



# Local Government Act 1999

## 1999 CHAPTER 27

An Act to make provision imposing on local and certain other authorities requirements relating to economy, efficiency and effectiveness; and to make provision for the regulation of council tax and precepts. [27th July 1999]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### BEST VALUE

##### Modifications etc. (not altering text)

- C1** Pt. I modified (18.11.2003 so far as relating to E. and so far as relating to a best value authority in W. mentioned in s. 101(7), 27.11.2003 so far as relating to a best value authority in W., other than one mentioned in s. 101(7)) by [Local Government Act 2003 \(c. 26\)](#), **ss. 101**, 128(3)(b), 128(4)(c), 128(5), 128(6); [S.I. 2003/2938](#), art. 2(b) (with [art. 8Sch.](#)); [S.I. 2003/3034](#), art. 2, Sch. 1 Pt. I

#### *Best value authorities*

### 1 Best value authorities.

- (1) For the purposes of this Part each of these is a best value authority—
- [<sup>F1</sup>(a) an English local authority;]
  - (b) a National Park authority [<sup>F2</sup>for a National Park in England];
  - (c) the Broads Authority;
  - (d) <sup>F3</sup>... a police authority;

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Local Government Act 1999 is up to date with all changes known to be in force on or before 29 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)*

- [<sup>F4</sup>(e) a fire and rescue authority [<sup>F5</sup>in England] constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, and a metropolitan county fire and civil defence authority;]
- (f) the London Fire and Emergency Planning Authority;
- [<sup>F6</sup>(g) an authority established under section 10 of the Local Government Act 1985 (waste disposal authorities);]
- [<sup>F7</sup>(ga) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);]
- [<sup>F8</sup>(h) an Integrated Transport Authority for an integrated transport area in England;]
- (i) Transport for London;
- (j) the London Development Agency.
- [<sup>F9</sup>(k) a Welsh best value authority.]
- (2) [<sup>F10</sup>In this section, “English local authority” means]
- (a) a county council [<sup>F11</sup>in England], a district council [<sup>F12</sup>or a London borough council];
- (b) the Council of the Isles of Scilly;
- (c) the Common Council of the City of London in its capacity as a local authority;
- (d) the Greater London Authority so far as it exercises its functions through the Mayor.
- <sup>F13</sup>(3) .....
- (4) [<sup>F14</sup>In this Part] “police authority” means—
- (a) a police authority established under section 3 of the Police Act 1996;
- (b) the Common Council of the City of London in its capacity as a police authority;
- (c) the Metropolitan Police Authority.
- <sup>F15</sup>(5) .....
- [<sup>F16</sup>(6) For the purposes of this Part each of these is a [<sup>F17</sup>Welsh best value authority]—
- (a) a local authority in Wales;
- (b) a National Park authority for a National Park in Wales;
- <sup>F18</sup>(c) .....
- (d) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies.
- (7) In subsection (6) “local authority in Wales” means a county council [<sup>F19</sup>or county borough council] in Wales.]
- <sup>F20</sup>(8) .....

#### Textual Amendments

- F1** S. 1(1)(a) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 8 para. 2(2)(a)**; S.I. 2008/917, art. 2(1)(e)
- F2** Words in s. 1(1)(b) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 8 para. 2(2)(b)**; S.I. 2008/917, art. 2(1)(e)

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- F3** Words in s. 1(1)(d) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(2), **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(v)(i)
- F4** S. 1(1)(e) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 91**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F5** Words in s. 1(1)(e) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 2(2)(c)**; S.I. 2008/917, art. 2(1)(e)
- F6** S. 1(1)(g) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 2(2)(d)**; S.I. 2008/917, art. 2(1)(e)
- F7** S. 1(1)(ga) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 13 para. 53**; S.I. 2008/917, art. 2(1)(p)
- F8** S. 1(1)(h) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 62(2)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F9** S. 1(1)(k) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 2(2)(e)**; S.I. 2008/917, art. 2(1)(e)
- F10** Words in s. 1(2) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 2(3)(a)**; S.I. 2008/917, art. 2(1)(e)
- F11** Words in s. 1(2)(a) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 2(3)(b)**; S.I. 2008/917, art. 2(1)(e)
- F12** Words in s. 1(2)(a) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 136(1)(a)**, 245(5); S.I. 2008/917, art. 2(1)(a)
- F13** S. 1(3) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 8 para. 2(4), **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F14** Words in s. 1(4) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 2(5)**; S.I. 2008/917, art. 2(1)(e)
- F15** S. 1(5) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 8 para. 2(6), **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F16** S. 1(6)(7) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 1 para. 2**; S.I. 2005/558, art. 2, Sch. 1
- F17** Words in s. 1(6) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 144(1)(a)**, 245(5); S.I. 2008/917, art. 2(1)(e)
- F18** S. 1(6)(c) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 144(1)(b)**, 245(5), **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F19** Words in s. 1(7) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 136(1)(c)**, 245(5); S.I. 2008/917, art. 2(1)(a)
- F20** S. 1(8) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 8 para. 2(7), **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)

#### Commencement Information

- I1** S. 1 wholly in force at 27.7.2000; s. 1 not in force at Royal Assent see s. 27; s. 1(1)(d)(e)(4)(a)(b) in force at 10.8.1999 by **S.I. 1999/2169**, **art. 2(1)**; s. 1(1)(a)(b)(c)(g)(h)(2)(a)(b)(c)(5) in force (E.) at 10.8.1999 and (W.) for certain purposes at 10.8.1999 by **S.I. 1999/2169**, **art. 2(2)**, **Sch. 1**; s. 1(1)(a)(b)(g)(3)(5)(a) in force (W.) at 1.10.1999 by **S.I. 1999/2815**, **art. 2**; s. 1(1)(f)(i)(j)(2)(d)(4)(c) in force at 3.7.2000 in relation to England by **S.I. 2000/1724**, **art. 2**; s. 1 in force at 27.7.2000 in so far as not already in force see s. 27

## 2 Power to extend or disapply <sup>F21</sup>: Secretary of State].

(1) The Secretary of State may by order provide that any of the authorities and bodies mentioned in subsection (2) is a best value authority for the purposes of this Part.

(2) The authorities and bodies are—

<sup>F22</sup>(a) .....

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- (b) a levying body within the meaning of section 74(1) of the <sup>M1</sup>Local Government Finance Act 1988 [<sup>F23</sup> in respect of which the county council or charging authority referred to in section 74(1)(b) of that Act was a council or authority for an area in England];
- (c) a body to which section 75 of that Act applies (special levies) [<sup>F24</sup> and which as regards the financial year beginning in 1989 had power to levy a rate by reference to property in England].

<sup>F25</sup>(3) . . . . .

- (4) The Secretary of State may by order provide for the Greater London Authority to be a best value authority for the purposes of this Part in relation to—
  - (a) specified functions of the Authority which it does not exercise through the Mayor;
  - (b) specified functions which are not functions of the Authority but are functions of another best value authority;
 and an order may provide for this Part to have effect in relation to those functions with specified modifications.
- (5) The Secretary of State may by order provide that a best value authority specified, or of a description specified, in the order is not to be subject, in relation to such functions as may be specified, [<sup>F26</sup> to the duty in section 3.]

[<sup>F27</sup>(5A) Subsection (5) does not apply in relation to a Welsh best value authority.]

- (6) No order shall be made under this section unless a draft has been laid before, and approved by resolution of, each House of Parliament.

#### Textual Amendments

- F21** Words in s. 2 title inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 3\(2\)](#); S.I. 2008/917, art. 2(1)(e)
- F22** S. 2(2)(a) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 136\(2\), 245\(5\), Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(1)(a)(i)(v)
- F23** Words in s. 2(2)(b) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 3\(3\)\(a\)](#); S.I. 2008/917, art. 2(1)(e)
- F24** Words in s. 2(2)(c) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 3\(3\)\(b\)](#); S.I. 2008/917, art. 2(1)(e)
- F25** S. 2(3) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 3\(4\), Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(1)(e)(i)(v)
- F26** Words in s. 2(5) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 3\(5\)](#); S.I. 2008/917, art. 2(1)(e)
- F27** S. 2(5A) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 3\(6\)](#); S.I. 2008/917, art. 2(1)(e)

#### Commencement Information

- I2** S. 2 wholly in force at 27.7.2000; s. 2 not in force at Royal Assent see s. 27; s. 2(1)-(3) (5)(6) in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by [S.I. 1999/2169, art. 3\(2\), Sch. 2](#); s. 2(1) (2)(3)(5) in force at 1.10.1999 (W.) by [S.I. 1999/2815, art. 2](#); s. 2(4) in force at 3.7.2000 in relation to England by [S.I. 2000/1724, art. 2](#); s. 2 in force at 27.7.2000 in so far as not already in force see s. 27

#### Marginal Citations

- M1** 1988 c.41.

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**[<sup>F28</sup>2A Power to extend or disapply: [<sup>F29</sup>Welsh Ministers]**

- (1) The [<sup>F30</sup>Welsh Ministers] may by order provide that any of the bodies mentioned in subsection (2) is a [<sup>F31</sup>Welsh best value authority] for the purposes of this Part.
- (2) The bodies are—
  - (a) a levying body within the meaning of section 74(1) of the Local Government Finance Act 1988 [<sup>F32</sup>in respect of which the county council or charging authority referred to in section 74(1)(b) of that Act was a council or authority for an area in Wales];
  - (b) a body to which section 75 of that Act applies (special levies) [<sup>F33</sup>and which as regards the financial year beginning in 1989 had power to levy a rate by reference to property in Wales].
- (3) An order under subsection (1) providing for a body to be a [<sup>F34</sup>Welsh best value authority] may provide for section 7 to have effect in relation to that body with specified modifications.
- (4) The [<sup>F35</sup>Welsh Ministers] may by order provide that a [<sup>F36</sup>Welsh best value authority] specified, or of a description specified, in the order is not to be subject, in relation to such functions as may be specified, to a duty—
  - (a) which is specified in the order, and
  - (b) to which the authority would otherwise be subject under this Part.]

**Textual Amendments**

- F28** S. 2A inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 1 para. 3**; S.I. 2005/558, art. 2, Sch. 1
- F29** Words in s. 2A title substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 4(2)**; S.I. 2008/917, art. 2(1)(e)
- F30** Words in s. 2A(1) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 4(3)**; S.I. 2008/917, art. 2(1)(e)
- F31** Words in s. 2A(1) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 4(4)**; S.I. 2008/917, art. 2(1)(e)
- F32** Words in s. 2A(2)(a) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 4(5)(a)**; S.I. 2008/917, art. 2(1)(e)
- F33** Words in s. 2A(2)(b) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 4(5)(b)**; S.I. 2008/917, art. 2(1)(e)
- F34** Words in s. 2A(3) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 4(4)**; S.I. 2008/917, art. 2(1)(e)
- F35** Words in s. 2A(4) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 4(3)**; S.I. 2008/917, art. 2(1)(e)
- F36** Words in s. 2A(4) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 4(4)**; S.I. 2008/917, art. 2(1)(e)

*[<sup>F37</sup>Duties: general]*

**Textual Amendments**

- F37** S. 3 heading substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 5**; S.I. 2008/917, art. 2(1)(e)

*Status: Point in time view as at 01/04/2009.*

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### 3 The general duty.

- (1) A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- (2) For the purpose of deciding how to fulfil the duty arising under subsection (1) an authority must consult—
  - (a) representatives of persons liable to pay any tax, precept or levy to or in respect of the authority,
  - (b) representatives of persons liable to pay non-domestic rates in respect of any area within which the authority carries out functions,
  - (c) representatives of persons who use or are likely to use services provided by the authority, and
  - (d) representatives of persons appearing to the authority to have an interest in any area within which the authority carries out functions.
- (3) For the purposes of subsection (2) “representatives” in relation to a group of persons means persons who appear to the authority to be representative of that group.
- [<sup>F38</sup>(4) In deciding—
  - (a) how to fulfil the duty arising under subsection (1),
  - (b) who to consult under subsection (2), or
  - (c) the form, content and timing of consultations under that subsection,
 an authority must have regard to any guidance issued by the Secretary of State.]

#### Textual Amendments

**F38** S. 3(4) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), **ss. 137, 245(5)**; [S.I. 2008/591](#), art. 2(a); [S.I. 2008/917](#), art. 2(1)(b)

#### Commencement Information

**I3** S. 3 wholly in force at 1.4.2000; s. 3 not in force at Royal Assent see s. 27 ; s. 3(2)-(4) in force (E.) at 10.8.1999 and (W.) for certain purposes at 10.8.1999 by [S.I. 1999/2169](#), art. 2(2), **Sch. 1**; s. 3(1) in force (E.) at 1.4.2000 and (W.) for certain purposes at 1.4.2000 by [S.I. 1999/2169](#), art. 4(2), **Sch. 3**; s. 3(2)-(4) in force (W.) at 1.10.1999 by [S.I. 1999/2815](#), **art. 2**; s. 3(1) in force (W.) at 1.4.2000 by [S.I. 1999/2815](#), **art. 3**

### [<sup>F39</sup>3A Involvement of local representatives

- (1) Where a best value authority considers it appropriate for representatives of local persons (or of local persons of a particular description) to be involved in the exercise of any of its functions by being—
  - (a) provided with information about the exercise of the function,
  - (b) consulted about the exercise of the function, or
  - (c) involved in another way,
 it must take such steps as it considers appropriate to secure that such representatives are involved in the exercise of the function in that way.
- (2) Subsection (1) does not require an authority to take a step—

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- (a) if the authority does not have power to take the step under another enactment or a rule of law; or
  - (b) if the step would be incompatible with a Community obligation or any other duty imposed on the authority under another enactment or a rule of law.
- (3) Subsection (1) does not apply—
- (a) to a police authority,
  - (b) to a Welsh best value authority,
  - (c) to any other authority or description of authority specified in an order made by the Secretary of State, or
  - (d) in any other case specified in such an order.
- (4) An order under subsection (3)(d) may specify cases by reference, in particular, to the following—
- (a) best value authorities or descriptions of best value authority;
  - (b) functions of best value authorities;
  - (c) descriptions of local person;
  - (d) ways in which representatives may be involved in the exercise of functions of an authority.
- (5) In deciding how to fulfil its duties under subsection (1), an authority must have regard to any guidance issued by the Secretary of State.
- (6) In this section—
- “enactment” includes subordinate legislation (within the meaning of section 21 of the Interpretation Act 1978);
  - “local person” means, in relation to a function of a best value authority, a person who is likely to be affected by, or interested in, the exercise of the function;
  - “representative” means, in relation to local persons or a description of local person, a person who appears to the best value authority to be representative of the local persons.]

#### Textual Amendments

**F39** S. 3A inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 138(1), 245(5)**; S.I. 2008/917, art. 3(a)

*[<sup>F40</sup>Duties: Welsh best value authorities]*

#### Textual Amendments

**F40** S. 4 cross-heading inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 139(1), 245(5)**; S.I. 2008/917, art. 2(1)(c) (with art. 6(1)-(3))

## 4 Performance indicators and standards.

- (1) The [<sup>F41</sup>Welsh Ministers] may by order specify—

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- (a) factors (“performance indicators”) by reference to which a <sup>F42</sup>Welsh best value authority's] performance in exercising functions can be measured;
  - (b) standards (“performance standards”) to be met by <sup>F43</sup>Welsh best value authorities] in relation to performance indicators specified under paragraph (a).
- (2) An order may specify different performance indicators or standards—
- (a) for different functions;
  - (b) for different authorities<sup>F44</sup> or descriptions of authority];
  - (c) to apply at different times.
- (3) Before specifying performance indicators or standards the <sup>F45</sup>Welsh Ministers] shall consult—
- (a) persons appearing to <sup>F46</sup>them] to represent the <sup>F47</sup>Welsh best value authorities] concerned, and
  - (b) such other persons (if any) as <sup>F48</sup>they think] fit.
- (4) In specifying performance indicators and standards, and in deciding whether to do so, the <sup>F49</sup>Welsh Ministers]—
- (a) shall aim to promote improvement of the way in which the functions of <sup>F50</sup>Welsh best value authorities] are exercised, having regard to a combination of economy, efficiency and effectiveness, and
  - (b) shall have regard to any recommendations made to <sup>F51</sup>them] by the <sup>F52</sup>Auditor General for Wales].
- (5) In exercising a function a <sup>F53</sup>Welsh best value authority] must meet any applicable performance standard specified under subsection (1)(b).

