



Local Government Act 1999

1999 CHAPTER 27

PART I

BEST VALUE

General

^{F1}21 **Transition from compulsory competitive tendering to best value.**

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Textual Amendments

F1 S. 21 repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(2), [Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(v)(i)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 ^{F2}....

^{F3}(2)

(3) The ^{M1}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)—

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- (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; ”.

^{F4}(7)

^{F5}(8)

Textual Amendments

F2 Words in s. 22(1) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 9 para. 1(2)(m), **Sch. 18 Pt. 9**; S.I. 2008/172,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)

F3 S. 22(2) repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 2(h)(iii) (with art. 8Sch.)

F4 S. 22(7) repealed (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, **Sch. 4**; S.I. 2005/558, art. 2, Sch. 1

F5 S. 22(8) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(2), **Sch. 18 Pt. 8**; S.I. 2008/917, art. 2(v)(i)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

II 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

M1 [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—

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- [^{F6}(za) if the regulations make provision in relation to [^{F7}Welsh best value authorities or police authorities for police areas in Wales], the Auditor General for Wales,]
- (a) [^{F8}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.
- (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 ^{F9}... 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.
- [^{F10}(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

- F6** 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](#)
- F7** 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\(1\)\(e\)](#)
- F8** 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](#)
- F9** 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\(1\)\(e\)\(i\)\(v\)](#)
- F10** 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

- I2** 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 ^{M2}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).”

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(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).”

^{F11}(3)

Textual Amendments

F11 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

I3 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

M2 [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;
- [^{F12}(aa) the Auditor General for Wales;]
- (b) an inspector, assistant inspector or other officer appointed under section 24(1) of the ^{M3} Fire Services Act 1947 (inspectors of fire brigades);
- [^{F13}(c) Her Majesty's Chief Inspector of Education, Children's Services and Skills;]
- (d) [^{F14}Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru];
- [^{F15}(e) the Commission for Social Care Inspection;]
- (h) a person authorised under section 139A(1) of the ^{M4} 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.

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Textual Amendments

- F12** 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
- F13** 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)
- F14** 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.](#)
- F15** 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

Commencement Information

- I4** 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

- M3** [1947 c.41](#).
- M4** [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 ^{F16}... 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.
- [^{F17}(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

- F16** 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)
- F17** 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

- I5** 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 4, ^{F18}... 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

- F18** 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\(v\)\(i\)](#)

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29 Modifications for Wales.

[^{F19}(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.]

[^{F20}(2A) Subsection (1)(a) does not apply to section 13A(4A).]

^{F21}(3)

(4) Section 15(7)(a) shall apply ^{F22}... as if the reference to a function conferred on the Secretary of State were a reference to a function conferred on the [^{F23}Welsh Ministers] or the Secretary of State; but the [^{F23}Welsh Ministers] may not make regulations under section 15(7) which relate to a function conferred on the Secretary of State without his approval.

[^{F24}(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

- F19** 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)
- F20** 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)
- F21** 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](#)
- F22** 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)
- F23** 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)
- F24** 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)

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