



Local Government Act 2000

2000 CHAPTER 22

PART V

MISCELLANEOUS

Surcharge etc.

90 Surcharge etc.

- (1) The ^{M1}Audit Commission Act 1998 is amended as follows.
- (2) In section 17 (declaration that item of account is unlawful)—
 - (a) subsection (1)(b),
 - (b) in subsection (2), the words “subject to subsection (3)” and paragraphs (a) and (b), and
 - (c) subsections (3), (5)(b), (7) and (8),are omitted.
- (3) Section 18 (recovery of amount not accounted for etc.) is omitted.

Commencement Information

- II** S. 90 partly in force; s. 90 not in force at Royal Assent, see s. 108(3)(7); s. 90 in force (E.) at 27.7.2002 by [S.I. 2002/1718, art. 2\(a\)](#); s. 90 in force (W.) in relation to police authorities by [S.I. 2002/1718, art. 2\(a\)](#)

Marginal Citations

- M1** 1998 c. 18.

91 Advisory notices.

- ^{F1}(1)

Status: Point in time view as at 25/05/2018. This version of this part contains provisions that are prospective.
Changes to legislation: Local Government Act 2000, Part V is up to date with all changes known to be in force on or before 07 July 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) Sections 20 to 23 of the ^{M2}Audit Commission Act 1998 (prohibition orders) cease to have effect.

Textual Amendments

- F1** S. 91(1) repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), art. 3(a) (with arts. 5-8, Sch.) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Commencement Information

- I2** S. 91 partly in force; s. 91 not in force at Royal Assent see s. 108; s. 91 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#)

Marginal Citations

- M2** 1998 c. 18.

Maladministration etc.

92 Payments in cases of maladministration etc.

- (1) Where a relevant authority consider—
- (a) that action taken by or on behalf of the authority in the exercise of their functions amounts to, or may amount to, maladministration, and
 - (b) that a person has been, or may have been, adversely affected by that action,
- the authority may, if they think appropriate, make a payment to, or provide some other benefit for, that person.
- (2) Any function which is conferred on the Greater London Authority under this section is to be exercisable by the Mayor of London and the London Assembly acting jointly on behalf of the Authority.
- (3) In this section—
- “action” includes failure to act,
- “relevant authority” has the same meaning as in Part III of this Act.

Modifications etc. (not altering text)

- C1** S. 92: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#)

Commencement Information

- I3** S. 92 wholly in force at 28.7.2001; s. 92 not in force at Royal Assent see s. 108; s. 92 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 92 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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Welfare services

93 Grants for welfare services.

- (1) The Secretary of State may, with the consent of the Treasury, pay grants to local authorities in England towards expenditure incurred by them
 - [^{F2}(a) in providing, or contributing to the provision of, such welfare services as may be determined by the Secretary of State, or
 - (b) in connection with any such welfare services.]
- (2) The National Assembly for Wales may pay grants to local authorities in Wales towards expenditure incurred by them
 - [^{F3}(a) in providing, or contributing to the provision of, such welfare services as may be determined by the Assembly, or
 - (b) in connection with any such welfare services.]
- (3) The amount of any grants under this section and the manner of their payment are to be such as may be determined by the Secretary of State or the Assembly (as the case may be).
- (4) Grants under this section may be paid—
 - (a) to all local authorities,
 - (b) to particular local authorities, or
 - (c) to particular descriptions of local authority (including descriptions framed by reference to authorities in particular areas).
- (5) Grants under this section may be paid on such terms and conditions as the Secretary of State or, as the case may be, the Assembly may determine; and nothing in subsection (6) affects the generality of this subsection.
- (6) Those terms and conditions may include provision as to the circumstances in which the whole or any part of a grant under this section must be repaid to the Secretary of State or the Assembly.
- [^{F4}(6A) Before making any determination under subsection (3) or (5) the Secretary of State must obtain the consent of the Treasury.]
- (7) A local authority must supply the Secretary of State or, as the case may be, the Assembly with such information as he or it may require for the purposes of this section.
- (8) A local authority must have regard to any guidance for the time being issued by the Secretary of State or, as the case may be, the Assembly with respect to the administration and application of grants under this section which are paid to them.
- (9) A local authority must comply with any directions for the time being given by the Secretary of State or, as the case may be, the Assembly with respect to the administration and application of grants under this section which are paid to them.
- (10) Any determination, guidance or directions under this section may make different provision in relation to different local authorities or descriptions of local authority (including descriptions framed by reference to authorities in particular areas).
- (11) Before making any determination, issuing any guidance or giving any directions under this section relating to all local authorities in England or Wales or any description of