<sup>F54</sup>(6) .....

**Textual Amendments**

- F41** Words in s. 4(1) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 6\(2\)](#); S.I. 2008/917, art. 2(1)(e)
- F42** Words in s. 4(1)(a) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 139\(2\)\(a\), 245\(5\)](#); S.I. 2008/917, art. 2(1)(c) (with art. 6(1)-(3))
- F43** Words in s. 4(1)(b) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 139\(2\)\(b\), 245\(5\)](#); S.I. 2008/917, art. 2(1)(c) (with art. 6(1)-(3))
- F44** Words in s. 4(2)(b) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\), s. 128\(6\), Sch. 3 para. 5](#); S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F45** Words in s. 4(3) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 6\(2\)](#); S.I. 2008/917, art. 2(1)(e)
- F46** Word in s. 4(3)(a) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 6\(3\)\(a\)](#); S.I. 2008/917, art. 2(1)(e)
- F47** Words in s. 4(3)(a) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 139\(2\)\(b\), 245\(5\)](#); S.I. 2008/917, art. 2(1)(c) (with art. 6(1)-(3))
- F48** Words in s. 4(3)(b) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 6\(3\)\(b\)](#); S.I. 2008/917, art. 2(1)(e)
- F49** Words in s. 4(4) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 6\(2\)](#); S.I. 2008/917, art. 2(1)(e)
- F50** Words in s. 4(4)(a) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 139\(2\)\(b\), 245\(5\)](#); S.I. 2008/917, art. 2(1)(c) (with art. 6(1)-(3))



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- F51** Word in s. 4(4)(b) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 6\(4\)\(a\)](#); S.I. 2008/917, art. 2(1)(e)
- F52** Words in s. 4(4)(b) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 6\(4\)\(b\)](#); S.I. 2008/917, art. 2(1)(e)
- F53** Words in s. 4(5) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 139\(2\)\(c\), 245\(5\)](#); S.I. 2008/917, art. 2(1)(c) (with art. 6(1)-(3))
- F54** S. 4(6) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 6\(5\), Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(1)(e)(i)(v)

#### Commencement Information

- I4** S. 4 wholly in force at 1.4.2000; s. 4 not in force at Royal Assent see s. 27; s. 4(3)(4) in force (E.) at 10.8.1999 and (W.) for certain purposes at 10.8.1999 by [S.I. 1999/2169, art. 2\(2\), Sch. 1](#); s. 4(1)(2) in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by [S.I. 1999/2169, art. 3\(2\), Sch. 2](#); s. 4(1)-(4) in force (W.) at 1.10.1999 by [S.I. 1999/2815, art. 2](#); s. 4(5) in force (E.) at 1.4.2000 and (W.) for certain purposes at 1.4.2000 by [S.I. 1999/2169, art. 4\(2\), Sch. 3](#); s. 4(5) in force (W.) at 1.4.2000 by [S.I. 1999/2815, art. 3](#)

#### **F55** 5 Best value reviews.

.....

#### Textual Amendments

- F55** S. 5 repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 140, 245\(5\), Sch. 18 Pt. 8](#); S.I. 2008/591, art. 2(b)(d)(i); S.I. 2008/917, art. 2(1)(d)

#### **6** Best value performance plans.

- (1) A [<sup>F56</sup>Welsh best value authority] must prepare a best value performance plan for each financial year in accordance with any order made or guidance issued under this section.
- (2) The [<sup>F57</sup>Welsh Ministers] may by order specify matters which an authority must include in a plan for a financial year; and in particular an order may require an authority—
  - (a) to summarise the authority’s objectives in relation to the exercise of its functions;
  - (b) to summarise any assessment made by the authority of the level at which and the way in which it exercises its functions;
  - <sup>F58</sup>(c) .....
  - <sup>F58</sup>(d) .....
  - (e) to state any performance indicators, standards and targets specified or set in relation to the authority’s functions;
  - (f) to summarise the authority’s assessment of its performance in the previous financial year with regard to performance indicators;
  - (g) to compare that performance with the authority’s performance in previous financial years or with the performance of other best value authorities;
  - (h) to summarise its assessment of its success in meeting any performance standard which applied at any time in the previous financial year;
  - (i) to summarise its assessment of its progress towards meeting any performance standard which has been specified but which does not yet apply;

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- (j) to summarise its assessment of its progress towards meeting any performance target;
  - (k) to summarise any plan of action to be taken in the financial year to which the plan relates for the purposes of meeting a performance target;
  - <sup>F58</sup>(l) .....
- (3) An authority must publish its plan for a financial year before—
- (a) 31st March of the previous financial year, or
  - (b) such other date as the [<sup>F59</sup>Welsh Ministers] may specify by order.
- (4) The [<sup>F60</sup>Welsh Ministers] may issue guidance on the form and content of plans and the manner in which they should be published.
- [<sup>F61</sup>(5) An order under this section may make different provision in relation to different authorities or descriptions of authority.]

#### Textual Amendments

- F56** Words in s. 6(1) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 139(3)**, 245(5); S.I. 2008/917, art. 2(1)(c) (with art. 6(1)-(3))
- F57** Words in s. 6(2) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 8 para. 7**; S.I. 2008/917, art. 2(1)(e)
- F58** S. 6(2)(c)(d)(l) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(2), **Sch. 18 Pt. 8**; S.I. 2008/591, art. 2(d)(i); S.I. 2008/917, art. 2(1)(v)(i)
- F59** Words in s. 6(3)(b) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 8 para. 7**; S.I. 2008/917, art. 2(1)(e)
- F60** Words in s. 6(4) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 8 para. 7**; S.I. 2008/917, art. 2(1)(e)
- F61** S. 6(5) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), **Sch. 3 para. 7**; S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

#### Modifications etc. (not altering text)

- C2** S. 6(1): functions of local authority not to be sole responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 4(1), **Sch. 3**
- C3** S. 6(1) excluded (temp.) (24.3.2005) by [New Forest National Park Authority \(Establishment\) Order 2005 \(S.I. 2005/421\)](#), art. 1, **Sch. 4 para. 11**

#### Commencement Information

- I5** S. 6 wholly in force at 1.4.2000; s. 6 not in force at Royal Assent see s. 27; s. 6 in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by [S.I. 1999/2169](#), art. 3(2), **Sch. 2**; s. 6 in force at 1.10.1999 (W.) by [S.I. 1999/2815](#), **art. 2**

*Audit of best value performance plans [<sup>F62</sup>: Welsh best value authorities]*

#### Textual Amendments

- F62** Words in s. 7 heading inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 8 para. 8**; S.I. 2008/917, art. 2(1)(e)

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## 7 Audit.

- (1) A performance plan published by a [<sup>F63</sup>Welsh best value authority] for a financial year under section 6 shall be audited by the authority's auditor.
- (2) An audit of a performance plan is an inspection for the purpose of establishing whether the plan was prepared and published in accordance with section 6 and any order or guidance under that section.

<sup>F64</sup>(3) .....

[<sup>F65</sup>(3A) <sup>F66</sup>... sections 18 and 19 of the Public Audit (Wales) Act 2004 (auditor's rights to documents and information) shall have effect in relation to the auditor's functions under this Part as those sections have effect in relation to his functions under Chapter 1 of Part 2 of that Act.]

- (4) In relation to an authority's performance plan the auditor shall issue a report—
  - (a) certifying that he has audited the plan,
  - (b) stating whether he believes that it was prepared and published in accordance with section 6 and any order or guidance under that section,
  - (c) if appropriate, recommending how it should be amended so as to accord with section 6 and any order or guidance under that section,
  - (d) if appropriate, recommending procedures to be followed by the authority in relation to the plan,

<sup>F67</sup>(e) .....

- [<sup>F68</sup>(ea) <sup>F69</sup>... recommending whether the Auditor General for Wales should carry out a best value inspection of the authority under section 10A,] and
- (f) recommending whether the [<sup>F70</sup>Welsh Ministers] should give a direction under section 15.

- (5) An auditor shall send a copy of his report relating to an authority's performance plan—
  - (a) to the authority,

<sup>F71</sup>(b) .....

  - [<sup>F72</sup>(ba) <sup>F73</sup>... to the Auditor General for Wales,] and
  - (c) if the report recommends that the [<sup>F74</sup>Welsh Ministers] give a direction under section 15, to the [<sup>F74</sup>Welsh Ministers].

- (6) Copies of a report shall be sent in accordance with subsection (5)—
  - (a) by 30th June of the financial year to which the relevant performance plan relates, or
  - (b) by such other date as the [<sup>F75</sup>Welsh Ministers] may specify by order.

(7) Subject to subsection (8), the [<sup>F76</sup>references in subsections (1) <sup>F77</sup>... and (3A)] to an authority's auditor [<sup>F78</sup>are], in respect of a financial year, [<sup>F79</sup>references] to the auditor or auditors appointed to audit the authority's accounts for the previous financial year.

(8) If a person who would by virtue of subsection (7) be an authority's auditor in respect of a financial year or one of an authority's auditors in respect of a financial year—

<sup>F80</sup>(a) .....

- [<sup>F81</sup>(aa) <sup>F82</sup>... is no longer eligible for appointment under section 14 of the Public Audit (Wales) Act 2004,] or

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[<sup>F83</sup>(b) the references in subsections (1) <sup>F84</sup>... and (3A) to the authority’s auditor are, in respect of that financial year, references to the auditor or auditors appointed in accordance with subsection (8A).]

the reference in subsection (1) to the authority’s auditor is, in respect of that financial year, a reference to an auditor or auditors appointed by the Audit Commission.

[<sup>F85</sup>(8A) The auditor or auditors shall be appointed—

(a) by the Auditor General for Wales <sup>F86</sup>...;

<sup>F87</sup>(b) .....

(8B) Section 14 of the Public Audit (Wales) Act 2004 shall apply to an appointment under subsection (8A)(a) as if it were an appointment of a person to audit the authority’s accounts under section 13 of that Act.]

<sup>F88</sup>(9) .....

#### Textual Amendments

- F63** Words in s. 7(1) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 9(2)**; S.I. 2008/917, art. 2(1)(e)
- F64** S. 7(3) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 9(3)**, **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F65** S. 7(3A) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 1 para. 5(3)**; S.I. 2005/558, art. 2, Sch. 1
- F66** Words in s. 7(3A) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 9(4)**, **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F67** S. 7(4)(e) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 9(5)(a)**, **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F68** S. 7(4)(ea) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 1 para. 5(5)**; S.I. 2005/558, art. 2, Sch. 1
- F69** Words in s. 7(4)(ea) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 9(5)(b)**, **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F70** Words in s. 7(4)(f) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 9(5)(c)**; S.I. 2008/917, art. 2(1)(e)
- F71** S. 7(5)(b) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 9(6)(a)**, **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F72** S. 7(5)(ba) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 1 para. 5(7)**; S.I. 2005/558, art. 2, Sch. 1
- F73** Words in s. 7(5)(ba) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 9(6)(b)**, **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F74** Words in s. 7(5)(c) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 9(6)(c)**; S.I. 2008/917, art. 2(1)(e)
- F75** Words in s. 7(6)(b) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 9(7)**; S.I. 2008/917, art. 2(1)(e)
- F76** Words in s. 7(7) substituted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 1 para. 5(8)(a)**; S.I. 2005/558, art. 2, Sch. 1
- F77** Words in s. 7(7) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 8 para. 9(8)**, **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F78** Word in s. 7(7) substituted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 1 para. 5(8)(b)**; S.I. 2005/558, art. 2, Sch. 1
- F79** Word in s. 7(7) substituted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 1 para. 5(8)(c)**; S.I. 2005/558, art. 2, Sch. 1

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- F80** S. 7(8)(a) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 8 para. 9(9)(a), **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F81** S. 7(8)(aa) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 1 para. 5(10)**; S.I. 2005/558, art. 2, Sch. 1
- F82** Words in s. 7(8)(aa) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 8 para. 9(9)(b), **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F83** Words in s. 7(8) substituted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 1 para. 5(11)**; S.I. 2005/558, art. 2, Sch. 1
- F84** Words in s. 7(8) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 8 para. 9(9)(c), **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F85** S. 7(8A)(8B) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 1 para. 5(12)**; S.I. 2005/558, art. 2, Sch. 1
- F86** Words in s. 7(8A)(a) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 8 para. 9(10)(a), **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F87** S. 7(8A)(b) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 8 para. 9(10)(b), **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F88** S. 7(9) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 8 para. 9(11), **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)

#### Commencement Information

- 16** S. 7 wholly in force at 1.4.2000; s. 7 not in force at Royal Assent see s. 27; s. 7 in force (E.) at 1.4.2000 and (W.) for certain purposes at 1.4.2000 by S.I. 1999/2169, art. 4(2), **Sch. 3**; s. 7 in force (W.) at 1.4.2000 by S.I. 1999/2815, **art. 3**

#### **F89** Code of practice and fees.

.....

#### Textual Amendments

- F89** S. 8 repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 8 para. 10, **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)

#### **[F90] 8A Code of practice and fees: Auditor General for Wales**

- (1) The Auditor General for Wales may prepare, and keep under review, a code of practice prescribing the way in which auditors appointed by him are to carry out their functions under section 7.
- (2) Section 16(2) to (9) of the Public Audit (Wales) Act 2004 (code of audit practice) shall have effect in relation to a code of practice under this section.
- (3) The Auditor General for Wales shall prescribe a scale or scales of fees in respect of the audit of performance plans which are required to be audited in accordance with this Part by auditors appointed by him.
- (4) Sections 20(4) to (6) and 21(1) to (4) of the Public Audit (Wales) Act 2004 (fees for audit) shall have effect in relation to fees under subsection (3).
- (5) Before prescribing a scale of fees under subsection (3) the Auditor General for Wales shall consult—
  - (a) the **[F91] Welsh Ministers**], and

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- (b) persons appearing to the Auditor General for Wales to represent [<sup>F92</sup>Welsh best value authorities].

**Textual Amendments**

**F90** Ss. 8A, 8B inserted (31.1.2005 for specified purposes, 1.4.2005 in so far as not already in force) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 1 para. 7](#); S.I. 2005/71, art. 2, Sch.; S.I. 2005/558, art. 2, Sch. 1

**F91** Words in s. 8A(5)(a) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 11\(a\)](#); S.I. 2008/917, art. 2(1)(e)

**F92** Words in s. 8A(5)(b) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 11\(b\)](#); S.I. 2008/917, art. 2(1)(e)

**8B Auditor’s duty in relation to codes**

<sup>F93</sup>(1) .....

- (2) An auditor appointed by the Auditor General for Wales who is carrying out an audit of an authority’s performance plan under section 7 shall have regard to any provisions of a code of practice under section 8A which—
  - (a) are applicable to the audit, and
  - (b) are in force.

<sup>F94</sup>(3) .....

<sup>F95</sup>(4) .....]

**Textual Amendments**

**F90** Ss. 8A, 8B inserted (31.1.2005 for specified purposes, 1.4.2005 in so far as not already in force) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 1 para. 7](#); S.I. 2005/71, art. 2, Sch.; S.I. 2005/558, art. 2, Sch. 1

**F93** S. 8B(1) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 8 para. 12(a), [Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(1)(e)(i)(v)

**F94** S. 8B(3) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 8 para. 12(b), [Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(1)(e)(i)(v)

**F95** S. 8B(4) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 8 para. 12(b), [Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(1)(e)(i)(v)

**9 Response to audit.**

- (1) A [<sup>F96</sup>Welsh best value authority] shall publish any report received in accordance with section 7(5)(a).
- (2) The following subsections apply where a [<sup>F97</sup>Welsh best value authority] receives a report under subsection (4) of section 7 which contains a recommendation under any of paragraphs (c) to (f) of that subsection.
- (3) The authority shall prepare a statement of—
  - (a) any action which it proposes to take as a result of the report, and
  - (b) its proposed timetable.

