
STATUTORY INSTRUMENTS

2003 No. 2938

**The Local Government Act 2003 (Commencement No. 1
and Transitional Provisions and Savings) Order 2003**

Citation and interpretation

1.—(1) This Order may be cited as the Local Government Act 2003 (Commencement No. 1 and Transitional Provisions and Savings) Order 2003.

(2) In this Order—

“the 1989 Act” means the Local Government and Housing Act 1989⁽¹⁾;

“the 1999 Act” means the Greater London Authority Act 1999⁽²⁾; and

“the Act” means the Local Government Act 2003.

Provisions coming into force on 18th November 2003

2. Subject to article 8 and the Schedule, the following provisions of the Act shall come into force on 18th November 2003—

- (a) sections 70(4) to (6), 83, 92(1), 99, 100(1), (2) and (4) to (8), 106 to 108, 109(3) and (4), 111, 112 and 115, paragraphs 7(2)(a), 7(3) and 18(1) of Schedule 4, Schedule 5 and paragraphs 1, 31, 36 to 39, 65, 68, 69 and 80 of Schedule 7;
- (b) section 101, so far as relating to England and so far as relating to a best value authority in Wales mentioned in subsection (7) of that section;
- (c) section 105(9), so far as it relates to the paragraphs of Schedule 4 specified in sub-paragraph (a);
- (d) section 109(1) for the purpose of the application of section 41A of the Audit Commission Act 1998⁽³⁾ to registered social landlords for which the Housing Corporation is the Relevant Authority for the purposes of Part 1 of the Housing Act 1996⁽⁴⁾;
- (e) section 125 so far as it—
 - (i) enables an order to be made; and
 - (ii) applies to the Isles of Scilly the provisions of Parts 1 and 2 of the Act coming into force by virtue of article 3;
- (f) section 127(1) so far as it relates to the paragraphs of Schedule 7 to the Act specified in sub-paragraph (a);
- (g) section 127(2) so far as it relates to the provisions of Schedule 8 to the Act specified in sub-paragraph (h); and
- (h) in Schedule 8—

(1) 1989 c. 42.

(2) 1999 c. 29.

(3) 1998 c. 18. Section 41A is inserted by section 109(1) of the Local Government Act 2003.

(4) 1996 c. 52.

- (i) the repeals relating to the Social Security Administration Act 1992**(5)**;
- (ii) the repeals of paragraph 7(3) and (4) of Schedule 1 to the Social Security Administration (Fraud) Act 1997**(6)**;
- (iii) the repeal of section 22(2) of the Local Government Act 1999**(7)**;
- (iv) the repeal of section 52(7) of the 1999 Act;
- (v) the repeals relating to the Child Support, Pensions and Social Security Act 2000**(8)**; and
- (vi) the revocations in Part 2, except for the revocation relating to the National Assembly for Wales (Transfer of Functions) Order 1999**(9)**.

Provisions coming into force on 18th November 2003 so far as relating to England

3. Subject to article 8 and the Schedule, the following provisions of the Act shall come into force, so far as relating to England, on 18th November 2003—

- (a) sections 3(5) to (7) and (10), 4(1) to (3) and (5), 7(2)(b) and (3)(c), 8(3), 9(3), 10, 11, 14, 15, 16(2), 18, 19(3), 20, 21(1), (5) and (6), 23, 25, 26, 36, 41 to 57, 59, 60, 67(1) and (3) to (5), 70(1) to (3), 71, 89, 90(1), 100(3), 117, 119, 126 and 127(3) and (4), Schedule 3 and paragraphs 8, 19, 23, 26(1) and (2), 30, 33(3) and (5), 59, 61, 62 and 66(1) and (3) to (6) of Schedule 7;
- (b) section 19(1) so far as it relates to sections 9(3), 10, 11, 15, 16(2) and 18 of the Act;
- (c) section 19(2) so far as it relates to the power to make regulations in paragraph 4(2) of Schedule 1 to the Act;
- (d) section 21(2)(b) so far as it enables regulations to be made;
- (e) section 127(1) so far as it relates to the paragraphs of Schedule 7 to the Act specified in sub-paragraphs (a) and (h);
- (f) section 127(2) so far as it relates to the provisions of Schedule 8 to the Act specified in sub-paragraph (i);
- (g) in Schedule 1, paragraph 4(2) so far as it enables regulations to be made;
- (h) in Schedule 7, paragraph 29 so far as it relates to sections 45 and 53 of the 1989 Act ceasing to have effect; and
- (i) in Schedule 8—
 - (i) the repeals relating to the Housing Act 1985**(10)**;
 - (ii) the repeal of section 33 of the Local Government Act 1988**(11)**;
 - (iii) in the 1989 Act, the repeals of sections 45 and 53, the repeals relating to section 80(3) and paragraph 37(2) of Schedule 5 and the repeal of paragraph 97 of Schedule 11;
 - (iv) the repeal of section 88(6)(a) of the Environmental Protection Act 1990**(12)**;
 - (v) the repeal relating to section 11(3) of the Local Government Finance Act 1992**(13)**;

(5) 1992 c. 5.
 (6) 1997 c. 47.
 (7) 1999 c. 27.
 (8) 2000 c. 19.
 (9) S.I.1999/672.
 (10) 1985 c. 68.
 (11) 1988 c. 9.
 (12) 1990 c. 43.
 (13) 1992 c. 14.

