

*Status: Point in time view as at 22/11/2012.*

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## SCHEDULES

### SCHEDULE 1

Section 22

#### STRUCTURAL AND BOUNDARY CHANGE: CONSEQUENTIAL AMENDMENTS

#### PART 1

##### AMENDMENTS OF LOCAL GOVERNMENT ACT 1992

- 1 The Local Government Act 1992 (c. 19) is amended in accordance with this Part of this Schedule.

#### Commencement Information

**I1** Sch. 1 para. 1 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b) (with art. 3)

- 2 In section 13 (reviews and recommendations), omit the following—
- (a) subsections (1) and (2);
  - (b) subsection (7)(a).

#### Commencement Information

**I2** Sch. 1 para. 2 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b) (with art. 3)

- 3 In section 14 (changes that may be recommended), omit the following—
- (a) in subsection (1)—
    - (i) paragraphs (a) and (b);
    - (ii) in paragraph (c), the words from “whether” to the end of the paragraph;
    - (iii) the words after paragraph (c);
  - (b) subsections (2), (3), (5), (6) and (7).

#### Commencement Information

**I3** Sch. 1 para. 3 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b) (with art. 3)

- 4 In section 15 (procedure on a review), omit subsection (7A)(a).

#### Commencement Information

**I4** Sch. 1 para. 4 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b) (with art. 3)

- 5 Omit section 16.

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**Commencement Information**

**I5** Sch. 1 para. 5 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b) (with art. 3)

- 6 In section 17 (implementation of recommendations by order), omit the following—
- (a) subsection (1);
  - (b) subsection (2)(a);
  - (c) in subsection (3)—
    - (i) the words “Subject to subsection (3A) below,”;
    - (ii) the words “Electoral Commission or of the”;
    - (iii) paragraphs (a), (b), (c), (ea), (g) and (h);
    - (iv) in paragraph (f), the words from the beginning to “district councillors,” and the words “and the order of retirement” and “for any parish situated in the district”;
  - (d) subsections (3A) and (3B);
  - (e) in subsection (4), the words “or in an agreement under section 20 below”;
  - (f) subsections (5) and (6).

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b) (with art. 3)

- 7 Omit section 18.

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b) (with art. 3)

- 8 In section 19 (regulations for supplementing orders), omit subsection (2).

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b) (with art. 3)

- 9 Omit sections 20 to 22.

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b) (with art. 3)

- 10 In section 26 (orders, regulations and directions), omit the following—
- (a) in subsection (1)—
    - (i) paragraphs (a) and (b);
    - (ii) in paragraph (c), the words “or relates only to parishes”;
  - (b) subsection (2);
  - (c) in subsection (3), the words “orders or” in the first place where they occur;
  - (d) in subsection (4) the words “order or”;
  - (e) subsection (5);

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- (f) in subsection (6)—
- (i) the words “the Secretary of State is or”
  - (ii) the words “he or”;
  - (iii) the words “he thinks or”.

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b) (with art. 3)

**PART 2**

OTHER AMENDMENTS

*Local Government Act 1972 (c. 70)*

- 11 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 6(2)(a) (electoral divisions of non-metropolitan county), after “1992” insert “ and section 12(4) of the Local Government and Public Involvement in Health Act 2007 ”.
- (3) In section 12 (supplementary provision about orders to dissolve parish councils etc)
- 
- (a) in subsection (2), for the words from “section 20” to the end substitute “section 16 of the Local Government and Public Involvement in Health Act 2007 (agreements about incidental matters) shall apply as if—
- (i) the reference in subsection (1) to an order under section 7 or 10 of that Act were to an order under section 10 or 11 of this Act; and
  - (ii) the reference in subsection (5)(b) to any order or regulations under Chapter 1 of Part 1 of that Act were to an order under section 10 or 11 of this Act.”;
- (b) in subsection (3), for “such order” substitute “ order under section 10 or 11 above ”.
- (4) In Schedule 2 (constitution and membership of London borough councils), in paragraph 7, in each of sub-paragraphs (1)(b) and (2) after “1992” insert “ or Part 1 of the Local Government and Public Involvement in Health Act 2007 ”.

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b)

*Race Relations Act 1976 (c. 74)*

- 12 In Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty), in Part 1, omit paragraph 33.

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**Commencement Information**

**I12** Sch. 1 para. 12 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b)

*Rent Act 1977 (c. 42)*

- 13 In section 62(1) of the Rent Act 1977 (registration areas), after “1992” insert “ or Part 1 of the Local Government and Public Involvement in Health Act 2007 (orders constituting new local government areas etc) ”.

**Commencement Information**

**I13** Sch. 1 para. 13 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b)

*Interpretation Act 1978 (c. 30)*

- 14 In Schedule 1 to the Interpretation Act 1978 (words and expressions defined), in the definition of “London borough” for “or Part II of the Local Government Act 1992” substitute “ , Part 2 of the Local Government Act 1992 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ”.