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- (4) A statement required by subsection (3) shall be prepared—
- (a) before the end of the period of 30 working days starting with the day on which the authority receives the report, or
  - (b) if the report specifies a shorter period starting with that day, before the end of that period.
- (5) The authority shall incorporate the statement in its next best value performance plan.
- (6) If the statement relates to a report which recommends that the [<sup>F98</sup>Welsh Ministers] give a direction under section 15, the authority shall send a copy of the statement to the [<sup>F98</sup>Welsh Ministers]—
- (a) before the end of the period of 30 working days starting with the day on which the authority receives the report, or
  - (b) if the report specifies a shorter period starting with that day, before the end of that period.
- (7) For the purposes of this section a working day is a day other than—
- (a) a Saturday or a Sunday,
  - (b) Christmas Day or Good Friday, or
  - (c) a day which is a bank holiday under the <sup>M2</sup>Banking and Financial Dealings Act 1971 in England and Wales.

#### Textual Amendments

- F96** Words in s. 9(1) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 13\(a\)](#); S.I. 2008/917, art. 2(1)(e)
- F97** Words in s. 9(2) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 13\(a\)](#); S.I. 2008/917, art. 2(1)(e)
- F98** Words in s. 9(6) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 13\(b\)](#); S.I. 2008/917, art. 2(1)(e)

#### Commencement Information

- I7** S. 9 wholly in force at 1.4.2000; s. 9 not in force at Royal Assent see s. 27; s. 9 in force (E.) at 1.4.2000 and (W.) for certain purposes at 1.4.2000 by [S.I. 1999/2169, art. 4\(2\), Sch. 3](#); s. 9 in force (W.) at 1.4.2000 by [S.I. 1999/2815, art. 3](#)

#### Marginal Citations

- M2** 1971 c.80.

### *Best value inspections*

## 10 Inspections.

[<sup>F99</sup>(A1) The Audit Commission may carry out an inspection of a best value authority's performance of its functions or of any particular function or functions.]

- (1) The Audit Commission may [<sup>F100</sup>, in particular,] carry out an inspection of a best value authority's compliance with the requirements of this Part.

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Local Government Act 1999 is up to date with all changes known to be in force on or before 29 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)*

- (2) If the Secretary of State directs the Commission to carry out an inspection of a specified best value authority's compliance with the requirements of this Part in relation to specified functions, the Commission shall comply with the direction.
- (3) Before giving a direction under subsection (2) the Secretary of State shall consult the Commission.
- (4) In carrying out an inspection, and in deciding whether to do so, the Commission shall have regard to—
- <sup>F101</sup>(a) . . . . .
- (b) any guidance issued by the Secretary of State.
- <sup>F102</sup>(5) The preceding provisions of this section do not apply in relation to <sup>F103</sup>—
- (a) a Welsh best value authority, or
- (b) a police authority for a police area in Wales.]]

#### Textual Amendments

- F99** S. 10(A1) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 152\(2\)](#), 245(5); S.I. 2008/172, art. 4(d)
- F100** Words in s. 10(1) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 152\(3\)](#), 245(5); S.I. 2008/172, art. 4(d)
- F101** S. 10(4)(a) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 14\(2\)](#), [Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(1)(e)(i)(v)
- F102** S. 10(5) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 1 para. 8](#); S.I. 2005/558, art. 2, Sch. 1
- F103** S. 10(5)(a)(b) substituted for words (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 14\(3\)](#); S.I. 2008/917, art. 2(1)(e)

#### Modifications etc. (not altering text)

- C4** Ss. 10-13 applied (with modifications) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), [ss. 24](#), 61; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

#### Commencement Information

- I8** S. 10 wholly in force at 1.4.2000; s. 10 not in force at Royal Assent see s. 27 ; s. 10(4) in force for certain purposes at 27.9.1999 by [S.I. 1999/2169](#), art. 3(2), [Sch. 2](#); s. 10(4) in force at (W.) 1.10.1999 by [S.I. 1999/2815](#), [art. 2](#); s. 10(1)-(4) in force (E.) at 1.4.2000 and (W.) for certain purposes at 1.4.2000 in so far as not already in force by [S.I. 1999/2169](#), art. 4(2), [Sch. 3](#); s. 10(1)-(3) in force (W.) at 1.4.2000 by [S.I. 1999/2815](#), [art. 3](#)

#### <sup>F104</sup>10A Inspections: Auditor General for Wales

- (1) The Auditor General for Wales may carry out an inspection of the compliance with the requirements of this Part by <sup>F105</sup>—
- (a) a Welsh best value authority, or
- (b) a police authority for a police area in Wales.]
- (2) If the Secretary of State directs the Auditor General for Wales to carry out an inspection of the compliance with the requirements of this Part by a <sup>F106</sup>specified authority mentioned in subsection (1)] in relation to specified functions, the Auditor General for Wales shall comply with the direction.



*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Local Government Act 1999 is up to date with all changes known to be in force on or before 29 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)*

- (3) Before giving a direction under subsection (2) the Secretary of State shall consult the Auditor General for Wales.
- (4) In carrying out an inspection, and in deciding whether to do so, the Auditor General for Wales shall have regard to—
  - (a) any relevant recommendation under section 7(4)(ea), and
  - (b) any guidance issued by the Secretary of State.]

#### Textual Amendments

- F104** S. 10A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 1 para. 9](#); S.I. 2005/558, art. 2, Sch. 1
- F105** S. 10A(1)(a)(b) substituted for words (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 15\(2\)](#); S.I. 2008/917, art. 2(1)(e)
- F106** Words in s. 10A(2) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 15\(3\)](#); S.I. 2008/917, art. 2(1)(e)

## 11 Inspectors' powers and duties.

- (1) An inspector has a right of access at all reasonable times—
    - (a) to any premises of the best value authority concerned, and
    - (b) to any document relating to the authority which appears to him to be necessary for the purposes of the inspection.
- [<sup>F107</sup>(1A) The right conferred by subsection (1)(b) includes power to inspect, copy or take away the document.]
- (2) An inspector—
    - (a) may require a person holding or accountable for any such document to give him such information and explanation as he thinks necessary, and
    - (b) may require that person to attend before him in person to give the information or explanation or to produce the document.
- [<sup>F108</sup>(2A) In relation to a document kept in electronic form, the power in subsection (2)(b) to require a person to produce a document includes power to require it to be produced in a form in which it is legible and can be taken away.
- (2B) In connection with inspecting such a document, an inspector—
    - (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he considers is or has been used in connection with the document;
    - (b) may require a person within subsection (2C) to afford him such reasonable assistance as he may require for that purpose.
  - (2C) A person is within this subsection if he is—
    - (a) the person by whom or on whose behalf the computer is or has been used; or
    - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.]
  - (3) A best value authority shall provide an inspector with every facility and all information which he may reasonably require for the purposes of the inspection.

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Local Government Act 1999 is up to date with all changes known to be in force on or before 29 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)*

- (4) An inspector shall—
- (a) give three clear days’ notice of any requirement under this section, and
  - (b) <sup>F109</sup> ..., if so required, produce documents identifying himself.
- (5) A person who without reasonable excuse [<sup>F110</sup> obstructs the exercise of any power conferred by this section or] fails to comply with a requirement of an inspector under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Any expenses incurred by an inspector in connection with proceedings for an offence under subsection (5) alleged to have been committed in relation to an inspection of a best value authority are, so far as not recovered from any other source, recoverable from the authority.
- [<sup>F111</sup>(7) In this section “ inspector ” means—
- (a) an officer, servant or agent of the Audit Commission carrying out an inspection under section 10;
  - (b) the Auditor General for Wales, a member of his staff or a person providing services to him who is carrying out an inspection under section 10A.]

#### Textual Amendments

- F107** S. 11(1A) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), **ss. 151(2)(a)**, 245(5); S.I. 2008/172, art. 2(1)(b)
- F108** S. 11(2A)-(2C) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), **ss. 151(2)(b)**, 245(5); S.I. 2008/172, art. 2(1)(b)
- F109** Word in s. 11(4)(b) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), s. 245(5), Sch. 8 para. 16, **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(1)(e)(i)(v)
- F110** Words in s. 11(5) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), **ss. 151(2)(c)**, 245(5); S.I. 2008/172, art. 2(1)(b)
- F111** S. 11(7) substituted (1.4.2005) by [Public Audit \(Wales\) Act 2004](#) (c. 23), s. 73, **Sch. 1 para. 10**; S.I. 2005/558, art. 2, Sch. 1

#### Modifications etc. (not altering text)

- C4** Ss. 10-13 applied (with modifications) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004](#) (c. 21), **ss. 24, 61**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- C5** S. 11 applied by 1998 c. 18, s. 41A(5) (as inserted (18.11.2003 for specified purposes, 27.11.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Local Government Act 2003](#) (c. 26), **ss. 109(1)**, 128(3)(c), 128(4)(d); S.I. 2003/2938, arts. 2(d), 6(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I)
- C6** S. 11(1)-(6) applied (1.9.2005) by [Children Act 2004 \(Joint Area Reviews\) Regulations 2005](#) (S.I. 2005/1973), reg. 1(1), **Sch. para. 8(2)**

#### Commencement Information

- I9** S. 11 wholly in force at 1.4.2000; s. 11 not in force at Royal Assent see s. 27 ; s. 11 in force (E.) at 1.4.2000 and (W.) for certain purposes at 1.4.2000 by S.I. 1999/2169 , art. 4(2), **Sch. 3**; s. 11 in force (W.) at 1.4.2000 by S.I. 1999/2815, **art. 3**

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Local Government Act 1999 is up to date with all changes known to be in force on or before 29 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)*

## 12 Fees.

- (1) The Audit Commission shall prescribe a scale or scales of fees in respect of inspections carried out under section 10.
- (2) An authority inspected under section 10 shall, subject to subsection (3), pay to the Commission the fee applicable to the inspection in accordance with the appropriate scale.
- (3) If it appears to the Commission that the work involved in a particular inspection was substantially more or less than that envisaged by the appropriate scale, the Commission may charge a fee which is larger or smaller than that referred to in subsection (2).
- (4) Before prescribing a scale of fees under this section the Commission shall consult—
  - (a) the Secretary of State, and
  - (b) persons appearing to the Commission to represent best value authorities [<sup>F112</sup>which may be inspected under section 10].

### Textual Amendments

**F112** Words in s. 12(4)(b) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 1 para. 11](#); [S.I. 2005/558](#), art. 2, [Sch. 1](#)

### Modifications etc. (not altering text)

**C4** Ss. 10-13 applied (with modifications) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), [ss. 24](#), 61; [S.I. 2004/2304](#), art. 2; [S.I. 2004/2917](#), art. 2

### Commencement Information

**I10** S. 12 wholly in force at 1.4.2000; s. 12 not in force at Royal Assent see s. 27; s. 12(4) in force (E.) at 10.8.1999 and (W.) for certain purposes at 10.8.1999 by [S.I. 1999/2169](#), art. 2(2), [Sch. 1](#); s. 12(1) in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by [S.I. 1999/2169](#), art. 3(2), [Sch. 2](#); s. 12(2)(3) in force (E.) at 1.4.2000 and (W.) for certain purposes at 1.4.2000 by [S.I. 1999/2169](#), art. 4(2), [Sch. 3](#); s. 12(1)(4) in force (W.) at 1.10.1999 by [S.I. 1999/2815](#), art. 2; s. 12(2)(3) in force (W.) at 1.4.2000 by [S.I. 1999/2815](#), art. 3

## [<sup>F113</sup>12A Fees: inspections under section 10A

- (1) The Auditor General for Wales shall prescribe a scale or scales of fees in respect of inspections carried out under section 10A.
- (2) An authority inspected under section 10A shall, subject to subsection (3), pay to the Auditor General for Wales the fee applicable to the inspection in accordance with the appropriate scale.
- (3) If it appears to the Auditor General for Wales that the work involved in a particular inspection was substantially more or less than that envisaged by the appropriate scale, the Auditor General for Wales may charge a fee which is larger or smaller than that referred to in subsection (2).
- (4) Before prescribing a scale of fees under this section the Auditor General for Wales shall consult—
  - (a) the Secretary of State, and

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- (b) persons appearing to the Auditor General for Wales to represent [<sup>F114</sup>best value authorities which may be inspected under section 10A].]

**Textual Amendments**

**F113** S. 12A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 1 para. 12](#); S.I. 2005/558, art. 2, Sch. 1

**F114** Words in s. 12A(4)(b) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 17](#); S.I. 2008/917, art. 2(1)(e)

**13 Reports.**

(1) Where the Audit Commission has carried out an inspection of an authority under section 10 it shall issue a report.

(2) A report—

- (a) shall mention any matter in respect of which the Commission believes as a result of the inspection that the authority is failing to comply with the requirements of this Part, and
- (b) may, if it mentions a matter under paragraph (a), recommend that the Secretary of State give a direction under section 15.

(3) The Commission—

- (a) shall send a copy of a report to the authority concerned, and
- (b) may publish a report and any information in respect of a report.

(4) If a report recommends that the Secretary of State give a direction under section 15, the Commission shall as soon as reasonably practicable—

- (a) arrange for the recommendation to be published, and
- (b) send a copy of the report to the Secretary of State.

[<sup>F115</sup>(4A) If a report relates to any extent to the administration of housing benefit or council tax benefit and the Commission thinks fit to do so, it shall as soon as reasonably practicable send a copy of the report to the Secretary of State.]

<sup>F116</sup>(5) . . . . .

**Textual Amendments**

**F115** S. 13(4A) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 147\(1\), 245\(5\)](#); S.I. 2008/172, art. 4(b)

**F116** S. 13(5) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 18, Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(1)(e)(i)(v)

**Modifications etc. (not altering text)**

**C4** Ss. 10-13 applied (with modifications) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), ss. 24, 61](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Local Government Act 1999 is up to date with all changes known to be in force on or before 29 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)*

#### Commencement Information

- III** S. 13 wholly in force at 1.4.2000; s. 13 not in force at Royal Assent see s. 27 ; s. 13 in force (E.) at 1.4.2000 and (W.) for certain purposes at 1.4.2000 by [S.I. 1999/2169](#) , [art. 4\(2\)](#), [Sch. 3](#); s. 13 in force (W.) at 1.4.2000 by [S.I. 1999/2815](#), [art. 3](#)

#### [<sup>F117</sup>13A Reports of inspections under section 10A

- (1) Where the Auditor General for Wales has carried out an inspection of an authority under section 10A he shall issue a report.
- (2) A report—
  - (a) shall mention any matter in respect of which the Auditor General for Wales believes as a result of an inspection that the authority is failing to comply with the requirements of this Part, and
  - (b) may, if it mentions a matter under paragraph (a), recommend that the Secretary of State give a direction under section 15.
- (3) The Auditor General for Wales—
  - (a) shall send a copy of a report to the authority concerned, and
  - (b) may publish a report and any information in respect of a report.
- (4) If a report recommends that the Secretary of State give a direction under section 15, the Auditor General for Wales shall as soon as reasonably practicable—
  - (a) arrange for the recommendation to be published, and
  - (b) send a copy of the report to the Secretary of State.

[ If a report relates to any extent to the administration of housing benefit or council  
<sup>F118</sup>(4A) tax benefit and the Auditor General for Wales thinks fit to do so, he shall as soon as reasonably practicable send a copy of the report to the Secretary of State.]

- (5) If a report states that the Auditor General for Wales believes as a result of an inspection that [<sup>F119</sup>a Welsh best value authority] is failing to comply with the requirements of this Part, the next performance plan prepared by the authority under section 6 must record—
  - (a) that fact, and
  - (b) any action taken by the authority as a result of the report.]

