

This draft supersedes the draft of the same name published on 9th December 2004 and is issued free of charge to all known recipients

Draft Order laid before Parliament under section 105 of the Local Government Act 2000, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2005 No.

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities' Plans and Strategies (Disapplication)
(England) Order 2005**

Made - - - -

Coming into force in accordance with article 1

The First Secretary of State ("the Secretary of State"), in accordance with section 9(1) of the Local Government Act 2000^(a), has consulted such local authorities, representatives of local government, and other persons as appear to him likely to be affected by this Order;

Following that consultation, the Secretary of State has laid a document before Parliament in accordance with section 9(3) of that Act;

The period specified in section 9(4) of that Act has expired, and, in preparing a draft of this Order and in accordance with section 9(6) of that Act, the Secretary of State has considered all representations made during that period;

The draft so prepared has been approved by a resolution of each House of Parliament;

The Secretary of State considers that it is not appropriate for certain enactments (which require local authorities to prepare their plans and strategies) to apply to a particular description of local authority, and that such enactments should be modified so as to operate more effectively in relation to that particular description of authority;

The Secretary of State further considers it expedient to make supplemental provision in relation to the application of such enactments to local authorities which cease to be of that particular description;

Therefore, in exercise of the powers conferred by sections 6(1) and 105 of the Local Government Act 2000, and by section 100(1) and (2) of the Local Government Act 2003^(b), the Secretary of State makes the following Order:

(a) 2000 c. 22. Section 9 is amended by the Local Government Act 2003 (c. 26), section 100 and Schedule 3.
(b) 2003 c. 26.

Citation and commencement

1. This Order may be cited as the Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order—

“English local authority” has the meaning given by section 99(7) of the Local Government Act 2003; and

“excellent authority” means an English local authority categorised as excellent by reason of an order made by the Secretary of State under section 99(4) of the Local Government Act 2003.

Disapplication of duty to publish new homelessness strategies

3.—(1) Section 1(4) of the Homelessness Act 2002(a) shall not apply to local housing authorities(b) which are excellent authorities.

(2) Paragraph (3) applies where a local housing authority cease, by reason of an order made by the Secretary of State under section 99(4) of the Local Government Act 2003, to be categorised as excellent.

(3) Where this paragraph applies the authority shall be treated as an excellent authority for the purpose of paragraph (1), for a period—

(a) of such length, no shorter than one year and not exceeding two years, as the Secretary of State may specify in writing to the authority, and

(b) beginning with the date on which the order mentioned in paragraph (2) comes into force.

Disapplication of duty to submit home energy conservation reports

4.—(1) Section 2 of the Home Energy Conservation Act 1995(c) (in this article, “the Act”), and the power of the Secretary of State to give directions under section 5 of the Act, shall not apply to energy conservation authorities(d) which are excellent authorities.

(2) Where, at the date on which this Order comes into force, an excellent authority have prepared a report and published and sent it to the Secretary of State in accordance with section 2(6) of the Act, section 3(2) of the Act shall not apply in relation to that authority.

(3) Paragraph (4) applies where an energy conservation authority cease, by reason of an order made by the Secretary of State under section 99(4) of the Local Government Act 2003, to be categorised as excellent.

(4) Where this paragraph applies the authority shall be treated as an excellent authority for the purposes of paragraph (1), for a period of one year beginning with the date on which the order mentioned in paragraph (3) comes into force.

Disapplication of duty to prepare youth justice plans, and amendment of provisions relating to such plans

5.—(1) Section 40(1) of the Crime and Disorder Act 1998(e) shall not apply to local authorities(f) which are excellent authorities.

(a) 2002 c.7.

(b) For the relevant definition of “local housing authority”, see section 4 of the Homelessness Act 2002.

(c) 1995 c.10.

(d) For the definition of “energy conservation authority”, see section 1(1) of the Home Energy Conservation Act 1995.

(e) 1998 c.37.