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such authorities, the Secretary of State or (as the case may be) the National Assembly for Wales must consult—

- (a) such local authorities or representatives of local authorities as appear to him or it to be appropriate,
- (b) such recipients, or representatives of recipients, of welfare services as appear to him or it to be appropriate, and
- (c) such providers, or representatives of providers, of welfare services as appear to him or it to be appropriate.

(12) In this section—

“local authority” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly,
- (b) in relation to Wales, a county council or a county borough council,

“welfare services” includes services which provide support, assistance, advice or counselling to individuals with particular needs.

Textual Amendments

- F2** S. 93(1)(a)(b) substituted (7.11.2002) for words by 2002 c. 38, **ss. 136(2)**, 148(1) (with Sch. 4 paras. 6-8)
- F3** S. 93(2)(a)(b) substituted (7.11.2002) for word by 2002 c. 38, **ss. 136(3)**, 148(1) (with Sch. 4 paras. 6-8)
- F4** S. 93(6A) inserted (7.11.2002) by 2002 c. 38, **ss. 136(4)**, 148(1) (with Sch. 4 paras. 6-8)

Commencement Information

- I4** S. 93 partly in force; s. 93 not in force at Royal Assent see s. 108; s. 93 in force at 19.12.2000 in relation to England and to police authorities in Wales by **S.I. 2000/3335**, **art. 2**; s. 93(2) in force (W.) at 30.6.2002 by **S.I. 2002/1359**, **art. 2(a)**; S. 93(3)-(12) in force (W.) at 30.6.2002 insofar as they relate to local authorities in Wales by **S.I. 2002/1359**, **art. 2(b)**

F594 Disclosure of information.

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Textual Amendments

- F5** S. 94 repealed (5.8.2008 for specified purposes, 1.9.2008 in so far as not already in force) by **Welfare Reform Act 2007 (c. 5)**, **ss. 42(11)**, **70(2)**, **Sch. 8**; **S.I. 2008/2101**, **art. 2(1)(2)(a)(c)** (with **art. 3(1)(2)**)

Modifications etc. (not altering text)

- C2** S. 94 functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by **The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777)**, **arts. 2**, **25(2)(xxxiv)** (with **art. 35**)
- C3** S. 94 functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by **The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778)**, **arts. 2**, **25(2)(xxxiv)** (with **art. 35**)

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Commencement Information

I5 S. 94 not in force at Royal Assent see s. 108; s. 94 in force (E.) at 1.8.2001 by [S.I. 2001/2684](#), [art. 2](#)

F⁶95 Unauthorised disclosure of information.

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Textual Amendments

F6 S. 95 repealed (5.8.2008 for specified purposes, 1.9.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 42(11), 70(2), [Sch. 8](#); [S.I. 2008/2101](#), [art. 2\(1\)\(2\)\(a\)\(c\)](#) (with [art. 3\(1\)\(2\)](#))

Commencement Information

I6 S. 95 partly in force; s. 95 not in force at Royal Assent see s. 108; s. 95 in force (E.) at 1.8.2001 by [S.I. 2001/2684](#), [art. 2](#)

PROSPECTIVE

96 Housing benefit.

(1) Section 130 of the ^{M3}Social Security Contributions and Benefits Act 1992 (housing benefit) is amended as follows.

(2) At the end of subsection (2) there is inserted—

“but this subsection is subject to subsection (2A).

