

*Status: Point in time view as at 01/04/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, SCHEDULE 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

Section 74

#### EXECUTIVES: FURTHER AMENDMENTS

##### *Local Government Act 1972 (c. 70)*

1 The Local Government Act 1972 is amended as follows.

#### **Commencement Information**

**I1** Sch. 3 para. 1 in force at 30.12.2007, see s. 245(2)

2 (1) Section 2 (constitution of principal councils in England) is amended as follows.

(2) After subsection (2A) insert—

“(2B) In such a case, a reference in this Act to a member of a council is a reference to—

- (a) the elected mayor of the council,
- (b) the chairman of the council, or
- (c) a councillor of the council.”

#### **Commencement Information**

**I2** Sch. 3 para. 2 in force at 30.12.2007, see s. 245(2)

3 (1) Section 3 (chairman) is amended as follows.

(2) In subsection (4A) omit “or a mayor and council manager executive”.

#### **Commencement Information**

**I3** Sch. 3 para. 3 in force at 30.12.2007, see s. 245(2)

4 (1) Section 21 (constitution of principal councils in Wales) is amended as follows.

(2) After subsection (1A) insert—

“(1B) In such a case, a reference in this Act to a member of a council is a reference to—

- (a) the elected mayor of the council,
- (b) the chairman of the council, or
- (c) a councillor of the council.”

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**Commencement Information**

**I4** Sch. 3 para. 4 in force at 30.12.2007, see s. 245(2)

- 5 (1) Section 79 (qualifications for election and holding office) is amended as follows.  
 (2) In subsection (1) omit “, or be qualified to be elected and to be an elected mayor.”.

**Commencement Information**

**I5** Sch. 3 para. 5 in force at 30.12.2007, see s. 245(2)

- 6 (1) Section 80 (disqualification for election and holding office) is amended as follows.  
 (2) In subsection (1) in the words before paragraph (a) omit “, and be disqualified for being elected or being an elected mayor.”.

**Commencement Information**

**I6** Sch. 3 para. 6 in force at 30.12.2007, see s. 245(2)

- 7 (1) Section 100G (principal councils to publish additional information) is amended as follows.  
 (2) In subsection (1)(a) for the second “and” substitute “ together with, in the case of a councillor, ”.

**Commencement Information**

**I7** Sch. 3 para. 7 in force at 30.12.2007, see s. 245(2)

- 8 (1) Section 100J (application of Part 5A to new authorities, Common Council, etc) is amended as follows.  
 (2) In subsection (4)(a)—  
 (a) for “from “ward” onwards” substitute “ after “together with” ”;  
 (b) before “name” insert “ the ”.  
 (3) In subsection (4)(aa)—  
 (a) for “from “ward” onwards” substitute “ after “together with” ”;  
 (b) before “name” insert “ the ”.  
 (4) In subsection (4)(b) for “from “and the ward” onwards” substitute “ after “for the time being” ”.  
 (5) In subsection (4)(c)—  
 (a) before “ward” insert “ , in the case of a councillor, the ”;  
 (b) before “constituent” insert “ the ”.  
 (6) In subsection (4A)—  
 (a) before “the ward” insert “ together with, in the case of a councillor, ”;  
 (b) before the first “whether” insert “ and ”.

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**Commencement Information**

**I8** Sch. 3 para. 8 in force at 30.12.2007, see s. 245(2)

- 9 (1) Section 249 (honorary aldermen and freemen) is amended as follows.
- (2) In subsection (1) for “councillors” substitute “ members ”.
- (3) In subsection (2) for “councillor” substitute “ member ”.