(f) For the relevant definition of “local authority”, see section 42(1) of the Crime and Disorder Act 1998.

(2) In consequence of paragraph (1), sections 39 to 42 of the Crime and Disorder Act 1998 shall apply, in relation to local authorities which are excellent authorities, subject to the modifications set out in Schedule 1 to this Order.

(3) Notwithstanding paragraph (1)—

- (a) an excellent authority who, at the date on which this Order comes into force, have formulated a youth justice plan for the current year, may implement that plan, and
- (b) an excellent authority other than one described in sub-paragraph (a) may formulate and implement a youth justice plan,

and in either case sections 39 to 42 of the Crime and Disorder Act 1998 shall apply in relation to the authority as though unmodified by this Order.

(4) Paragraph (5) applies to a local authority who—

- (a) have not formulated a youth justice plan, and
- (b) by reason of an order made by the Secretary of State under section 99(4) of the Local Government Act 2003, cease to be categorised as excellent.

(5) Where this paragraph applies the authority shall be treated as an excellent authority for the purpose of paragraph (1), for a period of one year beginning with the date on which the order mentioned in paragraph (4)(b) comes into force.

Disapplication of duties to prepare and publish rights of way improvement plans, and amendment of provisions relating to such plans

6.—(1) Subject to paragraphs (2) to (4), section 60 of the Countryside and Rights of Way Act 2000(a) (in this article, “the CROW Act”) shall not apply to local highway authorities(b) which are excellent authorities.

(2) An excellent authority may prepare and publish a rights of way improvement plan in accordance with section 60(1) and, if they do so, section 60(2) to (5) and section 61 of the CROW Act shall apply to the authority.

(3) Where, at the date on which this Order comes into force, an excellent authority have prepared a rights of way improvement plan under section 60(1), but have not published it—

- (a) the authority may publish the plan and, if they do so, section 60(2) to (5) and section 61 of the CROW Act shall apply to the authority, or
- (b) the authority may decide not to publish the plan and, if they do so, they shall publish a report of their decision and of the reasons for it in two or more local newspapers circulating in their area.

(4) Where, at the date on which this Order comes into force, an excellent authority have prepared and published a rights of way improvement plan under section 60(1)—

- (a) the authority may implement the plan and, if they do so, section 60(2) to (5) and section 61 of the CROW Act shall apply to the authority, or
- (b) the authority may decide not to implement the plan and, if they do so—
 - (i) the plan shall be of no effect, and
 - (ii) the authority shall publish a report of their decision and of the reasons for it in two or more local newspapers circulating in their area.

(5) Paragraphs (6) and (7) apply in a case where an excellent authority—

- (a) by virtue of paragraph (1), do not prepare and publish a rights of way improvement plan,
- (b) by virtue of paragraph (3)(b), decide not to publish such a plan, or
- (c) by virtue of paragraph (4)(b), decide not to implement such a plan.

(a) 2000 c.37.

(b) For the relevant definition of “local highway authority”, see section 45 of the Countryside and Rights of Way Act 2000, referring to section 329(1) of the Highways Act 1980 (c.66).

(6) Notwithstanding paragraphs (1) to (4) of this article, where this paragraph applies the authority shall remain under a duty—

- (a) to take action for the management of local rights of way and for securing an improved network of local rights of way, with particular regard to the matters specified in section 60(2) of the CROW Act, and
- (b) before doing so to consult the bodies and persons specified in section 61(1)(a) to (h) of the CROW Act.

(7) Where this paragraph applies and the authority cease, by reason of an order made by the Secretary of State under section 99(4) of the Local Government Act 2003, to be categorised as excellent, the authority shall be treated as an excellent authority for the purposes of paragraph (1), for a period—

- (a) of such length, no shorter than one year and not exceeding two years, as the Secretary of State may specify in writing to the authority, and
- (b) beginning with the date on which the order comes into force.

(8) In paragraph (6)(a), “local rights of way” has the meaning given by section 60(5) of the CROW Act.

