

## SCHEDULES

### SCHEDULE 14

Section 216

#### CONSEQUENTIAL AMENDMENTS RELATING TO ENTITIES CONTROLLED ETC BY LOCAL AUTHORITIES

##### *Prevention of Corruption Act 1916 (c. 64)*

- 1 (1) Section 4 of the Prevention of Corruption Act 1916 (interpretation etc) is amended as follows.
  - (2) In subsection (2)—
    - (a) after “United Kingdom” insert “and any entity which is under the control of a local authority or jointly controlled by bodies that include a local authority”;
    - (b) omit the words from “and companies” to “local authorities”.
  - (3) After subsection (3) insert—
    - “(4) For the purposes of subsection (2)—
      - “an entity under the control of a local authority”, and
      - “an entity jointly controlled by bodies that include a local authority”,have the meanings given for the purposes of that subsection by order under section 217 of the Local Government and Public Involvement in Health Act 2007.”

##### *Local Government Act 1972 (c. 70)*

- 2 (1) Section 80 of the Local Government Act 1972 (disqualifications for election and holding office as member of local authority) is amended as follows.
  - (2) In subsection (1), for paragraph (aa) substitute—
    - “(aa) holds any employment in an entity which is under the control of the local authority; or”.
  - (3) After subsection (3) insert—
    - “(3A) In subsection (1)(aa) as it applies in relation to a local authority in England, the reference to an entity under the control of the local authority has the meaning given by order under section 217 of the Local Government and Public Involvement in Health Act 2007.
    - (3B) In subsection (1)(aa) as it applies in relation to a local authority in Wales, that reference has the meaning given by order under section 218 of that Act.”

*Local Government, Planning and Land Act 1980 (c. 65)*

- 3 (1) The Local Government, Planning and Land Act 1980 is amended as follows.
- (2) In section 98 (disposal of land at direction of Secretary of State)—
- (a) in subsection (8)(d)—
    - (i) for “bodies” substitute “authorities”;
    - (ii) for the words from “a company” to the end substitute “an entity which is under the control of that body, subject to its influence or jointly controlled by it and one or more other bodies”;
  - (b) in subsection (8A) for “bodies” substitute “authorities”.
- (3) In section 100 (interpretation etc of Part 10)—
- (a) in subsection (1)(a), for the words from “a company” to “interests)” substitute “an entity which is under the control of that body, subject to its influence or jointly controlled by it and one or more other bodies”;
  - (b) after subsection (1) insert—
 

“(1ZA) In relation to a body in England to whom this Part of this Act applies, references in this Part to—

    - (a) an entity under the control of the body,
    - (b) an entity subject to the influence of the body, and
    - (c) an entity jointly controlled by the body and one or more other bodies,

have the meanings given by order under section 217 of the Local Government and Public Involvement in Health Act 2007.

“(1ZB) In relation to a body in Wales to whom this Part of this Act applies, those references have the meanings given by order under section 218 of that Act.”

*Environment Act 1995 (c. 25)*

- 4 (1) Paragraph 7 of Schedule 7 to the Environment Act 1995 (National Park authorities) is amended as follows.
- (2) In sub-paragraph (2) for the words from “a company” to the end substitute “an entity which is under the control of that authority”.
- (3) After sub-paragraph (4) insert—
- “(4A) In sub-paragraph (2) as it applies in relation to a National Park authority in England, the reference to an entity under the control of the authority has the meaning given by order under section 217 of the Local Government and Public Involvement in Health Act 2007.
- “(4B) In sub-paragraph (2) as it applies in relation to a National Park authority in Wales, that reference has the meaning given by order under section 218 of that Act.”

*Local Government Act 2003 (c. 26)*

- 5 (1) The Local Government Act 2003 is amended as follows.
- (2) In section 18 (local authority companies etc)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in subsection (2), at the end of paragraph (a) insert “and”, and for paragraphs (b) and (c) substitute—
- “(b) an entity which is, or the trustees of a trust which is—
- (i) under the control of a local authority or Passenger Transport Executive,
- (ii) subject to the influence of such an authority or Executive, or
- (iii) jointly controlled by bodies that include such an authority or Executive.”
- (b) after subsection (2) insert—
- “(2A) The references in subsection (2)(b) to—
- (a) “an entity under the control of” and “a trust under the control of” a local authority or Passenger Transport Executive,
- (b) “an entity subject to the influence of” and “a trust subject to the influence of” such an authority or Executive, and
- (c) “an entity jointly controlled by bodies that include” and “a trust jointly controlled by bodies that include” such an authority or Executive,
- have the meanings given by order under section 217 of the Local Government and Public Involvement in Health Act 2007.”
- (3) The provision in section 24 of that Act (Wales) is renumbered subsection (1) of that section, and after that provision there is inserted—
- “(2) In its application to Wales, section 18 has effect as if—
- (a) any reference to a Passenger Transport Executive were omitted, and
- (b) for the reference in subsection (2A) to section 217 of the Local Government and Public Involvement in Health Act 2007 there were substituted a reference to section 218 of that Act.”
- (4) In section 95 (power to trade in function-related activities through a company)—
- (a) in subsection (4) omit the words from “within” to the end;
- (b) for subsections (5) and (6) substitute—
- “(5) An order under section 212 of the Local Government and Public Involvement in Health Act 2007 (regulation of entities controlled etc by local authorities) may include provision applying any of the provisions of that order, with or without modifications—
- (a) to a company through which a relevant authority which is not a local authority for the purposes of that section exercises or proposes to exercise powers conferred by order under this section; or
- (b) to such a relevant authority, or members or officers of such a relevant authority, in relation to such a company.
- (6) Any requirement or prohibition imposed on or in relation to a company by virtue of subsection (5) must relate to the doing for a commercial purpose of the thing to which the order under this section relates.”;
- (c) in subsection (7), before the definition of “ordinary functions” insert—

““company” means—

- (a) a company within the meaning given by section 1(1) of the Companies Act 2006; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969.”

- (5) In subsection 96(5) (definition of “company”) for the words from “Part 5” to the end substitute “section 95”.
- (6) In section 100(2)(a) (exercise of powers by reference to authorities' performance categories), for the words from “section 70” to the end substitute “section 212 of the Local Government and Public Involvement in Health Act 2007”.

*Public Audit (Wales) Act 2004 (c. 23)*

- 6 (1) Section 48 of the Public Audit (Wales) Act 2004 (permitted methods of publishing information) is amended as follows.
- (2) In subsection (3)(a) for “a local authority company” substitute “an entity under the control of a local authority”.
- (3) For subsections (5) and (6) substitute—
  - “(5) In subsection (3) “an entity under the control of a local authority” has the meaning given for the purposes of that subsection by order under section 218 of the Local Government and Public Involvement in Health Act 2007.
  - (6) But the Welsh Ministers may direct that an entity, or entities of a particular description, are to be treated as not being under the control of a local authority for the purposes of subsection (3).
  - (7) A direction under subsection (6) may be given so as to apply—
    - (a) for a period specified in the direction; or
    - (b) subject to conditions so specified.
  - (8) A direction under subsection (6) may be varied or revoked by a subsequent direction under that subsection.
  - (9) In subsection (6) “entity” means any entity, whether or not a legal person.”