**Commencement Information**

**I9** Sch. 3 para. 9 in force at 30.12.2007, see s. 245(2)

- 10 (1) Section 270 (general provisions as to interpretation) is amended as follows.
- (2) In subsection (1) for the definition of “leader and cabinet executive” substitute—
- ““leader and cabinet executive means”—
- (a) in relation to England: a leader and cabinet executive (England);
- (b) in relation to Wales: a leader and cabinet executive (Wales);”.
- (3) In subsection (1) insert the following definitions at the appropriate places—
- ““leader and cabinet executive (England)” has the same meaning as in Part 2 of the Local Government Act 2000;”;
- ““leader and cabinet executive (Wales)” has the same meaning as in Part 2 of the Local Government Act 2000;”.
- (4) In subsection (4A) omit “or a mayor and council manager executive”.

**Commencement Information**

**I10** Sch. 3 para. 10 in force at 30.12.2007, see s. 245(2)

- 11 (1) Schedule 2 (constitution and membership of London borough councils) is amended as follows.
- (2) For paragraph 5C substitute—
- “5C (1) The council shall consist of an elected mayor, a chairman and councillors.
- (2) A reference in this Act to a member of the council is a reference to—
- (a) the chairman of the council,
- (b) a councillor of the council, or
- (c) the elected mayor of the council.”

**Commencement Information**

**I11** Sch. 3 para. 11 in force at 30.12.2007, see s. 245(2)

- 12 (1) Schedule 12 (meetings and proceedings of local authorities) is amended as follows.

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- (2) In paragraph 5(5) (who presides over meeting of council operating mayoral executive) omit “or a mayor and council manager executive”.

**Commencement Information**

**I12** Sch. 3 para. 12 in force at 30.12.2007, see s. 245(2)

*Local Government Act 1974 (c. 7)*

- 13 The Local Government Act 1974 is amended as follows.

**Commencement Information**

**I13** Sch. 3 para. 13 in force at 30.12.2007, see s. 245(2)

- 14 (1) Section 30 (reports on investigation) is amended as follows.  
(2) In subsection (2AB) omit “or mayor and council manager executive”.

**Commencement Information**

**I14** Sch. 3 para. 14 in force at 30.12.2007, see s. 245(2)

- 15 (1) Section 34 (interpretation of Part 3) is amended as follows.  
(2) In the definition of “mayor and cabinet executive” and “mayor and council manager executive” for “and “mayor and council manager executive” have” substitute “has”.

**Commencement Information**

**I15** Sch. 3 para. 15 in force at 30.12.2007, see s. 245(2)

*Representation of the People Act 1983 (c. 2)*

- 16 The Representation of the People Act 1983 is amended as follows.

**Commencement Information**

**I16** Sch. 3 para. 16 in force at 30.12.2007, see s. 245(2)

- 17 In section 24 (returning officers: England and Wales) in subsection (1)(dd) omit “or a mayor and council manager executive”.

**Commencement Information**

**I17** Sch. 3 para. 17 in force at 30.12.2007, see s. 245(2)

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*Local Government Act 1985 (c. 51)*

18 The Local Government Act 1985 is amended as follows.

**Commencement Information**

**I18** Sch. 3 para. 18 in force at 30.12.2007, see s. 245(2)

- 19 (1) Section 35 (disqualification) is amended as follows.
- (2) In subsection (4) for “ “executive leader” and “leader and cabinet executive”” substitute “ and executive leader ”.
- (3) After subsection (4) insert—
- “(5) In this section “leader and cabinet executive” means—
- (a) in relation to England: a leader and cabinet executive (England);
  - (b) in relation to Wales: a leader and cabinet executive (Wales);
- and for this purpose “leader and cabinet executive (England)” and “leader and cabinet executive (Wales)” have the same meanings as in Part 2 of the Local Government Act 2000.”

**Commencement Information**

**I19** Sch. 3 para. 19 in force at 30.12.2007, see s. 245(2)

*Local Government Finance Act 1988 (c. 41)*

20 The Local Government Finance Act 1988 is amended as follows.

**Commencement Information**

**I20** Sch. 3 para. 20 in force at 30.12.2007, see s. 245(2)

- 21 (1) Section 111 (interpretation of Part 8) is amended as follows.
- (2) In subsection (3A) omit “leader and cabinet executive,”.
- (3) After subsection (3A) insert—
- “(3B) In this Part, “leader and cabinet executive” means—
- (a) in relation to England: a leader and cabinet executive (England);
  - (b) in relation to Wales: a leader and cabinet executive (Wales);
- and for this purpose “leader and cabinet executive (England)” and “leader and cabinet executive (Wales)” have the same meanings as in Part 2 of the Local Government Act 2000.”