Disapplication of duties to prepare local transport plans and bus strategies, and amendment of provisions relating to such plans

7.—(1) Sections 108(3) and 110(1) (duties to prepare local transport plan and bus strategy) of the Transport Act 2000(a) shall not apply to local transport authorities(b) which are excellent authorities.

(2) In consequence of paragraph (1)—

- (a) the provisions of Part 2 of the Transport Act 2000 mentioned in Part 1 of Schedule 2 to this Order shall apply in relation to excellent authorities subject to the modifications set out in that Part of that Schedule;
- (b) the provisions of the Transport Act 1985(c) mentioned in Part 2 of Schedule 2 to this Order shall apply in relation to excellent authorities subject to the modifications set out in that Part of that Schedule.

(3) An excellent authority who, at the date on which this Order comes into force—

- (a) have prepared a local transport plan or
- (b) are taken by the operation of section 109(5) of the Transport Act 2000 to have a local transport plan,

may at any time decide that they will cease to exercise their powers under Part 2 of that Act by reference to the plan and, if they do so, the plan shall cease to have effect from the date of their decision.

(4) Notwithstanding paragraphs (1) and (3), an excellent authority may prepare a local transport plan and, if they do so, the Transport Act 2000 and the Transport Act 1985 shall apply in relation to the authority as though unmodified by this Order.

(5) Paragraph (6) applies where a local transport authority—

- (a) by virtue of paragraph (1), do not have a local transport plan, or
- (b) by virtue of paragraph (4), decide not to implement a local transport plan.

(6) Where this paragraph applies and the authority cease, by reason of an order made by the Secretary of State under section 99(4) of the Local Government Act 2003, to be categorised as excellent, the authority shall be treated as an excellent authority for the purposes of paragraph (1), for a period—

(a) 2000 c.38.

(b) For the relevant definition of “local transport authority” in relation to England, see section 108(4) of the Transport Act 2000 .

(c) 1985 c.67.

- (a) of such length, no shorter than one year and not exceeding two years, as the Secretary of State may specify in writing to the authority, and
- (b) beginning with the date on which the order comes into force.

Disapplication of duty to prepare action plans in relation to air quality

8.—(1) Section 84(2)(b) of the Environment Act 1995(a) (duty to prepare an action plan) shall not apply to local authorities(b) which are excellent authorities.

(2) Notwithstanding paragraph (1)—

- (a) an excellent authority may prepare an action plan and, if they do so, the provisions of Part 4 of the Environment Act 1995 shall apply in relation to the authority as though unmodified by this Order; and
- (b) an excellent authority who do not prepare an action plan shall remain under a duty to exercise their powers in pursuit of the achievement of air quality standards and objectives in the designated area.

(3) In consequence of paragraph (1), section 85 of the Environment Act 1995 shall apply in relation to excellent authorities with the modifications shown in paragraph (4).

(4) In section 85 (reserve powers)—

- (a) in subsection (4)—
 - (i) after the word “above” in the first place in which it occurs, insert “and subject to subsection (5B) below”;
 - (ii) for the words “that subsection” substitute the words “subsection (3) above”;
- (b) in subsection (5), at the beginning insert “Subject to subsection (5B) below,”;
- (c) after subsection (5A)(c), insert—

“(5B) The powers to give directions under subsections (3), (5) and (5A) above may not be exercised so as to require a local authority which is an excellent authority to prepare an action plan for a designated area.

(5C) But directions given to an excellent authority by the Secretary of State under subsections (5) or (5A) above may require the authority to exercise its powers in pursuit of the achievement of air quality standards and objectives in a designated area.

(5D) In subsections (5B) and (5C) above, “excellent authority” has the meaning given to that term by the Local Authorities’ Plans and Strategies (Disapplication) (England) Order 2005.”.

(5) Paragraph (6) applies where a local authority cease, by reason of an order made by the Secretary of State under section 99(4) of the Local Government Act 2003, to be categorised as excellent.