- (vi) the repeal of paragraph 8(5) of Schedule 8 to the Environment Act 1995(14); and
- (vii) the repeal of section 108(2) of the 1999 Act.

Provisions coming into force on 1st January 2004

4. Subject to article 8 and the Schedule, the following provisions of the Act shall come into force on 1st January 2004—

- (a) section 125 so far as it applies to the Isles of Scilly the provisions of Part 1 of the Act coming into force by virtue of article 5;
- (b) section 127(1) so far as it relates to the paragraphs of Schedule 7 to the Act specified in sub-paragraph (d);
- (c) section 127(2) so far as it relates to the provisions of Schedule 8 to the Act specified in sub-paragraph (e);
- (d) in Schedule 7—
 - (i) paragraphs 75 to 77; and
 - (ii) paragraph 71 so far as it relates to sections 113 and 115(2) of the 1999 Act ceasing to have effect; and
- (e) in Schedule 8, the repeal of sections 113 and 115(2), and the repeals relating to sections 122(3)(b) and (6)(b) and 124(4)(b), of the 1999 Act.

Provisions coming into force on 1st January 2004 so far as relating to England

5. Subject to article 8 and the Schedule, section 3 of the Act, to the extent not brought into force by article 3, shall come into force, so far as relating to England, on 1st January 2004.

Provisions coming into force on 1st April 2004

6. Subject to article 8 and the Schedule, the following provisions of the Act shall come into force on 1st April 2004—

- (a) sections 105, 109(1) and 125 and Schedule 4 to the extent not brought into force by articles 2 and 4;
- (b) section 127(1) so far as it relates to the paragraphs of Schedule 7 to the Act specified in sub-paragraph (d);
- (c) section 127(2) so far as it relates to the provisions of Schedule 8 to the Act specified in sub-paragraph (e);
- (d) in Schedule 7—
 - (i) paragraphs 27, 33(2) and (4), 70, 72 to 74 and 78; and
 - (ii) paragraph 71 to the extent not brought into force by article 4; and
- (e) in Schedule 8—
 - (i) the repeals of item 5 in Part 1 and item 4 in Part 2 of Schedule 4 to the 1989 Act; and
 - (ii) the repeals of sections 111, 112, 114, 115(1) and (3) and 116 to 118, and the repeals relating to section 119(1) and (3)(b), of the 1999 Act.

Provisions coming into force on 1st April 2004 so far as relating to England

7. Subject to article 8 and the Schedule, the following provisions of the Act shall come into force, so far as relating to England, on 1st April 2004—

- (a) sections 1, 2, 5, 6, 12, 13, 16(1), 17, 22, 27 to 29, 37, 64, 67(2), 90(2) and (3), 102, 118, 120, Schedule 6 and paragraphs 2, 3, 4, 6, 18, 32, 51(3), 63 and 64 of Schedule 7;
- (b) sections 4, 7 to 9, 19 and 21, Schedule 1 and paragraph 29 of Schedule 7 to the extent not brought into force by article 3;
- (c) section 127(1) to the extent that it relates to the paragraphs of Schedule 7 to the Act specified in sub-paragraphs (a) and (b);
- (d) section 127(2) to the extent that it relates to the provisions of Schedule 8 to the Act specified in sub-paragraph (e); and
- (e) in Schedule 8—
 - (i) the repeal of section 137(4AA) of the Local Government Act 1972⁽¹⁵⁾;
 - (ii) the repeal relating to the Stock Transfer Act 1982⁽¹⁶⁾;
 - (iii) in the 1989 Act, the repeals of sections 39 to 44, 46 to 52, 54 to 66 and 80(2), the repeal relating to section 155(4) and the repeals of Schedule 3, paragraph 60 of Schedule 5 and paragraphs 6, 7 and 59 of Schedule 11;
 - (iv) the repeals of sections 32(11), 43(8) and 50(6) of and paragraph 90 of Schedule 13 to the Local Government Finance Act 1992;
 - (v) the repeal of section 30 of the Police and Magistrates' Courts Act 1994⁽¹⁷⁾;
 - (vi) the repeal of section 73 of and paragraph 31(2) of Schedule 10 to the Environment Act 1995;
 - (vii) the repeal relating to the Police Act 1996⁽¹⁸⁾;
 - (viii) the repeal of the Local Government Finance (Supplementary Credit Approvals) Act 1997⁽¹⁹⁾;
 - (ix) the repeal relating to the Access to Justice Act 1999⁽²⁰⁾; and
 - (x) the repeals relating to the Criminal Justice and Police Act 2001⁽²¹⁾.

Transitional provisions and savings

8. The Schedule to this Order shall have effect for the purposes of making transitional provisions and savings, which the Secretary of State considers necessary or expedient, in relation to the provisions to which it refers.

⁽¹⁵⁾ 1972 c. 70. Section 137(4AA) is inserted by section 36 of the 1989 Act.

⁽¹⁶⁾ 1982 c. 41.

⁽¹⁷⁾ 1994 c. 29.

⁽¹⁸⁾ 1996 c. 16.

⁽¹⁹⁾ 1997 c. 63.

⁽²⁰⁾ 1999 c. 22.

⁽²¹⁾ 2001 c. 16.

Signed by authority of the First Secretary of State

13th November 2003

Nick Raynsford
Minister of State,
Office of the Deputy Prime Minister