



# Local Government Act 2000

## 2000 CHAPTER 22

### PART I

#### PROMOTION OF ECONOMIC, SOCIAL OR ENVIRONMENTAL WELL-BEING ETC

#### *Interpretation*

#### **1 Meaning of “local authority” in Part I.**

In this Part “local authority” means—

- (a) in relation to England—
  - (i) a county council,
  - (ii) a district council,
  - (iii) a London borough council,
  - (iv) the Common Council of the City of London in its capacity as a local authority,
  - (v) the Council of the Isles of Scilly,
- (b) in relation to Wales, a county council or a county borough council.

#### **Commencement Information**

- II** S. 1 wholly in force at 9.4.2001; s. 1 not in force at Royal Assent see s. 108; s. 1 in force (E.) at 18.10.2000 by [S.I. 2000/2836](#), [arts. 1\(3\), 2\(a\)](#); s. 1 in force (W.) at 9.4.2001 by [S.I. 2001/1471](#), [art. 2](#)

#### *Promotion of well-being*

#### **2 Promotion of well-being.**

- (1) Every local authority are to have power to do anything which they consider is likely to achieve any one or more of the following objects—
- (a) the promotion or improvement of the economic well-being of their area,

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- (b) the promotion or improvement of the social well-being of their area, and
  - (c) the promotion or improvement of the environmental well-being of their area.
- (2) The power under subsection (1) may be exercised in relation to or for the benefit of—
- (a) the whole or any part of a local authority’s area, or
  - (b) all or any persons resident or present in a local authority’s area.
- (3) In determining whether or how to exercise the power under subsection (1), a local authority must have regard to their strategy under section 4.
- (4) The power under subsection (1) includes power for a local authority to—
- (a) incur expenditure,
  - (b) give financial assistance to any person,
  - (c) enter into arrangements or agreements with any person,
  - (d) co-operate with, or facilitate or co-ordinate the activities of, any person,
  - (e) exercise on behalf of any person any functions of that person, and
  - (f) provide staff, goods, services or accommodation to any person.
- (5) The power under subsection (1) includes power for a local authority to do anything in relation to, or for the benefit of, any person or area situated outside their area if they consider that it is likely to achieve any one or more of the objects in that subsection.
- (6) Nothing in subsection (4) or (5) affects the generality of the power under subsection (1).

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

- C1** S. 2 restricted (8.1.2003) by [2002 c. 41, s. 55](#) (with [s. 159](#)); [S.I. 2002/2811, art. 2, Sch.](#)  
 S. 2 restricted (8.1.2003) by [2002 c. 41, ss. 54, 162\(2\), Sch. 3](#) (with [s. 159](#)); [S.I. 2002/2811, art. 2, Sch.](#)

**Commencement Information**

- I2** S. 2 wholly in force at 9.4.2001; s. 2 not in force at Royal Assent see s. 108; s. 2 in force (E.) at 18.10.2000 by [S.I. 2000/2836, arts. 1\(3\), 2\(a\)](#); s. 2 in force (W.) at 9.4.2001 by [S.I. 2001/1471, art. 2](#)

**3 Limits on power to promote well-being.**

- (1) The power under section 2(1) does not enable a local authority to do anything which they are unable to do by virtue of any prohibition, restriction or limitation on their powers which is contained in any enactment (whenever passed or made).
- (2) The power under section 2(1) does not enable a local authority to raise money (whether by precepts, borrowing or otherwise).
- (3) The Secretary of State may by order make provision preventing local authorities from doing, by virtue of section 2(1), anything which is specified, or is of a description specified, in the order.

- [<sup>F1</sup>(3A) The power under subsection (3) may be exercised in relation to—
- (a) all local authorities,
  - (b) particular local authorities, or
  - (c) particular descriptions of local authority.]

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(4) [<sup>F2</sup>Subject to subsection (4A),] before making an order under subsection (3), the Secretary of State must consult such representatives of local government and such other persons (if any) as he considers appropriate.

[<sup>F3</sup>(4A) Subsection (4) does not apply to 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.]