#### Textual Amendments

- F117** S. 13A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 1 para. 13](#); [S.I. 2005/558](#), [art. 2](#), [Sch. 1](#)
- F118** S. 13A(4A) inserted (1.4.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 38\(1\)](#), 70(2); [S.I. 2008/411](#), [art. 2\(3\)\(a\)](#)
- F119** Words in s. 13A(5) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 19](#); [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

#### 14 Inspections: housing benefit and council tax benefit.

- (1) The following shall be substituted for section 139A(1) and (2) of the Social Security Administration Act 1992 (reports on administration of housing benefit and council tax benefit)—

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Local Government Act 1999 is up to date with all changes known to be in force on or before 29 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)*

- “(1) The Secretary of State may authorise persons to consider and report to him on the administration by authorities of housing benefit and council tax benefit.
- (2) The Secretary of State may ask persons authorised under subsection (1) to consider in particular—
- (a) authorities’ performance in the prevention and detection of fraud relating to housing benefit and council tax benefit;
  - (b) authorities’ compliance with the requirements of Part I of the Local Government Act 1999 (best value).
- (2A) A person may be authorised under subsection (1)—
- (a) on such terms and for such period as the Secretary of State thinks fit;
  - (b) to act generally or in relation to a specified authority or authorities;
  - (c) to report on administration generally or on specified matters.”

(2) In section 139C(1) of that Act (reports) for the words from “in particular” to the end there shall be substituted “in particular—

    - (a) in the prevention and detection of fraud relating to benefit, or
    - (b) for the purposes of complying with the requirements of Part I of the Local Government Act 1999 (best value).”

#### Commencement Information

**I12** S. 14 wholly in force at 27.7.2000; s. 14 not in force at Royal Assent see s. 27 ; s. 14 in force (E.W.) at 1.4.2000 by [S.I. 1999/2169](#), [art. 4\(1\)](#); s. 14 in force at 27.7.2000 in so far as not already in force see s. 27

## 15 Secretary of State’s powers.

- (1) This section applies in relation to a best value authority if the Secretary of State is satisfied that it is failing to comply with the requirements of this Part.
- (2) Where this section applies in relation to an authority the Secretary of State may
  - [<sup>F120</sup>(aa) in the case of a Welsh best value authority, direct it to prepare or amend a performance plan or to follow specified procedures in relation to a performance plan;]
  - (c) [<sup>F121</sup>in the case of any best value authority, direct it] to carry out a review of its exercise of specified functions.
- (3) Where this section applies in relation to an authority the Secretary of State may direct a local inquiry to be held into the exercise by the authority of specified functions.
- (4) Subsections (2) to (5) of section 250 of the <sup>M3</sup>Local Government Act 1972 (inquiries) shall apply in relation to an inquiry which the Secretary of State directs to be held under this section as they apply in relation to an inquiry which a Minister causes to be held under that section.
- (5) Where this section applies in relation to an authority the Secretary of State may direct the authority to take any action which he considers necessary or expedient to secure its compliance with the requirements of this Part.

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Local Government Act 1999 is up to date with all changes known to be in force on or before 29 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)*

- (6) Where this section applies in relation to an authority the Secretary of State may direct—
- (a) that a specified function of the authority shall be exercised by the Secretary of State or a person nominated by him for a period specified in the direction or for so long as the Secretary of State considers appropriate, and
  - (b) that the authority shall comply with any instructions of the Secretary of State or his nominee in relation to the exercise of that function and shall provide such assistance as the Secretary of State or his nominee may require for the purpose of exercising the function.
- (7) The Secretary of State may by regulations make provision which—
- (a) relates to an enactment which confers a function on him in respect of a function of a best value authority, and
  - (b) he considers necessary or expedient for the purposes of cases in which he makes a direction under subsection (6)(a).
- (8) Regulations under subsection (7) may, in relation to the cases mentioned in subsection (7)(b)—
- (a) disapply or modify an enactment of the kind mentioned in subsection (7)(a);
  - (b) have an effect similar to the effect of an enactment of that kind.
- (9) Subject to subsection (11), before giving a direction under this section the Secretary of State shall give the authority concerned an opportunity to make representations about—
- (a) the report (if any) as a result of which the direction is proposed, and
  - (b) the direction proposed.
- (10) Subject to subsection (11), before giving a direction under this section following a recommendation in a report under section 7(4)(f) the Secretary of State shall have regard to any statement under section 9(2) which the authority concerned sends to him before the expiry of the period of one month starting with the day on which the authority received the report.
- (11) The Secretary of State may give a direction without complying with subsection (9) or (10) if he considers the direction sufficiently urgent.
- (12) Where the Secretary of State gives a direction without complying with subsection (9) or (10) he shall inform—
- (a) the authority concerned, and
  - (b) such persons appearing to him to represent best value authorities as he considers appropriate,
- of the direction and of the reason why it was given without complying with subsection (9) or (10).
- (13) A direction given under this section shall be enforceable by order of mandamus on the application of the Secretary of State.

#### Textual Amendments

- F120** S. 15(2)(aa) substituted for s. 15(2)(a)(b) and words (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 20\(a\)](#); S.I. 2008/917, art. 2(1)(e)

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Local Government Act 1999 is up to date with all changes known to be in force on or before 29 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)*

**F121** Words in s. 15(2)(c) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 20\(b\)](#); [S.I. 2008/917, art. 2\(1\)\(e\)](#)

#### Commencement Information

**I13** S. 15 wholly in force at 1.4.2000; s. 15 not in force at Royal Assent see s. 27; s. 15(7)(8) in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by [S.I. 1999/2169, art. 3\(2\), Sch. 2](#); s. 15(1)-(6) (9)-(13) in force (E.) at 1.4.2000 and (W.) for certain purposes at 1.4.2000 by [S.I. 1999/2169, art. 4\(2\), Sch. 3](#); s. 15 in force (W.) at 1.4.2000 by [S.I. 1999/2815, art. 3](#)

#### Marginal Citations

**M3** [1972 c.70.](#)

### *Exercise of functions by best value authorities*

## 16 Power [<sup>F122</sup>of Secretary of State] to modify enactments and confer new powers.

(1) If the Secretary of State thinks that an enactment prevents or obstructs compliance by best value authorities with the requirements of this Part he may by order make provision modifying or excluding the application of the enactment [<sup>F123</sup>in relation to—

- (a) all best value authorities,
- (b) particular best value authorities, or
- (c) particular descriptions of best value authority.]

(2) The Secretary of State may by order make provision [<sup>F124</sup>conferring on—

- (a) all best value authorities,
- (b) particular best value authorities, or
- (c) particular descriptions of best value authority,]

which he considers necessary or expedient to permit or facilitate compliance with the requirements of this Part.

(3) An order under this section may—

- (a) impose conditions on the exercise of any power conferred by the order (including conditions about consultation or approval);
- (b) amend an enactment;
- (c) include consequential, incidental and transitional provision;
- (d) make different provision for different cases.

[<sup>F125</sup>(3A) The power under subsection (3)(d) includes, in particular, power to make different provision in relation to different authorities or descriptions of authority.]

[<sup>F126</sup>(3B) In exercising a power under this section, the Secretary of State must not make provision which has effect in relation to Wales unless he has consulted the Welsh Ministers.

(3C) In exercising a power under this section, the Secretary of State—

- (a) must not make provision amending, or modifying or excluding the application of, Measures or Acts of the National Assembly for Wales without the consent of the National Assembly for Wales;
- (b) must not make provision amending, or modifying or excluding the application of, subordinate legislation made by the Welsh Ministers (or the National



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Assembly for Wales established under the Government of Wales Act 1998) without the consent of the Welsh Ministers.

(3D) Subsection (3C) does not apply to the extent that the Secretary of State is making incidental or consequential provision.]

(4) [<sup>F127</sup>Subject to subsection (4A),] no order shall be made under this section unless a draft has been laid before, and approved by resolution of, each House of Parliament.

[<sup>F128</sup>(4A) An order under this section which is made only for the purpose of amending an earlier order under this section—

(a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or

(b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

(5) In exercising a power conferred under subsection (2) a best value authority shall have regard to any guidance issued by the Secretary of State.

[<sup>F129</sup>(6) In this section—

(a) “ enactment ” includes subordinate legislation (within the meaning of section 21 of the Interpretation Act 1978);

(b) references to a best value authority do not include a Welsh best value authority.]

#### Textual Amendments

**F122** Words in s. 16 inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), [ss. 142\(1\)\(a\)](#), 245(2)

**F123** Words in s. 16(1) substituted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), s. 128(6), [Sch. 3 para. 8\(2\)](#); S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

**F124** Words in s. 16(2) substituted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), s. 128(6), [Sch. 3 para. 8\(3\)](#); S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

**F125** S. 16(3A) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), s. 128(6), [Sch. 3 para. 8\(4\)](#); S.I. 2003/2938, art. 3(a) (with art. 8Sch.) ; S.I. 2003/3034, art. 2, [Sch. 1 Pt. I](#)

**F126** S. 16(3B)-(3D) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), [ss. 141\(1\)](#), 245(2)

**F127** Words in s. 16(4) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), s. 128(6), [Sch. 3 para. 8\(5\)](#); S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

**F128** S. 16(4A) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), s. 128(6), [Sch. 3 para. 8\(6\)](#); S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

**F129** S. 16(6) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), [ss. 142\(1\)\(b\)](#), 245(2)

#### Commencement Information

**I14** S. 16 wholly in force at 27.9.1999; s. 16 not in force at Royal Assent see s. 27 ; s. 16 in force at 27.9.1999 by [S.I. 1999/2169](#), [art. 3\(1\)](#)

*Status: Point in time view as at 01/04/2009.*

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## 17 Orders under section 16: procedure.

- (1) Before the Secretary of State makes an order under section 16 he shall consult such authorities or persons as appear to him to be representative of interests affected by his proposals.
- (2) If, following consultation under subsection (1), the Secretary of State proposes to make an order under section 16 he shall lay before each House of Parliament a document explaining his proposals and, in particular—
  - (a) setting them out in the form of a draft order, and
  - (b) giving details of consultation under subsection (1) above.
- (3) Where a document relating to proposals is laid before Parliament under subsection (2), no draft of an order under section 16 to give effect to the proposals (with or without modification) shall be laid before Parliament until after the expiry of the period of sixty days beginning with the day on which the document was laid.
- (4) In calculating the period mentioned in subsection (3) no account shall be taken of any time during which—
  - (a) Parliament is dissolved or prorogued, or
  - (b) either House is adjourned for more than four days.
- (5) In preparing a draft order under section 16 the Secretary of State shall consider any representations made during the period mentioned in subsection (3) above.
- (6) A draft order laid before Parliament in accordance with section 16(4) must be accompanied by a statement of the Secretary of State giving details of—
  - (a) any representations considered in accordance with subsection (5) above, and
  - (b) any changes made to the proposals contained in the document laid before Parliament under subsection (2) above.

[<sup>F130</sup>(7) Nothing in this section applies to an order under section 16 which is made only for the purpose mentioned in section 16(4A).]

### Textual Amendments

**F130** S. 17(7) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), [Sch. 3 para. 9](#); [S.I. 2003/2938](#), art. 3(a) (with art. 8Sch.); [S.I. 2003/3034](#), art. 2, [Sch. 1 Pt. I](#)

## [<sup>F131</sup>17A Power of Welsh Ministers to modify enactments and confer new powers

- (1) If the Welsh Ministers think that an enactment prevents or obstructs compliance by Welsh best value authorities with the requirements of this Part they may by order make provision modifying or excluding the application of the enactment in relation to—
  - (a) all Welsh best value authorities,
  - (b) particular Welsh best value authorities, or
  - (c) particular descriptions of Welsh best value authority.
- (2) The Welsh Ministers may by order make provision conferring on—
  - (a) all Welsh best value authorities,
  - (b) particular Welsh best value authorities, or
  - (c) particular descriptions of Welsh best value authority,

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any power which they consider necessary or expedient to permit or facilitate compliance with the requirements of this Part.

- (3) An order under this section may—
  - (a) impose conditions on the exercise of any power conferred by the order (including conditions about consultation or approval);
  - (b) amend an enactment;
  - (c) include consequential, incidental and transitional provision;
  - (d) make different provision for different cases.
- (4) The power under subsection (3)(d) includes, in particular, power to make different provision in relation to different authorities or descriptions of authority.
- (5) An order under this section may not make a provision which, if it were a provision of a Measure of the National Assembly for Wales, would be outside the Assembly's legislative competence.
- (6) For the purposes of subsection (5), section 94(4) of the Government of Wales Act 2006 has effect as if paragraph (a) (matters within legislative competence) were omitted.
- (7) Subject to subsection (8), no order shall be made under this section unless a draft has been laid before, and approved by resolution of, the National Assembly for Wales.
- (8) An order under this section which is made only for the purpose of amending an earlier order under this section—
  - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
  - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description,shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (9) In exercising a power conferred under subsection (2) a Welsh best value authority shall have regard to any guidance issued by the Welsh Ministers.
- (10) In this section, “enactment” includes subordinate legislation (within the meaning of section 21 of the Interpretation Act 1978).

#### **Textual Amendments**

**F131** Ss. 17A, 17B inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), [ss. 142\(2\), 245\(2\)](#) (with [s. 142\(3\)](#))

### **17B Orders under section 17A: procedure**

- (1) Before the Welsh Ministers make an order under section 17A they shall consult such authorities or persons as appear to them to be representative of interests affected by their proposals.
- (2) If, following consultation under subsection (1), the Welsh Ministers propose to make an order under section 17A they shall lay before the National Assembly for Wales a document explaining their proposals and, in particular—
  - (a) setting them out in the form of a draft order, and

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- (b) giving details of consultation under subsection (1).
- (3) Where a document relating to proposals is laid before the National Assembly for Wales under subsection (2), no draft of an order under section 17A to give effect to the proposals (with or without modification) shall be laid before the National Assembly for Wales until after the expiry of the period of sixty days beginning with the day on which the document was laid.
- (4) In calculating the period mentioned in subsection (3) no account shall be taken of any time during which the National Assembly is dissolved or is in recess for more than four days.
- (5) In preparing a draft order under section 17A the Welsh Ministers shall consider any representations made during the period mentioned in subsection (3) above.
- (6) A draft order laid before the National Assembly for Wales in accordance with section 17A(7) shall be accompanied by a statement of the Welsh Ministers giving details of—
- (a) any representations considered in accordance with subsection (5) above, and
  - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (2) above.
- (7) Nothing in this section applies to an order under section 17A which is made only for the purpose mentioned in section 17A(8).]

#### Textual Amendments

**F131** Ss. 17A, 17B inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), [ss. 142\(2\), 245\(2\)](#) (with s. 142(3))

## 18 Contracting out.

- (1) Section 70 of the <sup>M4</sup>Deregulation and Contracting Out Act 1994 (contracting out functions of local authorities) shall apply in relation to functions of any [<sup>F132</sup>relevant] best value authority (other than excluded functions within the meaning of section 71) as it applies in relation to certain functions of local authorities.
- (2) An order under section 70 as applied by subsection (1) above may be made only—
- (a) by the Secretary of State, and
  - (b) if he considers the order necessary or expedient for the purpose of permitting or facilitating compliance with the requirements of this Part.
- [<sup>F133</sup>(3) In this section “relevant best value authority” means a best value authority which is not a local authority for the purposes of section 70 of the Deregulation and Contracting Out Act 1994.]

#### Textual Amendments

**F132** Word in s. 18(1) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), [ss. 239\(5\)\(a\), 245\(5\)](#); S.I. 2008/917, art. 2(1)(u) (with art. 6(6))

**F133** S. 18(3) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), [ss. 239\(5\)\(b\), 245\(5\)](#); S.I. 2008/917, art. 2(1)(u) (with art. 6(6))

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#### Commencement Information

**I15** S. 18 wholly in force at 27.7.2000; s. 18 not in force at Royal Assent see s. 27; s. 18 in force (E.W.) at 27.9.1999 by [S.I. 1999/2169](#), [art. 3\(1\)](#); s. 18 in force at 27.7.2000 in so far as not already in force see s. 27

#### Marginal Citations

**M4** [1994 c.40.](#)

### *[<sup>F134</sup>Exclusion of non-commercial considerations]*

#### Textual Amendments

**F134** S. 19 cross-heading inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 2\(2\)](#); [S.I. 2008/917](#), art. 2(1)(a)

## 19 Contracts: exclusion of non-commercial considerations.

(1) The Secretary of State may by order provide, [<sup>F135</sup>in relation to—

- (a) all [<sup>F136</sup>relevant authorities],
- (b) particular [<sup>F137</sup>relevant authorities], or
- (c) particular descriptions of [<sup>F138</sup>relevant authority],

for] a specified matter to cease to be a non-commercial matter for the purposes of section 17 of the <sup>M5</sup>Local Government Act 1988 (local and other public authority contracts: exclusion of non-commercial considerations).

