



# Local Government Act 1999

## 1999 CHAPTER 27

### PART I

#### BEST VALUE

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

#### **16 Power [<sup>F1</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>F2</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>F3</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>F4</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.]

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1999, Section 16. (See end of Document for details)*

[<sup>F5</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 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>F6</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>F7</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>F8</sup>(6) In this section—

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

<sup>F9</sup>(b) . . . . .

Textual Amendments	
<b>F1</b>	Words in s. 16 inserted (30.12.2007) by <a href="#">Local Government and Public Involvement in Health Act 2007</a> (c. 28), <b>ss. 142(1)(a), 245(2)</b>
<b>F2</b>	Words in s. 16(1) substituted (18.11.2003 for E., 27.11.2003 for W.) by <a href="#">Local Government Act 2003</a> (c. 26), s. 128(6), <b>Sch. 3 para. 8(2)</b> ; S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
<b>F3</b>	Words in s. 16(2) substituted (18.11.2003 for E., 27.11.2003 for W.) by <a href="#">Local Government Act 2003</a> (c. 26), s. 128(6), <b>Sch. 3 para. 8(3)</b> ; S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
<b>F4</b>	S. 16(3A) inserted (18.11.2003 for E., 27.11.2003 for W.) by <a href="#">Local Government Act 2003</a> (c. 26), s. 128(6), <b>Sch. 3 para. 8(4)</b> ; S.I. 2003/2938, art. 3(a) (with art. 8Sch.) ; S.I. 2003/3034, art. 2, <b>Sch. 1 Pt. I</b>
<b>F5</b>	S. 16(3B)-(3D) inserted (30.12.2007) by <a href="#">Local Government and Public Involvement in Health Act 2007</a> (c. 28), <b>ss. 141(1), 245(2)</b>

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**Changes to legislation:** *There are currently no known outstanding effects for the Local Government Act 1999, Section 16. (See end of Document for details)*

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- F6** 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
- F7** 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
- F8** 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)
- F9** S. 16(6)(b) repealed (1.4.2010) by [Local Government \(Wales\) Measure 2009 \(nawm 2\)](#), s. 53(2), [Sch. 1 para. 17](#), [Sch. 4](#); S.I. 2009/3272, art. 3(1), [Sch. 2](#) (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

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#### **Commencement Information**

- I1** 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\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government Act 1999, Section 16.