(5) Before exercising the power under section 2(1), a local authority must have regard to any guidance for the time being issued by the Secretary of State about the exercise of that power.

(6) Before issuing any guidance under subsection (5), the Secretary of State must consult such representatives of local government and such other persons (if any) as he considers appropriate.

(7) In its application to Wales, this section has effect as if for any reference to the Secretary of State there were substituted a reference to the National Assembly for Wales.

(8) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the <sup>M1</sup>Interpretation Act 1978).

#### Textual Amendments

- F1** S. 3(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. 12\(2\)](#); S.I. 2003/2938, art. 3(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F2** Words in s. 3(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. 12\(3\)](#); S.I. 2003/2938, art. 3(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F3** S. 3(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. 12\(4\)](#); S.I. 2003/2938, art. 3(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

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

- C2** S. 3(2) excluded (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), [ss. 93](#), 128(2)(d)

#### Commencement Information

- I3** S. 3 wholly in force at 9.4.2001; s. 3 not in force at Royal Assent see s. 108; s. 3 in force (E.) at 18.10.2000 by [S.I. 2000/2836](#), [arts. 1\(3\)](#), 2(a); s. 3(3)-(7) in force (W.) at 1.11.2000 by [S.I. 2000/2948](#), [art. 2](#); s. 3(1)(2)(8) in force (W.) at 9.4.2001 by [S.I. 2001/1471](#), [art. 2](#)

#### Marginal Citations

- M1** 1978 c. 30.

## 4 Strategies for promoting well-being.

(1) Every local authority must prepare a strategy (referred to in this section as a community strategy) for promoting or improving the economic, social and

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environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom.

- (2) A local authority may from time to time modify their community strategy.
- (3) In preparing or modifying their community strategy, a local authority—
  - (a) must consult and seek the participation of such persons as they consider appropriate, and
  - (b) must have regard to any guidance for the time being issued by the Secretary of State.
- (4) Before issuing any guidance under this section, the Secretary of State must consult such representatives of local government and such other persons (if any) as he considers appropriate.
- (5) In its application to Wales, this section has effect as if for any reference to the Secretary of State there were substituted a reference to the National Assembly for Wales.

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

- C3** S. 4: 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](#)

**Commencement Information**

- I4** S. 4 wholly in force at 9.4.2001; s. 4 not in force at Royal Assent see s. 108; s. 4 in force (E.) at 18.10.2000 by [S.I. 2000/2836](#), [arts. 1\(3\)](#), [2\(a\)](#); s. 4(3)(b)(4)(5) in force (W.) at 1.11.2000 by [S.I. 2000/2948](#), [art. 2](#); s. 4(1)(2)(3)(a) in force (W.) at 9.4.2001 by [S.I. 2001/1471](#), [art. 2](#)

**5 Power to amend or repeal enactments.**

- (1) If the Secretary of State thinks that an enactment (whenever passed or made) prevents or obstructs local authorities from exercising their power under section 2(1) he may by order amend, repeal, revoke or disapply that enactment.
- (2) The power under subsection (1) may be exercised in relation to—
  - (a) all local authorities,
  - (b) particular local authorities, or
  - (c) particular descriptions of local authority.
- (3) The power under subsection (1) to amend or disapply an enactment includes a power to amend or disapply an enactment for a particular period.
- (4) In exercising the power under subsection (1), the Secretary of State—
  - (a) must not make any provision which has effect in relation to Wales unless he has consulted the National Assembly for Wales, and
  - (b) must not make any provision in relation to legislation made by the National Assembly for Wales without the consent of the Assembly.
- (5) The National Assembly for Wales may submit proposals to the Secretary of State that the power under subsection (1) should be exercised in relation to Wales in accordance with those proposals.
- (6) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the <sup>M2</sup>Interpretation Act 1978).