(2) An order under this section may—

- (a) provide for a matter to cease to be a non-commercial matter for specified purposes or to a specified extent;
- (b) apply in relation to specified authorities, functions or contracts;
- (c) make different provision for different cases;
- (d) include consequential or transitional provision (including provision amending an enactment).

[<sup>F139</sup>(2A) The power under subsection (2)(c) includes, in particular, power to make different provision for different authorities or descriptions of authority.]

(3) [<sup>F140</sup>Subject to subsection (3A),] no order shall be made under this section unless a draft has been laid before, and approved by resolution of, each House of Parliament.

[<sup>F141</sup>(3A) An order under this section which is made only for the purpose of amending an earlier order under this section—

- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
- (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

(4) In exercising a function regulated by section 17 of the Local Government Act 1988 with reference to a matter which is the subject of an order under this section a

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[<sup>F142</sup>relevant authority] shall have regard to any guidance issued by the Secretary of State.

[<sup>F143</sup>(5) In this section, “relevant authority” means—

- (a) a best value authority,
- (b) a parish council, or
- (c) a community council.]

#### Textual Amendments

- F135** S. 19(1)(a)-(c) and words substituted for words (18.11.2003 for E., 27.11.2003 for W.) by *Local Government Act 2003* (c. 26), s. 128(6), **Sch. 3 para. 10(2)**; S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F136** Words in s. 19(1)(a) substituted (1.4.2008) by *Local Government and Public Involvement in Health Act 2007* (c. 28), s. 245(5), **Sch. 7 para. 2(3)(a)**; S.I. 2008/917, art. 2(1)(a)
- F137** Words in s. 19(1)(b) substituted (1.4.2008) by *Local Government and Public Involvement in Health Act 2007* (c. 28), s. 245(5), **Sch. 7 para. 2(3)(a)**; S.I. 2008/917, art. 2(1)(a)
- F138** Words in s. 19(1)(c) substituted (1.4.2008) by *Local Government and Public Involvement in Health Act 2007* (c. 28), s. 245(5), **Sch. 7 para. 2(3)(b)**; S.I. 2008/917, art. 2(1)(a)
- F139** S. 19(2A) inserted (18.11.2003 for E., 27.11.2003 for W.) by *Local Government Act 2003* (c. 26), s. 128(6), **Sch. 3 para. 10(3)**; S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F140** Words in s. 19(3) inserted (18.11.2003 for E., 27.11.2003 for W.) by *Local Government Act 2003* (c. 26), s. 128(6), **Sch. 3 para. 10(4)**; S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F141** S. 19(3A) inserted (18.11.2003 for E., 27.11.2003 for W.) by *Local Government Act 2003* (c. 26), s. 128(6), **Sch. 3 para. 10(5)**; S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F142** Words in s. 19(4) substituted (1.4.2008) by *Local Government and Public Involvement in Health Act 2007* (c. 28), s. 245(5), **Sch. 7 para. 2(3)(b)**; S.I. 2008/917, art. 2(1)(a)
- F143** S. 19(5) inserted (1.4.2008) by *Local Government and Public Involvement in Health Act 2007* (c. 28), s. 245(5), **Sch. 7 para. 2(3)(c)**; S.I. 2008/917, art. 2(1)(a)

#### Commencement Information

- I16** S. 19 wholly in force at 27.7.2000; s. 19 not in force at Royal Assent see s. 27; s. 19 in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by S.I. 1999/2169, art. 3(2), **Sch. 2**; s. 19(1)(2)(4) in force (W.) at 1.10.1999 by S.I. 1999/2815, **art. 2**; s. 19 in force at 27.7.2000 in so far as not already in force see s. 27

#### Marginal Citations

- M5** 1988 c.9.

[<sup>F144</sup>Publication of information]

#### Textual Amendments

- F144** S. 20 cross-heading inserted (1.4.2008) by *Local Government and Public Involvement in Health Act 2007* (c. 28), s. 245(5), **Sch. 7 para. 2(4)**; S.I. 2008/917, art. 2(1)(a)

*Status: Point in time view as at 01/04/2009.*

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## 20 Publication of information.

At the end of section 2(1) of the <sup>M6</sup> Local Government, Planning and Land Act 1980 (duty of authorities to publish information) there shall be inserted—  
;and any other authority which is a best value authority for the purposes of Part I of the Local Government Act 1999 (best value).

### Commencement Information

**I17** S. 20 wholly in force at 1.10.1999; s. 20 not in force at Royal Assent see s. 27; s. 20 in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by [S.I. 1999/2169](#), [art. 3\(2\)](#), [Sch. 2](#); s. 20 in force (W.) at 1.10.1999 by [S.I. 1999/2815](#), [art. 2](#)

### Marginal Citations

**M6** [1980 c.65](#).

### General

## <sup>F145</sup>21 Transition from compulsory competitive tendering to best value.

### Textual Amendments

**F145** S. 21 repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(2), [Sch. 18 Pt. 8](#); [S.I. 2008/917](#), [art. 2\(v\)\(i\)](#)

## 22 Audit Commission.

(1) In this Act a reference to the Audit Commission is a reference to the Audit Commission for Local Authorities and the National Health Service in England <sup>F146</sup>....

<sup>F147</sup>(2) .....

(3) The <sup>M7</sup>Audit Commission Act 1998 shall be amended as follows.

(4) In section 33 (studies by Commission)—

(a) in subsection (1)(a), for “the provision of local authority services and of other services provided by bodies subject to audit” substitute “ the exercise of the functions of best value authorities and the provision of services provided by other bodies subject to audit ”, and

(b) in subsection (6)(a) for “local authorities” substitute “ best value authorities ”.

(5) In section 49(1) (restrictions on disclosure of information)—

(a) after “any provision of this Act” insert “or of Part I of the Local Government Act 1999”, and

(b) at the end of paragraph (b) insert “or under Part I of the 1999 Act”.

(6) In section 53(1) (interpretation) after the definition of “auditor” insert—

“ “best value authority” means a best value authority for the purposes of Part I of the Local Government Act 1999; ”.

*Status: Point in time view as at 01/04/2009.*

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F148(7) .....

F149(8) .....

#### Textual Amendments

**F146** Words in s. 22(1) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 9 para. 1\(2\)\(m\)](#), [Sch. 18 Pt. 9](#); S.I. 2008/172, art. 4(a)(n)(i)

**F147** S. 22(2) repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), [Sch. 8 Pt. 1](#); S.I. 2003/2938, art. 2(h)(iii) (with art. 8Sch.)

**F148** S. 22(7) repealed (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 4](#); S.I. 2005/558, art. 2, Sch. 1

**F149** S. 22(8) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(2), [Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(v)(i)

#### Commencement Information

**I18** S. 22 wholly in force at 1.4.2000; s. 22 not in force at Royal Assent see s. 27; s. 22 in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by [S.I. 1999/2169](#), art. 3(2), [Sch. 2](#); s. 22 in force (W.) at 1.4.2000 by [S.I. 1999/2815](#), [art. 2](#)

#### Marginal Citations

**M7** [1998 c.18](#).

## 23 Accounts.

- (1) The Secretary of State may make regulations about the keeping of accounts by best value authorities.
- (2) The regulations may—
  - (a) require accounts and statements of accounts to be prepared, kept and certified in such form or manner as the regulations may specify;
  - (b) require accounts to be deposited at such places as the regulations may specify;
  - (c) require the publication of information about accounts and of statements of accounts;
  - (d) make provision (which may include provision requiring the payment of fees) entitling specified classes of person to inspect and to make or receive copies of specified documents.
- (3) The regulations may—
  - (a) make provision in relation to best value authorities generally or in relation to one or more particular authorities;
  - (b) make different provision for different cases.
- (4) Before making regulations under subsection (1) the Secretary of State must consult—
  - [<sup>F150</sup>(za) if the regulations make provision in relation to [<sup>F151</sup>Welsh best value authorities or police authorities for police areas in Wales], the Auditor General for Wales,]
  - (a) [<sup>F152</sup>if the regulations make provision in relation to other best value authorities,] the Audit Commission,
  - (b) the authorities concerned or persons appearing to him to represent them, and
  - (c) such bodies of accountants as appear to him to be appropriate.



*Status: Point in time view as at 01/04/2009.*

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- (5) If—
- (a) a person contravenes a provision of regulations under subsection (1) without reasonable excuse, and
  - (b) the regulations declare that contravention of the provision is an offence,
- the person is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Any expenses incurred by an auditor <sup>F153</sup>... in connection with proceedings in respect of an offence under subsection (5) which is alleged to have been committed in relation to the accounts of an authority are recoverable from the authority so far as they are not recovered from any other source.

[<sup>F154</sup>(7) In subsection (6), “auditor” means an auditor appointed by the Audit Commission or the Auditor General for Wales to audit the best value authority's accounts.]

#### Textual Amendments

- F150** S. 23(4)(za) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 1 para. 14\(2\); S.I. 2005/558, art. 2, Sch. 1](#)
- F151** Words in s. 23(4)(za) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 21\(2\); S.I. 2008/917, art. 2\(1\)\(e\)](#)
- F152** Words in s. 23(4)(a) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 1 para. 14\(3\); S.I. 2005/558, art. 2, Sch. 1](#)
- F153** Words in s. 23(6) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 21\(3\), Sch. 18 Pt. 8; S.I. 2008/917, art. 2\(1\)\(e\)\(i\)\(v\)](#)
- F154** S. 23(7) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 21\(4\); S.I. 2008/917, art. 2\(1\)\(e\)](#)

#### Commencement Information

- I19** S. 23 wholly in force at 1.10.1999; s. 23 not in force at Royal Assent see s. 27; s. 23(4) in force (E.) at 10.8.1999 and (W.) for certain purposes at 10.8.1999 by [S.I. 1999/2169, art. 2\(2\), Sch. 1](#); s. 23(1)-(3)(5)(6) in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by [S.I. 1999/2169, art. 3\(2\), Sch. 2](#); s. 23 in force (W.) at 1.10.1999 by [S.I. 1999/2815, art. 2](#)

## 24 Police Act 1996.

- (1) Section 8(2) of the <sup>M8</sup>Police Act 1996 (local policing plans) shall be amended by—
- (a) the omission of the word “and” after paragraph (b), and
  - (b) the insertion of the following after paragraph (c)—
    - “, and
    - (d) any action proposed for the purpose of complying with the requirements of Part I of the Local Government Act 1999 (best value).”
- (2) In section 54 of that Act (inspectors of constabulary) after subsection (2) there shall be inserted—
- “(2A) The inspectors of constabulary may inspect, and report to the Secretary of State on, a police authority’s compliance with the requirements of Part I of the Local Government Act 1999 (best value).”

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Local Government Act 1999 is up to date with all changes known to be in force on or before 29 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)*

<sup>F155</sup>(3) .....

#### Textual Amendments

**F155** S. 24(3) repealed (23.12.2004) by [Police Reform Act 2002 \(c. 30\)](#), s. 108(2), **Sch. 8**; S.I. 2004/3338, art. 3(c)(iv)

#### Commencement Information

**I20** S. 24 wholly in force at 1.4.2000; s. 24 not in force at Royal Assent see s. 27; s. 24(1) in force at 27.9.1999 by [S.I. 1999/2169](#), **art. 3(1)**; s. 24(2)(3) in force at 1.4.2000 by [S.I. 1999/2169](#), **art. 4(1)**

#### Marginal Citations

**M8** 1996 c.16.

## 25 Coordination of inspections, &c.

- (1) In arranging for or carrying out—
- (a) inspections of best value authorities, or
  - (b) inquiries or investigations in relation to best value authorities,
- a person or body to whom this section applies shall have regard to any guidance issued by the Secretary of State for the purposes of securing the coordination of different kinds of inspection, inquiry and investigation.
- (2) This section applies to—
- (a) the Audit Commission;
  - <sup>F156</sup>(aa) the Auditor General for Wales;]
  - (b) an inspector, assistant inspector or other officer appointed under section 24(1) of the <sup>M9</sup>Fire Services Act 1947 (inspectors of fire brigades);
  - <sup>F157</sup>(c) Her Majesty's Chief Inspector of Education, Children's Services and Skills;]
  - (d) [<sup>F158</sup>Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru];
  - <sup>F159</sup>(e) the [<sup>F160</sup>Care Quality Commission];]
  - (h) a person authorised under section 139A(1) of the <sup>M10</sup>Social Security Administration Act 1992 (reports on administration of housing benefit and council tax benefit);
  - (i) an inspector appointed under section 54 of the Police Act 1996 (inspectors of constabulary).
- (3) The Secretary of State may by order provide for this section to apply to a person or body specified in the order.

#### Textual Amendments

**F156** S. 25(2)(aa) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, **Sch. 1 para. 15**; S.I. 2005/558, art. 2, **Sch. 1**

**F157** S. 25(2)(c) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 14 para. 37**; S.I. 2007/935, art. 5(gg)

**F158** Words in s. 25(2)(d) substituted (1.1.2001) by [2000 c. 21](#) s. 73(3)(a); S.I. 2000/3230, art. 2, **Sch.**

*Status: Point in time view as at 01/04/2009.*

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**F159** S. 25(2)(e) substituted for s. 25(2)(e)-(g) (15.1.2007 for E.) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 9 para. 15](#); S.I. 2006/3397, art. 5

**F160** Words in s. 25(2)(e) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 70](#); S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

#### Modifications etc. (not altering text)

**C7** S. 25(2) modified (temp.) (1.10.2008) by [The Health and Social Care Act 2008 \(Consequential Amendments and Transitory Provisions\) Order 2008 \(S.I. 2008/2250\)](#), arts. 1(1), [3\(8\)](#)

#### Commencement Information

**I21** S. 25 wholly in force at 27.7.2000; s. 25 not in force at Royal Assent see s. 27; s. 25 in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by [S.I. 1999/2169](#), art. 3(2), [Sch. 2](#); s. 25(1)(2)(a)(d)(e)(f)(g)(h)(3) in force (W.) at 1.10.1999 by [S.I. 1999/2815](#), art. 2; s. 25 in force at 27.7.2000 in so far as not already in force see s. 27

#### Marginal Citations

**M9** 1947 c.41.

**M10** 1992 c.5.

## 26 Guidance.

- (1) This section has effect in relation to any guidance issued by the Secretary of State under this Part.
- (2) The Secretary of State—
  - (a) may issue guidance to or in respect of <sup>F161</sup>... authorities generally or to or in respect of one or more particular authorities;
  - (b) may issue different guidance to or in respect of different authorities;
  - (c) must, before he issues guidance, consult the authorities concerned or persons appearing to him to represent them;
  - (d) must arrange for guidance to be published.
- (3) Before issuing guidance under section 10 the Secretary of State shall, in addition to the consultation required by subsection (2)(c) above, consult the Audit Commission.
- <sup>F162</sup>(3A) Before issuing guidance under section 10A the Secretary of State shall, in addition to the consultation required by subsection (2)(c) above, consult the Auditor General for Wales.]
- (4) Before issuing guidance under section 25 the Secretary of State shall, in addition to the consultation required by subsection (2)(c) above, consult the persons or bodies concerned.