(2A) Except to the extent that regulations otherwise provide, payments in respect of services which provide support, assistance, advice or counselling to individuals with particular needs are not “payments in respect of a dwelling” for the purposes of subsection (1).”

(3) After subsection (4) there is inserted—

“(4A) Regulations under subsection (2A) above may make provision with respect to particular areas, particular authorities or particular descriptions of authority.”

Marginal Citations

M3 1992 c. 4.

Access to information

97 Background papers.

(1) In section 100D of the ^{M4}Local Government Act 1972 (inspection of background papers) for subsection (1) there is substituted—

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“(1) Subject, in the case of section 100C(1), to subsection (2) below, if and so long as copies of the whole or part of a report for a meeting of a principal council are required by section 100B(1) or 100C(1) above to be open to inspection by members of the public—

- (a) those copies shall each include a copy of a list, compiled by the proper officer, of the background papers for the report or the part of the report, and
- (b) at least one copy of each of the documents included in that list shall also be open to inspection at the offices of the council.”

(2) In subsection (2) the words “of the list, or” are omitted.

Commencement Information

I7 S. 97 wholly in force at 28.7.2001; s. 97 not in force at Royal Assent see s. 108; s. 97 in force at 1.10.2000 in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\), 3](#); s. 97 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

M4 1972 c. 70.

98 Meetings and documents: notice etc.

(1) In section 100K of the ^{M5}Local Government Act 1972 (interpretation and application of Part VA), after subsection (2) there is inserted—

“(3) The Secretary of State may by order amend sections 100A(6)(a) and 100B(3) and (4)(a) above so as to substitute for each reference to three clear days such greater number of days as may be specified in the order.

(4) Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(2) In Schedule 12 to that Act (meetings and proceedings of local authorities), after paragraph 4 there is inserted—

“4A (1) The Secretary of State may by order amend paragraph 4(2) above so as to substitute for the reference to three clear days such greater number of days as may be specified in the order.

(2) Any statutory instrument containing an order under sub-paragraph (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Commencement Information

I8 S. 98 wholly in force at 28.7.2001; s. 98 not in force at Royal Assent see s. 108; s. 98 in force at 1.10.2000 in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\), 3](#); s. 98 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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Marginal Citations

M5 1972 c. 70.

Allowances and pensions

99 Allowances and pensions for certain local authority members.

- (1) The provision which may be made by regulations under section 7 of the ^{M6}Superannuation Act 1972 (superannuation of persons employed in local government service etc) includes provision for or in connection with the provision of pensions, allowances or gratuities to or in respect of such members of a local authority as may be prescribed by the regulations [^{F7}; and for the purposes of the application of this subsection to Wales, the reference to pensions and allowances is to be ignored].
- (2) In subsection (1) “local authority” has the same meaning as in Part II of this Act.
- (3) Section 18 of the ^{M7}Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances for local authority members) is amended as follows.
- (4) At the beginning of subsection (1) there is inserted “ Subject to subsection (1A), ” and after that subsection there is inserted—
 - “(1A) In relation to a district council, county council, county borough council or London borough council, subsection (1) above shall have effect with the omission of paragraph (b).”
- (5) After subsection (2) there is inserted—
 - “(2A) Regulations under this section may authorise or require a scheme made by a district council, county council, county borough council or London borough council to include provision for the payment to members of the council of allowances in respect of such expenses of arranging for the care of children or dependants as are necessarily incurred in the carrying out of their duties as members.”
- (6) In subsection (3), for “and (2)” there is substituted “ to (2A) ”.
- (7) After subsection (3) there is inserted—
 - “(3A) Regulations under this section may make provision for or in connection with—
 - (a) enabling district councils, county councils, county borough councils or London borough councils to determine which members of the council are to be entitled to pensions, allowances or gratuities,
 - (b) treating the basic allowance or the special responsibility allowance as amounts in respect of which such pensions, allowances or gratuities are payable.
 - (3B) Regulations under this section may make provision for or in connection with requiring a district council, county council, county borough council or London borough council to establish and maintain a panel which is to have such functions as may be specified in the regulations in relation to allowances, or pensions, allowances or gratuities, payable to members of the council.