(6) Where this paragraph applies the authority shall be treated as an excellent authority for the purposes of paragraph (1), for a period of one year beginning with the date on which the order mentioned in paragraph (5) comes into force.

Signed by authority of the First Secretary of State

2005

Parliamentary Under-Secretary of State
Office of the Deputy Prime Minister

(a) 1995 c.25.

(b) For the relevant definition of “local authority”, see section 91(1) of the Environment Act 1995.

(c) Subsection (5A) was inserted by SI 2001/3719, article 2 and Schedule, paragraph 6(1), (3).

Modification of the Crime and Disorder Act 1998

1. In section 39(a) (youth offending teams), in subsection (7) for paragraph (b) substitute—

“(b) to carry out such functions as are assigned to the team or teams either—

(i) in the youth justice plan formulated by the authority under section 40(1) below; or

(ii) where the authority are an excepted authority, under section 40A(2) below.”

2. In section 40 (youth justice plans), in subsection (4) after the words “local authority” insert “other than an excepted authority”.

3. After section 40, insert—

“40A Youth justice arrangements of excepted authorities

(1) Subsections (2) to (4) below apply where an excepted authority—

(a) have, before being excepted, made a youth justice plan, but decide not to implement it; or

(b) decide not to formulate a youth justice plan.

(2) The authority shall be under a duty to determine, in conjunction with the relevant persons and bodies—

(a) how youth justice services in their area are to be provided and funded; and

(b) how the youth offending team or teams established by them (whether alone or jointly with one or more other local authorities) are to be composed and funded, how they are to operate, and what functions they are to carry out.

(3) The functions assigned to a youth offending team under subsection (2)(b) above may include, in particular, functions under paragraph 7(b) of Schedule 2 to the 1989 Act (local authority’s duty to take reasonable steps designed to encourage children and young persons not to commit offences).

(4) Any assignment of functions to a youth offending team under subsection (2)(b) above shall be made in writing.

(5) In this section, “relevant persons and bodies” has the meaning given by section 40(2) above.”

4. In section 42 (supplementary provisions), in subsection (1) after the definition of “chief officer of police” insert—

““excepted authority” means a local authority who—

(a) are an excellent authority within the meaning given to that term by the Local Authorities’ Plans and Strategies (Disapplication) (England) Order 2005, or

(b) are treated as though they were such an authority by virtue of article 5(5) of that Order.”

(a) Section 39 was substituted in part by the Criminal Justice and Court Services Act 2000 (2000 c.43), section 74, Schedule 7 Part 2, paragraphs 4, 150 and 151, and by the Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000 (SI 2000/90), article 3(1) and Schedule 1 paragraph 35(1), (4).

Modification of provisions relating to local transport plans and bus strategies

Part 1

Modification of the Transport Act 2000

1. In section 108 (local transport plans)—

(a) for subsection (3), substitute—

“(3) Each local transport authority who are not an excepted authority must prepare a document to be known as the local transport plan containing their policies under subsection (1).

(3A) An excepted authority may prepare a local transport plan and, if they do so, the provisions of this Part shall, unless a contrary intention is indicated, apply to them as though they were not excepted.

(3B) An excepted authority who—

(a) have prepared a local transport plan under subsection (3A) or

(b) are taken by the operation of section 109(5) to have a local transport plan,

may at any time decide that they will cease to exercise their powers under this Part by reference to the plan and, if they do so decide, the plan shall cease to have effect from the date of their decision.”;

(b) in subsection (4), at the end add—

“, and

“excepted authority” means a local transport authority in England who—

(a) are an excellent authority within the meaning given to that term by the Local Authorities’ Plans and Strategies (Disapplication) (England) Order 2005 or

(b) are treated as such an authority by virtue of article 7(6) of that Order.”.