#### Textual Amendments

**F161** Words in s. 26(2)(a) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 2\(5\)](#), [Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(1)(a)(i)(v)

**F162** S. 26(3A) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 1 para. 16](#); S.I. 2005/558, art. 2, Sch. 1

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### Commencement Information

- I22** S. 26 wholly in force at 1.10.1999; s. 26 not in force at Royal Assent see s. 27; s. 26(2)(c)(3)(4) in force (E.) at 10.8.1999 and (W.) for certain purposes at 10.8.1999 by [S.I. 1999/2169, art. 2\(2\)](#), [Sch. 1](#); s. 26(1)(2)(a)(b)(d) in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by [S.I. 1999/2169, art. 3\(2\)](#), [Sch. 2](#); s. 26 in force (W.) at 1.10.1999 by [S.I. 1999/2815, art. 2](#)

## 27 Commencement.

- (1) Subject to subsections (2) and (3), sections 1 to 20 and 22 to 26 shall come into force at the end of the period of 12 months beginning with the day on which this Act is passed.
- (2) The Secretary of State may by order provide for—
  - (a) any of sections 1 to 13, 15, 19, 20, 22, 23, 25 and 26 to be brought into force in relation to England before the time appointed by subsection (1);
  - (b) any of those sections, in so far as it relates to an authority falling within section 1(1)(d) or (e), to be brought into force in relation to Wales before that time;
  - (c) any of sections 14, 16 to 18 and 24 to be brought into force before that time.
- (3) The National Assembly for Wales may by order provide for any of the sections mentioned in subsection (2)(a), except in so far as it relates to an authority falling within section 1(1)(d) or (e), to be brought into force in relation to Wales before the time appointed by subsection (1).
- (4) An order under subsection (2) or (3) may appoint different days for different purposes.

### Subordinate Legislation Made

- P1** S. 27(2)(4) power partly exercised (28.7.1999): different dates appointed for specified provisions by [S.I. 1999/2169, arts. 2, 3, 4, Sch. 1, Sch. 2, Sch. 3](#)
- P2** S. 27(2)(a) power partly exercised: 3.7.2000 appointed for specified provisions by [S.I. 2000/1724, art. 2](#)
- P3** S. 27(3)(4) power partly exercised (28.9.1999): different dates appointed for specified provisions by [S.I. 1999/2815, arts. 2, 3](#)

## 28 Orders and regulations.

- (1) An order or regulations under this Part—
  - (a) shall be made by statutory instrument, and
  - (b) may include supplementary, incidental, consequential and transitional provisions.
- (2) An order under section [<sup>F163</sup>3A,] 4, <sup>F164</sup>... 6, 7 or 25, and regulations under section 15 or 23, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### Textual Amendments

- F163** Word in s. 28(2) inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 138\(2\), 245\(5\)](#); [S.I. 2008/917, art. 3\(a\)](#)

*Status: Point in time view as at 01/04/2009.*

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**F164** Word in s. 28(2) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(2), [Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(v)(i)

## 29 Modifications for Wales.

[<sup>F165</sup>(1) This section has effect for the purposes of the application of this Part in relation to Wales, except in so far as it relates to a police authority for a police area in Wales.

(1A) For each reference to the Secretary of State in sections 3, 10A, 12A, 13A, 15, 19, 23, 25 and 26 there shall be substituted a reference to the Welsh Ministers.]

[<sup>F166</sup>(2A) Subsection (1)(a) does not apply to section 13A(4A).]

<sup>F167</sup>(3) .....

(4) Section 15(7)(a) shall apply <sup>F168</sup>... as if the reference to a function conferred on the Secretary of State were a reference to a function conferred on the [<sup>F169</sup>Welsh Ministers] or the Secretary of State; but the [<sup>F169</sup>Welsh Ministers] may not make regulations under section 15(7) which relate to a function conferred on the Secretary of State without his approval.

[<sup>F170</sup>(5) In section 19(3) and (3A) for each reference to each House, or either House, of Parliament there shall be substituted a reference to the National Assembly for Wales.

(6) In section 28(2), for the reference to either House of Parliament there shall be substituted a reference to the National Assembly for Wales.]

### Textual Amendments

**F165** S. 29(1)(1A) substituted for s. 29(1)(2) (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 22\(2\)](#); S.I. 2008/917, art. 2(1)(e)

**F166** S. 29(2A) inserted (1.4.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 38\(2\)](#), 70(2); S.I. 2008/411, art. 2(3)(a)

**F167** S. 29(3) repealed (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(2), [Sch. 18 Pt. 8](#)

**F168** Words in s. 29(4) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 22\(3\)\(a\)](#), [Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(1)(e)(i)(v)

**F169** Words in s. 29(4) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 22\(3\)\(b\)](#); S.I. 2008/917, art. 2(1)(e)

**F170** S. 29(5)(6) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 22\(4\)](#); S.I. 2008/917, art. 2(1)(e)

## PART II

### REGULATION OF COUNCIL TAX AND PRECEPTS

## 30 Limitation of council tax and precepts.

(1) Schedule 1 shall have effect.

*Status: Point in time view as at 01/04/2009.*

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- (2) That Schedule shall apply in relation to the limitation of council tax and precepts as regards the financial year beginning with 1st April 2000 and subsequent financial years.

**F171 31 Major precepting authorities: further regulation.**

.....

**Textual Amendments**  
**F171 S. 31** repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), ss. 86, 128(2), [Sch. 8 Pt. 1](#)

**PART III**

GENERAL

**32 Meaning of financial year.**

In this Act “financial year” means a year beginning with 1st April.

**33 Finance.**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any increase attributable to this Act in the sums so payable under any other enactment;
  - (b) any expenses of the Secretary of State under this Act.
- (2) The Secretary of State may make grants to the Audit Commission, out of money provided by Parliament, in respect of expenditure incurred or to be incurred by the Commission under this Act.
- (3) The National Assembly for Wales may make grants to<sup>F172(a)</sup> the Audit Commission in respect of expenditure incurred or to be incurred by the Commission under this Act;
  - (b) the Auditor General for Wales in respect of expenditure incurred or to be incurred by him under this Act<sup>F172.</sup>

**Textual Amendments**  
**F172** Words in s. 33(3) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 1 para. 17](#); [S.I. 2005/558](#), art. 2, [Sch. 1](#)

**34 Repeals.**

The provisions mentioned in Schedule 2 are repealed to the extent specified, subject to any provision of that Schedule.

**35 Extent.**

- (1) Subject to subsection (2), this Act extends to England and Wales only.

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- (2) An amendment by this Act of a provision of another Act has the same extent as the provision amended (except in the case of section 21 and Part I of Schedule 2).

**36 Short title.**

This Act may be cited as the Local Government Act 1999.

*Status: Point in time view as at 01/04/2009.*

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## SCHEDULES

### SCHEDULE 1

Section 30.

#### LIMITATION OF COUNCIL TAX AND PRECEPTS

#### PART I

#### THE NEW CHAPTER

- 1 In Part I of the <sup>M11</sup>Local Government Finance Act 1992 the following Chapter shall be inserted after Chapter IV—

#### “CHAPTER IVA

#### LIMITATION OF COUNCIL TAX AND PRECEPTS

##### *Introduction*

##### **Interpretation.**

- 52A (1) In this Chapter a reference to an authority is to—
- (a) a billing authority, or
  - (b) a major precepting authority.
- (2) Sections 52W and 52X below contain other interpretative provisions for the purposes of this Chapter.

##### *Designation or nomination*

##### **Power to designate or nominate authorities.**

- 52B (1) If in the Secretary of State’s opinion the amount calculated by an authority as its budget requirement for a financial year (the year under consideration) is excessive, he may exercise his power to designate or nominate the authority under section 52D below.
- (2) The question whether the amount so calculated is excessive must be decided in accordance with a set of principles determined by the Secretary of State.
- (3) A set of principles—
- (a) may contain one principle or two or more principles;
  - (b) must constitute or include a comparison falling within subsection (4) below or comparisons each of which falls within subsection (4).
- (4) A comparison falls within this subsection if—



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- (a) it is between the amount calculated by the authority as its budget requirement for the year under consideration and the amount calculated by it as its budget requirement for a financial year falling before the year under consideration;
  - (b) the earlier financial year in the comparison does not fall before that beginning with 1st April 1998.
- (5) If for the purposes of this section the Secretary of State determines categories of authorities for the year under consideration—
  - (a) any principles determined for the year must be such that the same set is determined for all authorities (if more than one) falling within the same category;
  - (b) as regards an authority which does not fall within any of the categories, the Secretary of State may not exercise his power to designate or nominate the authority under section 52D below by reference to the excessiveness of its budget requirement for the year.
- (6) If he does not determine such categories, any principles determined for the year under consideration must be such that the same set is determined for all authorities.
- (7) In determining categories of authorities for the year under consideration the Secretary of State shall take into account any information he thinks is relevant.
- (8) In applying this section the Secretary of State shall ignore any calculation for which another has been substituted at the time designation or nomination is proposed.

**Alternative notional amounts.**

- 52C (1) The Secretary of State may make a report specifying in relation to—
- (a) any year under consideration (within the meaning of section 52B above), and
  - (b) any authority,
- an amount which in his opinion should be used as the basis of any comparison in applying that section in place of the amount calculated by the authority as its budget requirement for a financial year falling before the year under consideration.
- (2) References in this section to the alternative notional amount are to the amount so specified.
  - (3) A report under this section—
    - (a) may relate to two or more authorities;
    - (b) may be amended by a subsequent report under this section;
    - (c) shall contain such explanation as the Secretary of State thinks desirable of the calculation by him of the alternative notional amount;
    - (d) shall be laid before the House of Commons.
  - (4) If a report under this section is approved by resolution of the House of Commons section 52B above shall have effect, as regards the year under

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consideration and any authority to which the report relates, as if the reference in subsection (4) to the amount calculated by the authority as its budget requirement for a financial year falling before the year under consideration were to the alternative notional amount for the year so falling.

**Designation or nomination.**

- 52D(1) This section applies if in the Secretary of State's opinion (reached after applying section 52B above) the amount calculated by an authority as its budget requirement for the year under consideration is excessive.
- (2) In such a case he may—
- (a) designate the authority as regards the year under consideration, or
  - (b) nominate the authority.
- (3) The Secretary of State may proceed under different paragraphs of subsection (2) above in relation to different authorities.

*Designation for year under consideration*

**Designation.**

- 52E (1) This section applies if the Secretary of State designates an authority under section 52D(2)(a) above as regards the year under consideration.
- (2) He shall notify the authority in writing of—
- (a) the designation;
  - (b) the set of principles determined for the authority under section 52B above;
  - (c) the category in which the authority falls (if he determines categories under section 52B above);
  - (d) the amount which he proposes should be the maximum for the amount calculated by the authority as its budget requirement for the year;
  - (e) the target amount for the year, that is, the maximum amount which he proposes the authority could calculate as its budget requirement for the year without the amount calculated being excessive;
  - (f) the financial year as regards which he expects the amount calculated by the authority as its budget requirement for that year to be equal to or less than the target amount for that year (assuming one to be determined for that year).
- (3) A designation under section 52D(2)(a) above—
- (a) is invalid unless subsection (2) above is complied with;
  - (b) shall be treated as made at the beginning of the day on which the authority receives a notification under that subsection.
- (4) If—
- (a) an authority has been designated under section 52D(2)(a) above, and
  - (b) after the designation is made the authority makes substitute calculations in relation to the year,

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the substitute calculations shall be invalid unless they are made in accordance with section 52I or 52J below (as the case may be).

- (5) Before the end of the period of 21 days beginning with the day it receives a notification under this section, an authority may inform the Secretary of State by notice in writing that—
- (a) for reasons stated in the notice, it believes the maximum amount stated under subsection (2)(d) above should be such as the authority states in its notice, or
  - (b) it accepts the maximum amount stated under subsection (2)(d) above.

### **Challenge of maximum amount.**

- 52F (1) This section applies if an authority designated under section 52D(2)(a) above informs the Secretary of State by notice in writing under section 52E(5)(a) above.
- (2) After considering any information falling within subsection (3) below the Secretary of State shall either—
- (a) proceed under subsection (4) below (in which case subsections (5) to (10) below shall also apply), or
  - (b) proceed under subsection (11) below.
- (3) Information falling within this subsection is—
- (a) information which is supplied by the authority and is of a kind and provided in a form specified by the Secretary of State for the purposes of this section;
  - (b) any other information he thinks is relevant.
- (4) If he proceeds under this subsection the Secretary of State—
- (a) shall make an order stating the amount which the amount calculated by the authority as its budget requirement for the year is not to exceed;
  - (b) may alter the target amount for the year.
- (5) The following paragraphs apply for the purposes of subsection (4) above—
- (a) the amount stated under subsection (4)(a) above may not exceed the amount already calculated by the authority as its budget requirement for the year unless in the Secretary of State's opinion the authority failed to comply with section 32 or 43 above (as the case may be) in making the calculation;
  - (b) subject to paragraph (a) above, the amount stated under subsection (4)(a) above may be the same as, or greater or smaller than, that stated in the notice under section 52E(2)(d) above;
  - (c) the Secretary of State may alter the target amount for the year under subsection (4)(b) above only if the amount stated under subsection (4)(a) above is greater or smaller than that stated in the notice under section 52E(2)(d) above.
- (6) In the application of subsection (5)(a) above in relation to the Greater London Authority—

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- (a) for the reference to section 43 above there shall be substituted a reference to sections 70 and 71 of the Greater London Authority Act 1999, and
  - (b) at the end there shall be added the words “or he has issued a direction for the year under section 80 of the Greater London Authority Act 1999”.
- (7) An order under this section—
- (a) shall not be made unless a draft of it has been laid before and approved by resolution of the House of Commons;
  - (b) may relate to two or more authorities.
- (8) As soon as is reasonably practicable after an order under this section is made the Secretary of State shall serve on the authority (or each authority) a notice stating—
- (a) the amount stated in the case of the authority concerned in the order;
  - (b) the altered target amount for the year (if he alters it in the case of the authority concerned).
- (9) When he serves a notice under subsection (8) above on a precepting authority the Secretary of State shall also serve a copy of it on each billing authority to which the precepting authority has power to issue a precept.
- (10) In applying subsection (5)(a) above the Secretary of State shall ignore any calculation for which another has been substituted at the time of designation.
- (11) If the Secretary of State proceeds under this subsection he shall—
- (a) cancel the designation of the authority under section 52D(2)(a) above as regards the year and notify the authority in writing of the cancellation, and
  - (b) nominate the authority under section 52D(2)(b) above;
- and in such a case the designation under section 52D(2)(a) above and the notification under section 52E above shall be treated as not having been made.

**Acceptance of maximum amount.**

- 52G(1) This section applies if an authority designated under section 52D(2)(a) above informs the Secretary of State by notice in writing under section 52E(5)(b) above.
- (2) As soon as is reasonably practicable after he receives the notice the Secretary of State shall serve on the authority a notice stating the amount which the amount calculated by it as its budget requirement for the year is not to exceed; and the amount stated shall be that stated in the notice under section 52E(2)(d) above.
  - (3) When he serves a notice under subsection (2) above on a precepting authority the Secretary of State shall also serve a copy of it on each billing authority to which the precepting authority has power to issue a precept.

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### **No challenge or acceptance.**

- 52H(1) This section applies if the period mentioned in section 52E(5) above ends without an authority designated under section 52D(2)(a) above informing the Secretary of State by notice in writing under paragraph (a) or (b) of section 52E(5).
- (2) As soon as is reasonably practicable after the period ends the Secretary of State shall make an order stating the amount which the amount calculated by the authority as its budget requirement for the year is not to exceed; and the amount stated shall be that stated in the notice under section 52E(2)(d) above.
- (3) An order under this section—
- (a) shall not be made unless a draft of it has been laid before and approved by resolution of the House of Commons;
  - (b) may relate to two or more authorities.
- (4) As soon as is reasonably practicable after an order under this section is made the Secretary of State shall serve on the authority (or each authority) a notice stating the amount stated in the case of the authority concerned in the order.
- (5) When he serves a notice under subsection (4) above on a precepting authority the Secretary of State shall also serve a copy of it on each billing authority to which the precepting authority has power to issue a precept.