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- (3C) Regulations under this section may make provision for or in connection with enabling a panel established by a body specified in the regulations to exercise such functions as may be specified in the regulations in relation to allowances, or pensions, allowances or gratuities, payable to members of such district councils, county councils or London borough councils in England as may be specified in the regulations.
- (3D) Regulations under this section may make provision for or in connection with the establishment by the National Assembly for Wales on a permanent or temporary basis of a panel which is to have such functions as may be specified in the regulations in relation to allowances, or pensions, allowances or gratuities, payable to members of county councils and county borough councils in Wales.
- (3E) Regulations under subsection (3B) above may include provision—
- (a) with respect to the number of persons who may or must be appointed to the panel of a council,
 - (b) with respect to the persons who may or must be appointed to the panel of a council,
 - (c) for or in connection with the appointment by councils of joint panels.
- (3F) Regulations under subsection (3C) may include provision—
- (a) with respect to the number of persons who may or must be appointed to a panel mentioned in that subsection,
 - (b) with respect to the persons who may or must be appointed to such a panel.
- (3G) Regulations under subsection (3B), (3C) or (3D) may include provision—
- (a) for or in connection with enabling a panel mentioned in that subsection to make recommendations to a council on the level of allowances payable to members of the council,
 - (b) for or in connection with enabling such a panel to make recommendations to a council as to which members of the council are to be entitled to pensions, allowances or gratuities,
 - (c) which permits different recommendations to be made in relation to different councils or descriptions of council.”
- (8) In subsection (4), for the word “and” at the end of paragraph (b) there is substituted—
- “(ba) make provision with respect to the amendment, revocation or replacement of a scheme made by a relevant authority under the regulations; and”.
- (9) After subsection (5) there is inserted—
- “(5A) In making or operating any scheme authorised or required by regulations under this section, a district council, county council, county borough council or London borough council shall have regard to any guidance for the time being issued by the Secretary of State.”

Textual Amendments

- F7** Words in s. 99(1) inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), s. 178(3), [Sch. 3 para. 5\(2\)](#); S.I. 2012/1187, art. 2(1)(g)

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Commencement Information

I9 S. 99 wholly in force at 28.7.2001; s. 99 not in force at Royal Assent see s. 108(4); s. 99(1)-(3)(5)-(9) with the exception of so much of subsection (3) as relates to subsection (4) in force at 19.2.2001 in relation to England only by [S.I. 2001/415](#), [art. 2\(b\)](#); s. 99 in force at 28.7.2001 in so far as not already in force see s. 108(4)

Marginal Citations

M6 1972 c. 11.
M7 1989 c. 42.

^{F8}100 Power to make provision about allowances.

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Textual Amendments

F8 S. 100 repealed (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), s. 178(3), Sch. 3 para. 5(3), [Sch. 4 Pt. F](#); [S.I. 2012/1187](#), art. 2(1)(q)(2)(m)

Indemnification of members and officers of relevant authorities

101 Indemnification of members and officers of relevant authorities.

- (1) The Secretary of State may by order make provision for or in connection with conferring power on relevant authorities in England ^{F9}... to provide indemnities to some or all of their members and officers.
- (2) The National Assembly for Wales may by order make provision for or in connection with conferring power on relevant authorities in Wales ^{F10}... to provide indemnities to some or all of their members and officers.
- (3) An order under this section may apply—
 - (a) to all relevant authorities, or
 - (b) to any particular description of relevant authority.
- (4) Before making an order under this section, the Secretary of State or (as the case may be) the National Assembly for Wales must consult—
 - (a) such representatives of relevant authorities,
 - (b) such representatives of employees of relevant authorities, and
 - (c) such other persons,as he or it considers appropriate.
- (5) In this section—

“member”, in relation to a relevant authority, includes—

 - (i) a member of any committee or sub-committee of the authority, or
 - (ii) a person who is a member of, and represents the authority on, any joint committee or sub-committee,

[^{F11}“relevant authority” has] the same meaning as in Part III of this Act.