**Commencement Information**

**I21** Sch. 3 para. 21 in force at 30.12.2007, see s. 245(2)

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*Local Government Act 2000 (c. 22)*

22 The Local Government Act 2000 is amended as follows.

**Commencement Information**

**I22** Sch. 3 para. 22 in force at 30.12.2007, see s. 245(2)

23 In section 29 (operation of and publicity for executive arrangements), in subsection (3) after “A local authority” insert “ in Wales ”.

**Commencement Information**

**I23** Sch. 3 para. 23 in force at 30.12.2007, see s. 245(2)

24 In section 30 (operation of different executive arrangements), in subsection (1) after “a local authority” insert “ in Wales ”.

**Commencement Information**

**I24** Sch. 3 para. 24 in force at 30.12.2007, see s. 245(2)

25 In section 33 (operation of alternative arrangements), before subsection (1) insert—  
“(A1) In this section references to a local authority are references to a local authority in Wales.”

**Commencement Information**

**I25** Sch. 3 para. 25 in force at 30.12.2007, see s. 245(2)

26 In section 83 (interpretation of Part 3) in the definition of “executive leader”, for “section 11(3)(a)” substitute “ section 11(2A)(a) or (3)(a) ”.

**Commencement Information**

**I26** Sch. 3 para. 26 in force at 30.12.2007, see s. 245(2)

27 In section 105 (orders and regulations), in subsection (6) after “32,” insert “ 33O(6), ”.

**Commencement Information**

**I27** Sch. 3 para. 27 in force at 30.12.2007, see s. 245(2)

28 After paragraph 1 of Schedule 1 (executive arrangements: further provision) insert—

*“Leader and cabinet executives (England)*

1A (1) This paragraph applies in relation to executive arrangements by a local authority which provide for a leader and cabinet executive (England).

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- (2) Subject to section 11(8), the executive arrangements must include provision which enables the executive leader to determine the number of councillors who may be appointed to the executive under section 11(2A)(b).
- (3) The executive arrangements must include provision which requires the executive leader to appoint one of the members of the executive to be his deputy (referred to in this paragraph as the deputy executive leader).
- (4) Subject to sub-paragraph (5), the deputy executive leader, unless he resigns as deputy executive leader or ceases to be a member of the authority, is to hold office until the end of the term of office of the executive leader.
- (5) The executive leader may, if he thinks fit, remove the deputy executive leader from office.
- (6) Where a vacancy occurs in the office of deputy executive leader, the executive leader must appoint another person in his place.
- (7) If for any reason the executive leader is unable to act or the office of executive leader is vacant, the deputy executive leader must act in his place.
- (8) If for any reason—
  - (a) the executive leader is unable to act or the office of executive leader is vacant, and
  - (b) the deputy executive leader is unable to act or the office of deputy executive leader is vacant,the executive must act in the executive leader's place or must arrange for a member of the executive to act in his place.”

**Commencement Information**

**I28** Sch. 3 para. 28 in force at 30.12.2007, see s. 245(2)

- 29
- (1) For the heading before paragraph 2 of Schedule 1 substitute— “ Leader and cabinet executives (Wales) ”.
  - (2) Paragraph 2 is amended as follows.
  - (3) In sub-paragraph (1) for “leader and cabinet executive” substitute “ leader and cabinet executive (Wales) ”.
  - (4) In sub-paragraph (4) for “sub-paragraph (2)(a)” substitute “ sub-paragraph (3)(a). ”.

**Commencement Information**

**I29** Sch. 3 para. 29 in force at 30.12.2007, see s. 245(2)

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