2. In section 109 (further provision about plans)—

(a) in subsection (1), after the word “authority” insert “who are required or have decided to prepare a local transport plan (“the authority”);

(b) in subsection (6), after the word “But,” insert “subject to subsection (7),”; and

(c) at the end add—

“(7) The requirement under subsection (6)(a) to replace a document by the specified date shall not apply where that document is the local transport plan of an excepted authority.”.

3. In section 110 (bus strategies)—

(a) in subsection (1), after the word “authority” insert “who are required or have decided to prepare a local transport plan (“the authority”); and

(b) at the end add—

“(6) An excepted authority who—

(a) have not prepared a local transport plan or a document taken by the operation of section 109(5) to be a local transport plan, or

- (b) have decided to cease to exercise their powers under this Part as mentioned in section 108(3B),

must, in formulating their general policies as to how best to carry out their functions (or, in the case of a Passenger Transport Authority for a passenger transport area, as to how the functions of the Passenger Transport Executive for their area would be best carried out), have regard to securing the objects mentioned in paragraphs (a), (b) and (c) of subsection (1).

(7) References in this Part to an excepted authority with no local transport plan are to an authority of the description mentioned in paragraph (a) or (b) of subsection (6).”

4. In section 112 (plans and strategies: supplementary), in subsection (1) for the words “a local transport authority” substitute “a local transport authority other than an excepted authority”.

5. In section 114 (quality partnership schemes), for subsection (1) substitute—

“(1) A local transport authority, or two or more such authorities acting jointly, may make a quality partnership scheme if they are satisfied that the scheme will to any extent implement—

- (a) the policies set out in their bus strategy; or
- (b) in the case of an excepted authority with no local transport plan, the policies which they have formulated in accordance with section 110(6).”

6. In section 124 (quality contracts schemes), for subsection (1) substitute—

“(1) A local transport authority, or two or more such authorities acting jointly, may make a quality contracts scheme covering the whole or any part of their area if they are satisfied that—

- (a) making a quality contracts scheme is the only practicable way of implementing—
 - (i) the policies set out in their bus strategy for that area or part of that area, or
 - (ii) in the case of an excepted authority with no local transport plan, the policies which they have formulated in accordance with section 110(6); and
- (b) the proposed scheme will implement those policies in a way which is economic, efficient and effective.”

7. In section 135 (joint and through ticketing schemes), for subsection (1) substitute—

“(1) A local transport authority, or two or more such authorities acting jointly, may make a ticketing scheme covering the whole or any part of their area if they consider that the proposed scheme—

- (a) would be in the interests of the public, and
- (b) would to any extent implement—
 - (i) the policies set out in their bus strategy, or
 - (ii) in the case of an excepted authority with no local transport plan, the policies which they have formulated in accordance with section 110(6).”

8. In section 139 (information about bus services)—

- (a) in subsection (1), omit the words “having regard to their local transport plan”;
- (b) after subsection (2), insert—

“(2A) In making such a determination—

- (a) an authority other than an excepted authority must have regard to their local transport plan, and
- (b) an excepted authority with no local transport plan must have regard to their policies developed under section 108(1)(a).”

9. In section 162 (interpretation of Part II), in subsection (1) after the definition of “eligible service” insert—

““excepted authority” has the meaning given in section 108(4);”.

10. In section 164 (local charging schemes), in subsection (2) for the words “the achievement of policies in the charging authority’s local transport plan” substitute—

“__

- (a) in the case of an authority other than an excepted authority, the achievement of policies in their local transport plan, or
- (b) in the case of an excepted authority with no local transport plan, the achievement of their policies developed under section 108(1)(a).”.

11. In section 165 (joint local charging schemes), in subsection (2) for the words “in the charging authorities’ local transport plans” substitute—

“__

- (a) in the charging authorities’ local transport plans, or
- (b) if one or more of the charging authorities concerned is an excepted authority with no local transport plan, in their local transport plans and in their policies developed under section 108(1)(a).”.