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Textual Amendments

- F9** Words in s. 101(1) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 269\(2\)](#); S.I. 2012/2892, art. 2(i)
- F10** Words in s. 101(2) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 269\(3\)](#); S.I. 2012/2892, art. 2(i)
- F11** Words in s. 101(5) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 269\(4\)](#); S.I. 2012/2892, art. 2(i)

Modifications etc. (not altering text)

- C4** S. 101 modified (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), arts. 1, [9\(9\)\(b\)](#)
- C5** S. 101 modified (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), arts. 1, [20\(7\)\(b\)](#)
- C6** S. 101 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012 \(S.I. 2012/2734\)](#), regs. 1(1), 3-6, [Sch. Pt. 1](#)
- C7** S. 101 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012 \(S.I. 2012/2734\)](#), regs. 1(1), 3-6, [Sch. Pt. 2](#)
- C8** S. 101 modified (25.5.2018) by [The West Suffolk \(Local Government Changes\) Order 2018 \(S.I. 2018/639\)](#), arts. 1, [17\(2\)\(b\)](#)
- C9** S. 101 modified (25.5.2018) by [The East Suffolk \(Local Government Changes\) Order 2018 \(S.I. 2018/640\)](#), arts. 1, [17\(2\)\(b\)](#)

Commencement Information

- I10** S. 101 wholly in force at 28.7.2001; s. 101 not in force at Royal Assent see s. 108; s. 101(2)-(5) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 101 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Social services functions

102 Social services functions.

^{F12}(1)

(2) Section 6(5) of [^{F13}the Local Authority Social Services Act 1970] (social services director not to discharge non-social services functions without approval of Secretary of State) ceases to have effect.

(3) After section 1 of that Act there is inserted the following section—

“1A Meaning of “social services functions”.

For the purposes of this Act the social services functions of a local authority are—

- (a) their functions under the enactments specified in the first column of Schedule 1 to this Act (being the functions which are described in general terms in the second column of that Schedule), and
- (b) such other of their functions as the Secretary of State may designate by an order made under this section.”

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Textual Amendments

- F12** S. 102(1) repealed (1.4.2005 for E., 1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), ss. 55(5)(a), 67(7)(e), [Sch. 5 Pt. 4](#); [S.I. 2005/394](#), art. 2(2)(f); [S.I. 2006/885](#), art. 2(e)
- F13** Words in s. 102(2) substituted (1.4.2005 for E., 1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), ss. 55(5)(b), 67(7)(e); [S.I. 2005/394](#), art. 2(2)(f); [S.I. 2006/885](#), art. 2(e)

Commencement Information

- I11** S. 102 wholly in force at 28.7.2001; s. 102 not in force at Royal Assent see s. 108; s. 102 in force at 26.10.2000 in relation to England only by [S.I. 2000/2849](#), [arts. 1\(3\), 2\(a\)](#); s. 102 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Recoupment by local authorities of cost of providing day care

103 Recoupment by local authorities of cost of providing day care.

- (1) In subsection (3) of section 29 of the ^{M8}Children Act 1989 (recoupment of cost of providing services etc.), after “subsection (1)” there is inserted “ for a service provided under section 17 or section 18(1) or (5) ”.
- (2) After that subsection there is inserted—
- “(3A) No person shall be liable to pay any charge under subsection (1) for a service provided under section 18(2) or (6) at any time when he is in receipt of income support under Part VII of the Social Security Contributions and Benefits Act 1992 or of an income-based jobseeker’s allowance.”

Commencement Information

- I12** S. 103 wholly in force at 28.7.2001; s. 103 not in force at Royal Assent see s. 108; s. 103 in force at 25.8.2000 in relation to England by [S.I. 2000/2420](#), [art. 2](#); s. 103 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

- M8** 1989 c. 41.

Prohibition on promoting homosexuality: bullying

^{F14}104 Prohibition on promoting homosexuality: bullying.

Textual Amendments

- F14** S. 104 repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(2)(f)(ix), [Sch. 8 Pt. 1](#)

Status:

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