
 the Local Government Act 2003,  
 is a reference to the purposes of that provision as it applies in relation to England.
- (3) An order under this section may provide for any expression used by it to have the meaning for the time being given by a relevant document identified by the order.
- (4) In subsection (3) “relevant document”—
- (a) means a document that (at the time the power under subsection (3) is exercised) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 by regulations made under that provision; and
  - (b) includes a document so identified by virtue of section 21(5) of that Act (documents not yet existing).

**Commencement Information**

**I6** S. 217 in force at 30.12.2007, see s. 245(2)

**218 Definition of certain terms in amended enactments: Wales**

- (1) The Welsh Ministers may by order under this section—
- (a) define for the purposes of section 80(1)(aa) of the Local Government Act 1972 the reference in that provision to “an entity under the control of” the authority mentioned there;
  - (b) define, for the purposes of sections 98(8)(d) and 100(1)(a) of the Local Government, Planning and Land Act 1980, the references in each of those provisions to—
    - (i) “an entity under the control of” the body mentioned there;
    - (ii) “an entity subject to the influence of” that body; and
    - (iii) “an entity jointly controlled by” that body and one or more other bodies;
  - (c) define for the purposes of paragraph 7(2) of Schedule 7 to the Environment Act 1995 (c. 25) the reference in that provision to “an entity under the control of” the authority mentioned there;

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- (d) define for the purposes of section 18(2)(b) of the Local Government Act 2003 (c. 26) the references in that provision to—
    - (i) “an entity under the control of” and “a trust under the control of” an authority mentioned there;
    - (ii) “an entity subject to the influence of” and “a trust subject to the influence of” such an authority; and
    - (iii) “an entity jointly controlled by bodies that include” and “a trust jointly controlled by bodies that include” such an authority;
  - (e) define “an entity under the control of a local authority” for the purposes of section 48(3) of the Public Audit (Wales) Act 2004 (c. 23).
- (2) Any reference in subsection (1) to the purposes of a provision of—  
the Local Government Act 1972 (c. 70),  
the Local Government, Planning and Land Act 1980 (c. 65),  
the Environment Act 1995, or  
the Local Government Act 2003,  
is a reference to the purposes of that provision as it applies in relation to Wales.
- (3) An order under this section may provide for any expression used by it to have the meaning for the time being given by a relevant document identified by the order.
- (4) In subsection (3) “relevant document”—
  - (a) means a document that (at the time the power under subsection (3) is exercised) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 by regulations made under that provision; and
  - (b) includes a document so identified by virtue of section 21(5) of that Act (documents not yet existing).

**Commencement Information**

**I7** S. 218 in force at 30.12.2007, see s. 245(2)

**Status:**

Point in time view as at 08/05/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 12.