### **Duty of designated billing authority.**

- 52I (1) If a billing authority receives a notice under section 52F(8), 52G(2) or 52H(4) above it shall make substitute calculations in relation to the year in accordance with sections 32 to 36 above, ignoring section 32(10) above for this purpose.
- (2) The substitute calculations shall be made so as to secure—
- (a) that the amount calculated by the authority as its budget requirement for the year does not exceed that stated in the notice, and
  - (b) that any amount calculated under section 33(1) or 34(2) or (3) above as the basic amount of council tax applicable to any dwelling does not exceed that so calculated in the previous calculations.
- (3) Subsection (2)(b) above does not apply in a case where the amount stated in the notice exceeds that already calculated by the authority as its budget requirement for the year.
- (4) In making substitute calculations under section 33(1) or 34(3) above the authority must use any amount determined in the previous calculations for item P or T in section 33(1) or item TP in section 34(3).
- (5) For the purposes of subsection (4) above the authority may treat any amount determined in the previous calculations for item P in section 33(1) above as increased by the amount of any sum which—
- (a) it estimates will be payable for the year into its general fund in respect of additional grant, and

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(b) was not taken into account by it in making those calculations.

(6) References in this section to the amount stated in the notice are, in the case of a notice under section 52F(8) above, to the amount stated under section 52F(8)(a).

**Duty of designated precepting authority.**

52J (1) If a major precepting authority receives a notice under section 52F(8), 52G(2) or 52H(4) above it shall make substitute calculations in relation to the year in accordance with—

- (a) sections 70, 71 and 73 to 75 of and Schedule 6 to the Greater London Authority Act 1999 and sections 47 and 48 above (where the authority is the Greater London Authority), or
- (b) sections 43 to 48 above (in any other case).

(2) The substitute calculations shall be made so as to secure—

- (a) that the amount calculated by the authority as its budget requirement for the year does not exceed that stated in the notice, and
- (b) that any amount calculated under section 44(1) or 45(2) or (3) above as the basic amount of council tax applicable to any dwelling does not exceed that so calculated in the previous calculations.

(3) In the application of subsection (2)(b) above in relation to the Greater London Authority—

- (a) for the reference to section 44(1) above there shall be substituted a reference to section 73(2) of the Greater London Authority Act 1999, and
- (b) for the reference to section 45(2) or (3) above there shall be substituted a reference to section 74(3) of that Act.

(4) Subsection (2)(b) above does not apply in a case where the amount stated in the notice exceeds that already calculated by the authority as its budget requirement for the year.

(5) In making substitute calculations under section 44(1) or 45(3) above the authority must use any amount determined in the previous calculations for item P or T in section 44(1) above or item TP in section 45(3) above.

(6) In making substitute calculations under section 73(2) or 74(3) of the Greater London Authority Act 1999 the authority must use any amount determined in the previous calculations for item P1 or T in section 73(2) of that Act or for item P2 or item TP2 in section 74(4) of that Act.

(7) For the purposes of subsection (5) above the authority may treat any amount determined in the previous calculations for item P in section 44(1) above as increased by the amount of any sum which—

- (a) it estimates will be payable to it for the year in respect of additional grant, and
- (b) was not taken into account by it in making those calculations.

(8) For the purposes of subsection (6) above the authority may treat any amount determined in the previous calculations—

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- (a) for item P1 in section 73(2) of the Greater London Authority Act 1999, or
  - (b) for item P2 in section 74(4) of that Act,as increased by the relevant portion of any new additional grant.
- (9) For the purposes of subsection (8) above, “the relevant portion of any new additional grant” means the amount of any additional grant payable to the authority for the year which was not taken into account by the authority in making the previous calculations, but—
  - (a) in the case of item P1, reduced, as may be prescribed, by such sum as the Secretary of State considers represents the portion of the amount which relates to defraying the special item in whole or in part, and
  - (b) in the case of item P2, restricted, as may be prescribed, to such sum as the Secretary of State considers represents the portion of the amount which relates to defraying the special item in whole or in part;and “special item” has the same meaning in this subsection as in sections 73 and 74 of the Greater London Authority Act 1999 (see section 74(2) of that Act).
- (10) In subsection (9) above, “prescribed” means specified in, or determined in accordance with, either—
  - (a) the report under section 85 of the Local Government Finance Act 1988 relating to the amount of additional grant in question, or
  - (b) regulations made by the Secretary of State under section 73(3)(b) of the Greater London Authority Act 1999 (in relation to item P1) or under section 74(5)(b) of that Act (in relation to item P2),as the Secretary of State may determine for the purposes of paragraph (a) or (b) of subsection (9) and any particular financial year or years.
- (11) References in this section to the amount stated in the notice are, in the case of a notice under section 52F(8) above, to the amount stated under section 52F(8)(a).

#### **Failure to substitute.**

- 52K(1) This section applies if an authority which has received a notice under section 52F(8), 52G(2) or 52H(4) above fails to comply with section 52I or 52J above (as the case may be) before the end of—
- (a) the period of 35 days beginning with the day on which the authority receives the notice (where it is the Greater London Authority), or
  - (b) the period of 21 days beginning with the day on which the authority receives the notice (in any other case).
- (2) In the case of a billing authority, it shall have no power during the period of restriction to transfer any amount from its collection fund to its general fund and sections 97 and 98 of the 1988 Act (transfers between funds) shall have effect accordingly.
  - (3) In the case of a major precepting authority, any authority to which it has power to issue a precept shall have no power during the period of restriction to pay anything in respect of a precept issued by it for the year.

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- (4) For the purposes of this section the period of restriction is the period which—
- (a) begins at the end of the period mentioned in subsection (1) above, and
  - (b) ends at the time (if any) when the authority complies with section 52I or 52J above.

### *Nomination*

#### **Nomination.**

52L (1) This section applies if the Secretary of State nominates an authority under section 52D(2)(b) above.

- (2) He shall notify the authority in writing of—
- (a) the nomination;
  - (b) the set of principles determined for the authority under section 52B above;
  - (c) the category in which the authority falls (if he determines categories under section 52B above);
  - (d) the amount which he would have proposed as the target amount for the year under consideration if he had designated the authority as regards that year under section 52D(2)(a) above.
- (3) A nomination under section 52D(2)(b) above —
- (a) is invalid unless subsection (2) above is complied with;
  - (b) shall be treated as made at the beginning of the day on which the authority receives a notification under that subsection.
- (4) After nominating all the authorities he intends to nominate the Secretary of State—
- (a) shall decide, in the case of each authority nominated, whether to proceed under section 52M or under section 52N below in relation to it;
  - (b) may decide to proceed under different sections in relation to different authorities.

#### **Designation after nomination.**

52M(1) This section applies if the Secretary of State—

- (a) nominates an authority under section 52D(2)(b) above, and
  - (b) decides to proceed under this section in relation to the authority.
- (2) He shall—
- (a) designate the authority as regards the financial year immediately following the year under consideration;
  - (b) determine an amount which he proposes should be the maximum for the amount calculated by the authority as its budget requirement for the year as regards which the designation is made;
  - (c) determine the target amount for the year as regards which the designation is made, that is, the maximum amount which he



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proposes the authority could calculate as its budget requirement for the year without the amount calculated being excessive.

- (3) In making the determinations under subsection (2) above he shall take into account—
- (a) the amount which he would have proposed as the target amount for the year under consideration if he had designated the authority as regards that year under section 52D(2)(a) above, and
  - (b) any information he thinks is relevant.
- (4) He shall notify the authority in writing of—
- (a) the designation;
  - (b) the amount determined under subsection (2)(b) above;
  - (c) the target amount determined under subsection (2)(c) above;
  - (d) any information taken into account under subsection (3)(b) above;
  - (e) the financial year as regards which he expects the amount calculated by the authority as its budget requirement for that year to be equal to or less than the target amount for that year (assuming one to be determined for that year);
  - (f) the period within which the authority may inform the Secretary of State that it challenges or accepts the amount stated under paragraph (b) above.
- (5) A designation under this section—
- (a) is invalid unless subsection (4) above is complied with;
  - (b) shall be treated as made at the beginning of the day on which the authority receives a notification under that subsection.
- (6) If an authority has been designated under this section as regards a financial year the Secretary of State may not designate it under section 52D(2)(a) above as regards that year.
- (7) If—
- (a) an authority has been designated under this section as regards a financial year, and
  - (b) after the designation is made the authority makes calculations or substitute calculations in relation to the year,
- the calculations (or substitute calculations) shall be invalid unless they are made in accordance with section 52T or 52U below (as the case may be).
- (8) Before the end of the period notified under subsection (4)(f) above an authority may inform the Secretary of State by notice in writing that—
- (a) for reasons stated in the notice, it believes the maximum amount stated under subsection (4)(b) above should be such as the authority states in its notice, or
  - (b) it accepts the maximum amount stated under subsection (4)(b) above.
- (9) The period notified under subsection (4)(f) above must be a period of at least 21 days beginning with the day the authority receives the notification under subsection (4) above.

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**No designation after nomination.**

52N(1) This section applies if the Secretary of State—

- (a) nominates an authority under section 52D(2)(b) above, and
  - (b) decides to proceed under this section in relation to the authority.
- (2) He shall determine an amount which he proposes should be the notional amount calculated by the authority as its budget requirement for the year under consideration.
- (3) In making the determination he shall take into account—
- (a) the amount which he would have proposed as the maximum for the amount calculated by the authority as its budget requirement for the year under consideration if he had designated it as regards that year under section 52D(2)(a) above, and
  - (b) any information he thinks is relevant.
- (4) He shall notify the authority in writing of—
- (a) the amount determined under subsection (2) above;
  - (b) the amount mentioned in subsection (3)(a) above;
  - (c) any information taken into account under subsection (3)(b) above.
- (5) Before the end of the period of 21 days beginning with the day it receives a notification under subsection (4) above an authority may inform the Secretary of State by notice in writing that, for reasons stated in the notice, it believes the notional amount stated under subsection (4)(a) above should be such as the authority states in its notice.
- (6) After the end of the period mentioned in subsection (5) above the Secretary of State—
- (a) shall, if he receives a notice under subsection (5) above, reconsider his determination under subsection (2) above (taking the notice into account);
  - (b) shall notify the authority in writing of the amount which is to be the notional amount calculated by the authority as its budget requirement for the year under consideration.
- (7) A notification under subsection (6) above shall be treated as made at the beginning of the day on which the authority receives it.
- (8) In applying this Chapter at any time after a notification is made under subsection (6) above of the amount which is to be the notional amount calculated by the authority as its budget requirement for a financial year, the amount calculated by the authority as its budget requirement for that year shall be taken to be the notional amount notified.

*Designation after previous designation*

**Designation after previous designation.**

52P (1) This section applies if—

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- (a) the Secretary of State designates an authority as regards a year under section 52D(2)(a) above or section 52M above or this section, and
    - (b) the amount calculated by the authority as its budget requirement for the year exceeds the target amount for the year.
  - (2) He may designate the authority as regards the financial year immediately following the year mentioned in subsection (1) above, and if he does so he shall—
    - (a) determine an amount which he proposes should be the maximum for the amount calculated by the authority as its budget requirement for the year as regards which the designation is made;
    - (b) determine the target amount for the year as regards which the designation is made, that is, the maximum amount which he proposes the authority could calculate as its budget requirement for the year without the amount calculated being excessive.
  - (3) In making the determinations under subsection (2) above he shall take into account—
    - (a) the amount calculated by the authority as its budget requirement for the year mentioned in subsection (1) above,
    - (b) the target amount for that year, and
    - (c) any information he thinks is relevant.
  - (4) He shall notify the authority in writing of—
    - (a) the designation;
    - (b) the amount determined under subsection (2)(a) above;
    - (c) the target amount determined under subsection (2)(b) above;
    - (d) any information taken into account under subsection (3)(c) above;
    - (e) the financial year as regards which he expects the amount calculated by the authority as its budget requirement for that year to be equal to or less than the target amount for that year (assuming one to be determined for that year);
    - (f) the period within which the authority may inform the Secretary of State that it challenges or accepts the amount stated under paragraph (b) above.
  - (5) A designation under this section—
    - (a) is invalid unless subsection (4) above is complied with;
    - (b) shall be treated as made at the beginning of the day on which the authority receives a notification under that subsection.
  - (6) If an authority has been designated under this section as regards a financial year the Secretary of State may not designate it under section 52D(2)(a) above as regards that year.
  - (7) If—
    - (a) an authority has been designated under this section as regards a financial year, and
    - (b) after the designation is made the authority makes calculations or substitute calculations in relation to the year,the calculations (or substitute calculations) shall be invalid unless they are made in accordance with section 52T or 52U below (as the case may be).

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- (8) Before the end of the period notified under subsection (4)(f) above an authority may inform the Secretary of State by notice in writing that—
- (a) for reasons stated in the notice, it believes the maximum amount stated under subsection (4)(b) above should be such as the authority states in its notice, or
  - (b) it accepts the maximum amount stated under subsection (4)(b) above.
- (9) The period notified under subsection (4)(f) above must be a period of at least 21 days beginning with the day the authority receives the notification under subsection (4) above.
- (10) In applying subsections (1)(b) and (3)(a) above the Secretary of State shall ignore any calculation for which another has been substituted at the time designation is proposed.
- (11) References in this section to the target amount for the year mentioned in subsection (1) above are to the amount stated (or last stated) as the target amount for the year under section 52E or 52F, or under section 52M or 52Q, or under this section or section 52Q, as the case may be.

*Position after designation under section 52M or 52P*

**Challenge of maximum amount.**

52Q(1) This section applies if—

- (a) an authority designated under section 52M above informs the Secretary of State by notice in writing under subsection (8)(a) of that section, or
  - (b) an authority designated under section 52P above informs the Secretary of State by notice in writing under subsection (8)(a) of that section.
- (2) After considering any information falling within subsection (3) below the Secretary of State—
- (a) shall make an order stating the amount which the amount calculated by the authority as its budget requirement for the year is not to exceed;
  - (b) may alter the target amount for the year.
- (3) Information falling within this subsection is—
- (a) information which is supplied by the authority and is of a kind and provided in a form specified by the Secretary of State for the purposes of this section;
  - (b) any other information he thinks is relevant.
- (4) The following paragraphs apply for the purposes of subsection (2) above—
- (a) if the authority has already calculated an amount as its budget requirement for the year, the amount stated under subsection (2) (a) above may not exceed the amount already calculated unless in the Secretary of State’s opinion the authority failed to comply

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- with section 32 or 43 above (as the case may be) in making the calculation;
- (b) subject to paragraph (a) above, the amount stated under subsection (2)(a) above may be the same as, or greater or smaller than, that stated in the notice under section 52M(4)(b) or 52P(4)(b) above (as the case may be);
  - (c) the Secretary of State may alter the target amount for the year under subsection (2)(b) above only if the amount stated under subsection (2)(a) above is greater or smaller than that stated in the notice under section 52M(4)(b) or 52P(4)(b) above (as the case may be).
- (5) In the application of subsection (4)(a) above in relation to the Greater London Authority—
- (a) for the reference to section 43 above there shall be substituted a reference to sections 70 and 71 of the Greater London Authority Act 1999, and
  - (b) at the end there shall be added the words “or he has issued a direction for the year under section 80 of the Greater London Authority Act 1999”.
- (6) An order under this section—
- (a) shall not be made unless a draft of it has been laid before and approved by resolution of the House of Commons;
  - (b) may relate to two or more authorities.
- (7) As soon as is reasonably practicable after an order under this section is made the Secretary of State shall serve on the authority (or each authority) a notice stating—
- (a) the amount stated in the case of the authority concerned in the order;
  - (b) the altered target amount for the year (if he alters it in the case of the authority concerned).
- (8) When he serves a notice under subsection (7) above on a precepting authority the Secretary of State shall also serve a copy of it on each billing authority to which the precepting authority has power to issue a precept.
- (9) In applying subsection (4)(a) above the Secretary of State shall ignore any calculation for which another has been substituted at the time of designation.

#### **Acceptance of maximum amount.**

52R (1) This section applies if—

- (a) an authority designated under section 52M above informs the Secretary of State by notice in writing under subsection (8)(b) of that section, or
  - (b) an authority designated under section 52P above informs the Secretary of State by notice in writing under subsection (8)(b) of that section.
- (2) As soon as is reasonably practicable after he receives the notice the Secretary of State shall serve on the authority a notice stating the amount which the amount calculated by it as its budget requirement for the year is not

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to exceed; and the amount stated shall be that stated in the notice under section 52M(4)(b) or 52P(4)(b) above (as the case may be).

