



# Local Government Act 1999

## 1999 CHAPTER 27

### PART I

#### BEST VALUE

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

#### **16 Power 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 in relation to those authorities.
- (2) The Secretary of State may by order make provision conferring on best value authorities any power 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.
- (4) No order shall be made under this section unless a draft has been laid before, and approved by resolution of, each 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.

**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.

**18 Contracting out**

- (1) Section 70 of the Deregulation and Contracting Out Act 1994 (contracting out functions of local authorities) shall apply in relation to functions of any 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.

**19 Contracts: exclusion of non-commercial considerations**

- (1) The Secretary of State may by order provide, in relation to best value authorities, for a specified matter to cease to be a non-commercial matter for the purposes of section 17 of the 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).
- (3) No order shall be made under this section unless a draft has been laid before, and approved by resolution of, each 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 best value authority shall have regard to any guidance issued by the Secretary of State.

## **20 Publication of information**

At the end of section 2(1) of the 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).”