12. In section 166 (joint local-London charging schemes), at the end add—

“(3) The reference in subsection (2)(a) to policies in the local transport plan or (as the case may be) plans shall be treated, in relation to an excepted authority with no local transport plan, as a reference to their policies developed under section 108(1)(a).”.

13. In section 179 (local licensing schemes), for the words “the achievement of policies in the licensing authority’s local transport plan” substitute—

“__

- (a) in the case of an authority other than an excepted authority, the achievement of policies in their local transport plan, or
- (b) in the case of an excepted authority with no local transport plan, the achievement of their policies developed under section 108(1)(a).”.

14. In section 180 (joint local licensing schemes), in subsection (2) for the words “in the licensing authorities’ local transport plans” substitute—

“__

- (a) in the licensing authorities’ local transport plans, or
- (b) if one or more of the licensing authorities concerned is an excepted authority with no local transport plan, in their local transport plans and in their policies developed under section 108(1)(a).”.

15. In section 181 (joint local-London licensing schemes), at the end add—

“(3) The reference in subsection (2)(a) to policies in the local transport plan or (as the case may be) plans shall be treated, in relation to an excepted authority with no local transport plan, as a reference to their policies developed under section 108(1)(a).”.

16. In section 198 (interpretation of Part III), in subsection (1) after the definition of “charging scheme penalty charges”, insert—

““excepted authority” has the meaning given in section 108(4);”.

17. In Schedule 12—

- (a) in paragraph 8, after sub-paragraph (6) insert—
 - “(6A) In this paragraph a reference to policies in an authority’s local transport plan shall be treated, in relation to an excepted authority with no local transport plan, as a reference to their policies developed under section 108(1)(a).”;
- (b) in paragraph 10—
 - (i) in sub-paragraph (1)(b), at the beginning insert—
 - “, where the authority or authorities are not excepted”;
 - (ii) in sub-paragraph (2), in the definition of “the opening transport plan period” after “means” insert—
 - “, in relation to an authority other than an excepted authority,”;
 - (iii) in sub-paragraph (3), before “detailed programme” insert—
 - “(in relation to an authority other than an excepted authority)”;
- (c) in paragraph 11, in sub-paragraph (1) after “authorities” in the first place where it occurs, insert “other than excepted authorities”.

Part 2

Modification of the Transport Act 1985

1. In section 63 of the Transport Act 1985(a), for subsection (8A) substitute—

“(8A) In subsection (8) “the appropriate bus strategy” means—

- (a) in the case of a council who are an excepted authority to which subsection (6) of section 110 of the Transport Act 2000 applies, the relevant policies which they have formulated in accordance with that subsection;
- (b) in the case of a district council who are not a local transport authority—
 - (i) the bus strategy of the council for the county in which the district is situated, or
 - (ii) if the county council are an excepted authority to which section 110(6) of the Transport Act 2000 applies, the relevant policies which they have formulated in accordance with that subsection;
- (c) in the case of any other local transport authority, their bus strategy.

(8B) In this Part of this Act—

“bus strategy” means the document prepared in accordance with section 110(1) of the Transport Act 2000;

“excepted authority” and “local transport authority” have the meanings given by section 108(4) of that Act.”

2. In section 74 (disabilities of directors of public transport companies), after subsection (3B)(b) insert—

“(3C) In subsection (3B) above reference to a local transport plan includes, in the case of a council who are an excepted authority with no local transport plan, reference to the authority’s policies developed under section 108(1)(a) of the Transport Act 2000; and the expression “excepted authority with no local transport plan” in this subsection has the meaning given by section 110(7) of that Act.”

3. In section 89(c) (obligation to invite tenders for subsidised services), for subsection (8) substitute—

“(8) In subsection (7)(b) “appropriate bus strategy” has the same meaning as in section 63(8A) of this Act, except that, in the case of a Passenger Transport Executive for a passenger transport area, it means the bus strategy made jointly by the Passenger Transport Authority for the area and the councils for the metropolitan districts comprised in the area.”