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#### Commencement Information

**I5** S. 5 wholly in force at 9.4.2001; s. 5 not in force at Royal Assent see s. 108(4); s. 5 in force (E.) at 18.10.2000 by [S.I. 2000/2836](#), [arts. 1\(3\), 2\(a\)](#); s. 5(5) in force (W.) at 1.11.2000 by [S.I. 2000/2948](#), [art. 2](#); s. 5(1)-(4)(6) in force (W.) at 9.4.2001 by [S.I. 2001/1471](#), [art. 2](#)

#### Marginal Citations

**M2** 1978 c. 30.

### *Modification of certain enactments*

## **6 Power to modify enactments concerning plans etc.**

- (1) Subject to subsection (3), the Secretary of State may by order amend, repeal, revoke or disapply any enactment (whenever passed or made) which requires a local authority to prepare, produce or publish any plan or strategy relating to any particular matter.
- (2) The power under subsection (1) may be exercised in relation to—
  - (a) all local authorities,
  - (b) particular local authorities, or
  - (c) particular descriptions of local authority.
- (3) The power under subsection (1) may be exercised in relation to a local authority only if the Secretary of State considers—
  - (a) that it is not appropriate for any such enactment as is mentioned in that subsection to apply to the authority, or
  - (b) that any such enactment should be amended so that it operates more effectively in relation to the authority.
- (4) The power under subsection (1) to amend or disapply an enactment includes a power to amend or disapply an enactment for a particular period.
- (5) In exercising the power under subsection (1), the Secretary of State—
  - (a) must not make any provision which has effect in relation to Wales unless he has consulted the National Assembly for Wales, and
  - (b) must not make any provision—
    - (i) in relation to legislation made by the National Assembly for Wales, or
    - (ii) which has effect both in relation to Wales and in relation to any enactment to which section 7(2) applies,without the consent of the Assembly.
- (6) The National Assembly for Wales may submit proposals to the Secretary of State that the power under subsection (1) should be exercised in relation to Wales in accordance with those proposals.
- (7) An order under this section which would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument shall proceed in that House as if it were not such an instrument.
- (8) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

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#### Commencement Information

- I6** S. 6 wholly in force at 9.4.2001; s. 6 not in force at Royal Assent see s. 108(4); s. 6 in force (E.) at 18.10.2000 by [S.I. 2000/2836](#), [arts. 1\(3\), 2\(a\)](#); s. 6(6) in force (W.) at 1.11.2000 by [S.I. 2000/2948](#), [art. 2](#); s. 6(1)-(5)(7)(8) in force (W.) at 9.4.2001 by [S.I. 2001/1471](#), [art. 2](#)

#### 7 Power to modify enactments concerning plans etc: Wales.

- (1) Subject to subsections (4) and (6), the National Assembly for Wales may by order amend, repeal, revoke or disapply any enactment to which subsection (2) applies so far as that enactment has effect in relation to a local authority in Wales.
- (2) This subsection applies to—
- <sup>F4</sup>(a) .....
  - (b) section 2 of the <sup>M3</sup>Home Energy Conservation Act 1995,
  - (c) section 84(2)(b) of the <sup>M4</sup>Environment Act 1995,
  - (d) any other enactment (whenever passed or made) which—
    - (i) requires a local authority to prepare, produce or publish any plan or strategy relating to any particular matter, and
    - (ii) is specified in an order made by the Secretary of State under this subsection.
- (3) The power under subsection (1) may be exercised in relation to—
- (a) all local authorities in Wales,
  - (b) particular local authorities in Wales, or
  - (c) particular descriptions of local authority in Wales.
- (4) The power under subsection (1) may be exercised in relation to a local authority only if the National Assembly for Wales considers—
- (a) that it is not appropriate for any such enactment as is mentioned in that subsection to apply to the authority, or
  - (b) that any such enactment should be amended so that it operates more effectively in relation to the authority.
- (5) The power under subsection (1) to amend or disapply an enactment includes a power to amend or disapply an enactment for a particular period.
- (6) An order under subsection (2)(d)(ii) which specifies any enactment may provide that the power under subsection (1) may be exercised in relation to that enactment only if the National Assembly for Wales complies with any conditions specified in the order.
- (7) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the <sup>M5</sup>Interpretation Act 1978).