- (3) When he serves a notice under subsection (2) above on a precepting authority the Secretary of State shall also serve a copy of it on each billing authority to which the precepting authority has power to issue a precept.

**No challenge or acceptance.**

52S (1) This section applies if—

- (a) the period mentioned in section 52M(8) above ends without an authority designated under section 52M above informing the Secretary of State by notice in writing under paragraph (a) or (b) of section 52M(8), or
  - (b) the period mentioned in section 52P(8) above ends without an authority designated under section 52P above informing the Secretary of State by notice in writing under paragraph (a) or (b) of section 52P(8).
- (2) As soon as is reasonably practicable after the period ends the Secretary of State shall make an order stating the amount which the amount calculated by the authority as its budget requirement for the year is not to exceed; and the amount stated shall be that stated in the notice under section 52M(4)(b) or 52P(4)(b) above (as the case may be).
- (3) An order under this section—
- (a) shall not be made unless a draft of it has been laid before and approved by resolution of the House of Commons;
  - (b) may relate to two or more authorities.
- (4) As soon as is reasonably practicable after an order under this section is made the Secretary of State shall serve on the authority (or each authority) a notice stating the amount stated in the case of the authority concerned in the order.
- (5) When he serves a notice under subsection (4) above on a precepting authority the Secretary of State shall also serve a copy of it on each billing authority to which the precepting authority has power to issue a precept.

**Duty of designated billing authority.**

52T (1) This section applies if a billing authority receives a notice under section 52Q(7), 52R(2) or 52S(4) above.

- (2) If it has not made calculations in relation to the year in accordance with sections 32 to 36 above, in making such calculations it shall secure that the amount calculated by it as its budget requirement for the year does not exceed that stated in the notice.
- (3) If it—
- (a) has made calculations in relation to the year in accordance with sections 32 to 36 above, or
  - (b) has made substitute calculations in relation to the year in accordance with section 37 above,

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it shall make substitute calculations in relation to the year in accordance with sections 32 to 36 above, ignoring section 32(10) above for this purpose.

- (4) The substitute calculations shall be made so as to secure—
  - (a) that the amount calculated by the authority as its budget requirement for the year does not exceed that stated in the notice, and
  - (b) that any amount calculated under section 33(1) or 34(2) or (3) above as the basic amount of council tax applicable to any dwelling does not exceed that so calculated in the previous calculations.
- (5) Subsection (4)(b) above does not apply in a case where the amount stated in the notice exceeds that already calculated by the authority as its budget requirement for the year.
- (6) In making substitute calculations under section 33(1) or 34(3) above the authority must use any amount determined in the previous calculations for item P or T in section 33(1) or item TP in section 34(3).
- (7) For the purposes of subsection (6) above the authority may treat any amount determined in the previous calculations for item P in section 33(1) above as increased by the amount of any sum which—
  - (a) it estimates will be payable for the year into its general fund in respect of additional grant, and
  - (b) was not taken into account by it in making those calculations.
- (8) References in this section to the amount stated in the notice are, in the case of a notice under section 52Q(7) above, to the amount stated under section 52Q(7)(a).

#### **Duty of designated precepting authority.**

- 52U(1) This section applies if a major precepting authority receives a notice under section 52Q(7), 52R(2) or 52S(4) above.
- (2) If it has not made calculations in relation to the year in accordance with—
    - (a) sections 70 to 75 of the Greater London Authority Act 1999 and sections 47 and 48 above (where the authority is the Greater London Authority), or
    - (b) sections 43 to 48 above (in any other case),in making such calculations it shall secure that the amount calculated by it as its budget requirement for the year does not exceed that stated in the notice.
  - (3) Where the authority is the Greater London Authority and—
    - (a) it has made calculations in relation to the year in accordance with sections 70 to 75 of the Greater London Authority Act 1999 and sections 47 and 48 above, or
    - (b) it has made substitute calculations in relation to the year in accordance with sections 70, 71 and 73 to 75 of and Schedule 6 to the Greater London Authority Act 1999 and sections 47 and 48 above,it shall make substitute calculations in relation to the year in accordance with the provisions mentioned in paragraph (b) above.
  - (4) Where the authority is not the Greater London Authority and it has made—

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- (a) calculations in accordance with sections 43 to 48 above, or
  - (b) substitute calculations in accordance with section 49 above,
- in relation to the year, it shall make substitute calculations in relation to the year in accordance with sections 43 to 48.
- (5) The substitute calculations required by subsection (3) or (4) shall be made so as to secure—
- (a) that the amount calculated by the authority as its budget requirement for the year does not exceed that stated in the notice, and
  - (b) that any amount calculated under section 44(1) or 45(2) or (3) above as the basic amount of council tax applicable to any dwelling does not exceed that so calculated in the previous calculations.
- (6) In the application of subsection (5)(b) above in relation to the Greater London Authority—
- (a) for the reference to section 44(1) above there shall be substituted a reference to section 73(2) of the Greater London Authority Act 1999, and
  - (b) for the reference to section 45(2) or (3) above there shall be substituted a reference to section 74(3) of that Act.
- (7) Subsection (5)(b) above does not apply in a case where the amount stated in the notice exceeds that already calculated by the authority as its budget requirement for the year.
- (8) In making substitute calculations under section 44(1) or 45(3) above the authority must use any amount determined in the previous calculations for item P or T in section 44(1) above or item TP in section 45(3) above.
- (9) In making substitute calculations under section 73(2) or 74(3) of the Greater London Authority Act 1999 the authority must use any amount determined in the previous calculations for item P1 or T in section 73(2) of that Act or for item P2 or item TP2 in section 74(4) of that Act.
- (10) For the purposes of subsection (8) above the authority may treat any amount determined in the previous calculations for item P in section 44(1) above as increased by the amount of any sum which—
- (a) it estimates will be payable to it for the year in respect of additional grant, and
  - (b) was not taken into account by it in making those calculations.
- (11) For the purposes of subsection (9) above the authority may treat any amount determined in the previous calculations—
- (a) for item P1 in section 73(2) of the Greater London Authority Act 1999, or
  - (b) for item P2 in section 74(4) of that Act,
- as increased by the relevant portion of any new additional grant.
- (12) For the purposes of subsection (11) above, “the relevant portion of any new additional grant” means the amount of any additional grant payable to the authority for the year which was not taken into account by the authority in making the previous calculations, but—



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- (a) in the case of item P1, reduced, as may be prescribed, by such sum as the Secretary of State considers represents the portion of the amount which relates to defraying the special item in whole or in part, and
    - (b) in the case of item P2, restricted, as may be prescribed, to such sum as the Secretary of State considers represents the portion of the amount which relates to defraying the special item in whole or in part;
- and “special item” has the same meaning in this subsection as in sections 73 and 74 of the Greater London Authority Act 1999 (see section 74(2) of that Act).
- (13) In subsection (12) above, “prescribed” means specified in, or determined in accordance with, either—
    - (a) the report under section 85 of the Local Government Finance Act 1988 relating to the amount of additional grant in question, or
    - (b) regulations made by the Secretary of State under section 73(3)(b) of the Greater London Authority Act 1999 (in relation to item P1) or under section 74(5)(b) of that Act (in relation to item P2),as the Secretary of State may determine for the purposes of paragraph (a) or (b) of subsection (12) and any particular financial year or years.
  - (14) References in this section to the amount stated in the notice are, in the case of a notice under section 52Q(7) above, to the amount stated under section 52Q(7)(a).

#### **Failure to make or substitute calculations.**

- 52V(1) This section applies if an authority which has received a notice under section 52Q(7), 52R(2) or 52S(4) above fails before the relevant date to make calculations or substitute calculations which comply with section 52T or 52U above (as the case may be).
- (2) The relevant date is the following date falling in the financial year immediately preceding that as regards which the authority is designated—
    - (a) 11th March, in the case of a billing authority;
    - (b) 1st March, in the case of a major precepting authority.
  - (3) In the case of a billing authority, it shall have no power during the period of restriction to transfer any amount from its collection fund to its general fund and sections 97 and 98 of the 1988 Act (transfers between funds) shall have effect accordingly.
  - (4) In the case of a major precepting authority, any authority to which it has power to issue a precept shall have no power during the period of restriction to pay anything in respect of a precept issued by it for the financial year as regards which the designation concerned was made.
  - (5) For the purposes of this section the period of restriction is the period which—
    - (a) begins with the relevant date, and
    - (b) ends at the time (if any) when the authority makes calculations or substitute calculations which comply with section 52T or 52U above.

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### *Supplemental*

#### **Meaning of budget requirement.**

- 52W(1) Any reference in this Chapter to the amount calculated (or already calculated) by a major precepting authority other than the Greater London Authority as its budget requirement for a financial year is a reference to the amount calculated by it in relation to the year under section 43(4) above.
- (2) Any reference in this Chapter to the amount calculated (or already calculated) by the Greater London Authority as its budget requirement for a financial year is a reference to the amount calculated by it in relation to the year under section 70(8) of the Greater London Authority Act 1999.
- (3) Any reference in this Chapter to the amount calculated (or already calculated) by a billing authority as its budget requirement for a financial year is a reference to the amount calculated by it in relation to the year under section 32(4) above; but this is subject to section 52X below.

#### **Calculations to be net of precepts.**

- 52X(1) The amount referred to in section 52W(3) above shall be taken to be the amount calculated as there mentioned less the aggregate amount for the year of any precepts which were (or could be) taken into account by the authority in making the calculation under section 32(2) above and which were (or could be)—
- (a) issued to it by local precepting authorities, or
- (b) anticipated by it in pursuance of regulations under section 41 above.
- (2) Subsection (3) below applies where this Chapter refers to any of the following—
- (a) the amount which the Secretary of State proposes should be the maximum for the amount calculated by a billing authority as its budget requirement for a financial year;
- (b) the maximum amount which he proposes a billing authority could calculate as its budget requirement for a financial year without the amount calculated being excessive;
- (c) the amount which the amount calculated by a billing authority as its budget requirement for a financial year is not to exceed;
- (d) an amount which he proposes should be, or an amount which is to be, the notional amount calculated by a billing authority as its budget requirement for a financial year;
- (e) the financial year as regards which he expects the amount calculated by a billing authority as its budget requirement for that year to be equal to or less than the target amount for that year.
- (3) In such a case—
- (a) a reference to the amount calculated is to the amount calculated without taking account of any precept which could be issued to the authority by a local precepting authority;

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- (b) a reference to the amount which an authority could calculate is to the amount which it could calculate without taking account of any such precept;
  - (c) a reference to the target amount is to the target amount calculated without taking account of any such precept.
- (4) Subsection (1) above shall have effect subject to subsections (2) and (3) above.
- (5) Subsection (1) above shall not apply for the purpose of construing section 52Y(1) below.
- (6) The Secretary of State may by order provide that any of the provisions of subsections (1) to (3) above shall not apply for such purposes as are specified in the order.
- (7) A statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of the House of Commons.

#### **Information for purposes of Chapter IVA.**

- 52Y(1) An authority shall notify the Secretary of State in writing of any amount calculated by it as its budget requirement for a financial year, whether originally or by way of substitute.
- (2) A billing authority shall also notify the Secretary of State in writing of the aggregate amount for any financial year of any precepts which were taken into account by it in making a calculation in relation to the year under section 32(2) above and which were—
    - (a) issued to it by local precepting authorities, or
    - (b) anticipated by it in pursuance of regulations under section 41 above.
  - (3) A notification under subsection (1) or (2) above must be given before the end of the period of seven days beginning with the day on which the calculation was made.
  - (4) The Secretary of State may serve on an authority a notice requiring it to supply to him such other information as is specified in the notice and required by him for the purpose of deciding whether to exercise his powers, and how to perform his functions, under this Chapter.
  - (5) The authority shall supply the information required if it is in its possession or control, and shall do so in such form and manner and at such time as the Secretary of State specifies in the notice.
  - (6) An authority may be required under subsection (4) above to supply information at the same time as it gives a notification under subsection (1) or (2) above or at some other time.
  - (7) If an authority fails to comply with subsection (1) or (2) above, or with subsection (5) above, the Secretary of State may decide whether to exercise his powers, and how to perform his functions, under this Chapter on the basis of such assumptions and estimates as he thinks fit.
  - (8) In deciding whether to exercise his powers, and how to perform his functions, under this Chapter the Secretary of State may also take into

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account any other information available to him, whatever its source and whether or not obtained under a provision contained in or made under this or any other Act.

### **Separate administration in England and Wales.**

52Z (1) This Chapter shall apply separately to England and to Wales.

(2) In its application to Wales this Chapter shall have effect with the following modifications—

- (a) for each reference to the Secretary of State there shall be substituted a reference to the National Assembly for Wales;
- (b) in section 52C for each reference to a report there shall be substituted a reference to an order, subsection (3)(d) shall be omitted, and in subsection (4) for “approved by resolution of the House of Commons” there shall be substituted “made”;
- (c) sections 52F(7)(a), 52H(3)(a), 52K(2), 52Q(6)(a), 52S(3)(a), 52V(3) and 52X(7) shall be omitted;
- (d) in sections 52I(5)(a) and 52T(7)(a) for “general fund” there shall be substituted “council fund”.

(3) Any power of the National Assembly for Wales under this Chapter to make an order shall be exercisable by statutory instrument.”

#### **Marginal Citations**

M11 1992 c.14.

## **PART II**

### OTHER AMENDMENTS

#### *Local Government Finance Act 1992 (c. 14)*

- 2 The Local Government Finance Act 1992 shall be amended as follows.
- 3 In section 31 (substituted amounts) in subsection (1)(a) for “or 60” there shall be substituted “, 52I or 52T”.
- 4 In section 42 (substituted precepts) in subsection (1)(b) for “or 61” there shall be substituted “, 52J or 52U”.
- 5 Chapter V of Part I (limitation of council tax and precepts) shall be omitted.
- 6 In section 66 (judicial review) in subsection (2)(c) for “60” there shall be substituted “ 52I or 52T ” and for “61” there shall be substituted “ 52J or 52U ”.
- 7 In section 67 (functions to be discharged only by authority) in subsection (2)(b) for “60” there shall be substituted “ 52I or 52T ” and for “61” there shall be substituted “ 52J or 52U ”.
- 8 In section 106 (restrictions on voting) in subsection (2)(a) for “V” there shall be substituted “ IVA ”.

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- 9 In section 113 (orders and regulations)—
- (a) in subsection (1) for “54(6)” there shall be substituted “ 52X(6) ”;
  - (b) in subsection (3)(a) for “54(6), 57(2), 59(2),” there shall be substituted “ 52F(4), 52H(2), 52Q(2), 52S(2), 52X(6), ”.

*Police Act 1996 (c. 16)*

- 10 In section 41(2) of the Police Act 1996 (directions as to minimum budget to be subject to Chapter V of Part I of 1992 Act) for “V” there shall be substituted “ IVA ”.

SCHEDULE 2

Section 34.

REPEALS

1.

Best Value

Chapter	Short title	Extent of repeal
1980 c. 65.	Local Government, Planning and Land Act 1980.	Part III.
1988 c. 9.	Local Government Act 1988.	Part I. Section 32. Schedule 6.
1992 c. 19.	Local Government Act 1992.	Sections 8 to 11. Schedule 1.
1996 c.16	Police Act 1996	The word “and” after section 8(2)(b).

These repeals have effect in accordance with sections 21 and 27 of this Act.

2.

Regulation of Council Tax and Precepts

Chapter	Short title	Extent of repeal
1992 c. 14.	Local Government Finance Act 1992.	In Part I, Chapter V.
1994 c. 19.	Local Government (Wales) Act 1994.	In Schedule 12, in paragraph 7 the words “and 60” and “in each case”, and paragraph 8. In Schedule 16, paragraph 98.
1994 c. 29.	Police and Magistrates’ Courts Act 1994.	Section 27(2).
1996 c. 16.	Police Act 1996.	In Schedule 7, in paragraph 1(2)(zf) the words “and 54(3)(f) and (3A)(b)”.

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1996 c. 50.

Nursery Education and  
Grant-Maintained Schools  
Act 1996.

In Schedule 3, paragraph 9.

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These repeals have effect in accordance with section 30 of this Act.

**Status:**

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