(a) 1986 c. 67. Relevant amendments to section 63 are made by the Transport Act 2000, sections 161 and 274, Schedule. 11 paragraphs 9, 11(1) and (6).

(b) Subsection (3B) is substituted, in relation to England, by SI 2001/2237.

(c) Section 89 is substituted, in relation to England and Wales, by the Transport Act 2000, section 152.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 6 of the Local Government Act 2000 (“the 2000 Act”) provides for the Secretary of State by order to amend, repeal, revoke or disapply any enactment which requires a local authority to prepare, produce or publish any plan or strategy relating to any particular matter, if he considers that it is not appropriate for such an enactment to apply to the authority, or that such an enactment should be amended so that it operates more effectively in relation to the authority. This power may be exercised in relation to particular descriptions of local authority. By section 105 of the 2000 Act, any order under that Act may make such incidental, consequential, transitional or supplemental provision or savings as the Secretary of State considers necessary or expedient, including provision modifying any enactment.

Section 100 of the Local Government Act 2003 (“the 2003 Act”) provides for the order-making power conferred by section 6 of the 2000 Act (among other powers) to be exercised in relation to a description of authority framed by reference to English local authorities that are, by reason of an order under section 99(4) of the 2003 Act, of a particular category. This Order applies to local authorities in England which have been categorised as “excellent” by an order made under section 99(4) of the 2003 Act. Section 99(4) gives the Secretary of State power to categorise local authorities by order, following reports made from time to time by the Audit Commission categorising such authorities in relation to their performance in exercising their functions.

For “excellent” authorities, this Order disapplies seven separate obligations to prepare, produce or (as the case may be) publish particular plans and strategies. It makes consequential modifications to the primary legislation in which certain of those obligations are enshrined. In relation to each obligation which is disapplied, this Order makes supplemental provision for the case where an authority loses its categorisation as “excellent” as a result of a further order under section 99(4) of the 2003 Act.

Article 3 disapplies the requirement under section 1(4) of the Homelessness Act 2002 to publish new homelessness strategies.

Article 4 disapplies requirements under sections 2 and 5 of the Home Energy Conservation Act 1995 to prepare home energy conservation reports and, where such reports may already have been prepared, the requirement under section 3(2) of that Act to submit them to the Secretary of State.

Article 5 disapplies the duty under section 40 of the Crime and Disorder Act 1998 to prepare youth justice plans, and brings into force the modifications made to that Act by Schedule 1 to this Order.

Article 6 disapplies the duties under section 60 of the Countryside and Rights of Way Act 2000 to prepare and publish rights of way improvement plans, and makes further supplemental provision for cases where authorities have already prepared such plans, or have prepared and published, but not implemented, them.

Article 7 disapplies the duty under section 108(3) of the Transport Act 2000 to prepare a local transport plan, and the duty under section 110(1) of that Act to prepare a bus strategy, and brings into force the modifications made to those Acts by Schedule 2 to this Order. *Article 8* also makes further supplemental provision for the cases where authorities have already made local transport plans, or where they wish (notwithstanding the disapplication of the duty to do so) to make such plans.

Article 8 disapplies the duty under section 84(2) of the Environment Act 1995 to prepare action plans in relation to air quality, and makes consequential modifications to section 85 of that Act.

There is no identifiable cost from these measures to the public or the Exchequer. No regulatory impact assessment has been prepared in relation to this Order, as it does not impose any additional costs on local government, the charitable sector, or business.

This draft supersedes the draft of the same name published on 9th December 2004 and is issued free of charge to all known recipients

Draft Order laid before Parliament under section 105 of the Local Government Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities' Plans and Strategies (Disapplication)
(England) Order 2005**

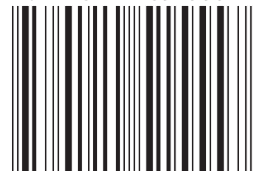
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