#### Textual Amendments

- F4** S. 7(2)(a) repealed (25.6.2004) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), [ss. 35\(c\), 40\(4\)](#); [S.I. 2004/1488](#), [art. 2\(1\)](#)

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#### Commencement Information

**I7** S. 7 wholly in force at 1.11.2000; s. 7 not in force at Royal Assent see s. 108(4); s. 7 in force (E.) at 18.10.2000 by [S.I. 2000/2836](#), [arts. 1\(3\)](#), 2(a); s. 7 in force (W.) at 1.11.2000 by [S.I. 2000/2948](#), [art. 2](#)

#### Marginal Citations

**M3** 1995 c. 10.  
**M4** 1995 c. 25.  
**M5** 1978 c. 30.

## 8 Modification of section 137 of the 1972 Act.

In section 137 of the <sup>M6</sup>Local Government Act 1972 (power of local authorities to incur expenditure for certain purposes not otherwise authorised), for subsection (9) there is substituted—

“(9) Subject to subsection (10) below, in this section “local authority” means a parish or community council.

(10) In subsection (3) above “local authority” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Common Council or a parish council,
- (b) in relation to Wales, a county council, a county borough council or a community council.”

#### Commencement Information

**I8** S. 8 wholly in force at 9.4.2001; s. 8 not in force at Royal Assent see s. 108(4); s. 8 in force (E.) at 18.10.2000 by [S.I. 2000/2836](#), [arts. 1\(3\)](#), 2(a); s. 8 in force (W.) at 9.4.2001 by [S.I. 2001/1471](#), [art. 2](#)

#### Marginal Citations

**M6** 1972 c. 70.

### *Procedure for orders under section 5 or 6*

## 9 Procedure for orders under section 5 or 6.

(1) Before the Secretary of State makes an order under section 5 or 6 he must consult—

- (a) such local authorities,
- (b) such representatives of local government, and
- (c) such other persons (if any),

as appear to him to be likely to be affected by his proposals.

(2) Where those proposals affect any local authorities in Wales, the Secretary of State must also consult the National Assembly for Wales.

(3) If, following consultation under the preceding provisions of this section, the Secretary of State proposes to make an order under section 5 or 6 he must lay before each House of Parliament a document which—

- (a) explains his proposals,
- (b) sets them out in the form of a draft order,

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- (c) gives details of consultation under subsection (1), and
  - (d) where consultation has taken place under subsection (2), sets out the views of the National Assembly for Wales.
- (4) Where a document relating to proposals is laid before Parliament under subsection (3), no draft of an order under section 5 or 6 to give effect to the proposals (with or without modifications) is to be laid before Parliament in accordance with section 105(6) until after the expiry of the period of sixty days beginning with the day on which the document was laid.
- (5) In calculating the period mentioned in subsection (4) no account is to be taken of any time during which—
- (a) Parliament is dissolved or prorogued, or
  - (b) either House is adjourned for more than four days.
- (6) In preparing a draft order under section 5 or 6 the Secretary of State must consider any representations made during the period mentioned in subsection (4).
- (7) A draft order under section 5 or 6 which is laid before Parliament in accordance with section 105(6) must be accompanied by a statement of the Secretary of State giving details of—
- (a) any representations considered in accordance with subsection (6), and
  - (b) any changes made to the proposals contained in the document laid before Parliament under subsection (3).
- [<sup>F5</sup>(8) Nothing in this section applies to an order under section 5 or 6 which is made only for the purpose of amending an earlier order under that 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.]

#### Textual Amendments

**F5** S. 9(8) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), [Sch. 3 para. 13](#); S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

#### Commencement Information

**I9** S. 9 wholly in force at 9.4.2001; s. 9 not in force at Royal Assent see s. 108(4); s. 9 in force (E.) at 18.10.2000 by [S.I. 2000/2836](#), [arts. 1\(3\), 2\(a\)](#); s. 9 in force (W.) at 9.4.2001 by [S.I. 2001/1471](#), [art. 2](#)



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