**Commencement Information**

**I14** Sch. 1 para. 14 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b)

*Coroners Act 1988 (c. 13)*

- 15 In section 1 of the Coroners Act 1988 (appointment of coroners)—
- (a) in subsection (1)(b), after “1992” insert “ or Part 1 of the Local Government and Public Involvement in Health Act 2007 ”;
  - (b) in subsection (1A)(e) for “or section 17 of the Regional Assemblies (Preparations) Act 2003” substitute “ , section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ”.

**Commencement Information**

**I15** Sch. 1 para. 15 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b)

*Local Government Finance Act 1988 (c. 41)*

- 16 (1) The Local Government Finance Act 1988 is amended as follows.
- (2) In section 74(2A) (levies), for “or section 17 of the Regional Assemblies (Preparations) Act 2003” substitute “ , section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ”.
  - (3) In section 89 (collection funds)—

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(a) in subsection (2), for “subsection (2A)” substitute “ subsections (2A) to (2C) ”;

(b) after subsection (2B) insert—

“(2C) In the case of—

(a) a district council or London borough council established by an order under Part 1 of the Local Government and Public Involvement in Health Act 2007, or

(b) a county council to which the functions of district councils in relation to the county council's area are transferred by or in consequence of such an order,

the collection fund must be established on a date specified in the order or in regulations made under section 14 of that Act.”

(4) In section 91 (general funds)—

(a) in subsection (1)(aa) for “or section 17 of the Regional Assemblies (Preparations) Act 2003” substitute “, section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ”;

(b) in subsection (3) for “and (3C)” substitute “ to (3D) ”;

(c) in subsection (3B) omit “(in this section referred to as “the reorganisation date”)”;

(d) after subsection (3C) insert—

“(3D) In the case of—

(a) a district council or London borough council established by an order under Part 1 of the Local Government and Public Involvement in Health Act 2007, or

(b) a county council to which the functions of district councils in relation to the county council's area are transferred by or in consequence of such an order,

the general fund must be established on a date specified in the order or in regulations made under section 14 of that Act.”;

(e) in subsection (8) for “county council such as is referred to in subsection (3B)(b) above” substitute “ relevant county council ”;

(f) after subsection (8) insert—

“(9) In subsection (8)—

“relevant county council” means—

(a) a county council such as is referred to in subsection (3B)(b) above, or

(b) an existing county council to which the functions of district councils in relation to the county council's area are transferred by or in consequence of an order under Part 1 of the Local Government and Public Involvement in Health Act 2007, and

“the reorganisation date” means the date on which the council is required by this section to establish its general fund.”

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**Commencement Information**

**I16** Sch. 1 para. 16 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b)

*Food Safety Act 1990 (c. 16)*

- 17 In section 27(5) of the Food Safety Act 1990 (appointment of public analysts), omit the words “pursuant to a structural change”.

**Commencement Information**

**I17** Sch. 1 para. 17 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b)

*Environment Act 1995 (c. 25)*

- 18 (1) The Environment Act 1995 is amended as follows.
- (2) In section 75(8) (National Parks: powers to make orders), for “Part II of the Local Government Act 1992” substitute “ Part 1 of the Local Government and Public Involvement in Health Act 2007 ”.
- (3) In section 79(1) (interpretation of Part 3), in the definition of “public authority”—
- (a) omit the words “or residuary body”;
  - (b) after “1992” insert “, any residuary body established under section 17 of the Local Government and Public Involvement in Health Act 2007 ”.

**Commencement Information**

**I18** Sch. 1 para. 18 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b)

*Police Act 1996 (c. 16)*

- 19 (1) The Police Act 1996 is amended as follows.
- (2) In section 1(2)(a) (police areas), for “or section 17 of the Local Government Act 1992” substitute “ section 17 of the Local Government Act 1992 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ”.
- (3) In section 100(1) (chief constables affected by local government reorganisations etc), for “, section 58 of the Local Government Act 1972 or section 17 of the Local Government Act 1992” substitute “ or section 58 of the Local Government Act 1972 ”.

**Commencement Information**

**I19** Sch. 1 para. 19 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b)

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*Freedom of Information Act 2000 (c. 36)*

- 20 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in paragraph 23 for “section 22 of the Local Government Act 1992” substitute “section 17 of the Local Government and Public Involvement in Health Act 2007”.

**Commencement Information**

**I20** Sch. 1 para. 20 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b)

*Regional Assemblies (Preparations) Act 2003 (c. 10)*

- <sup>F1</sup>21 .....

**Textual Amendments**

**F1** Sch. 1 para. 21 repealed (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 146(3), 148(5), Sch. 7 Pt. 4; S.I. 2009/3318, art. 4(ii)

*Fire and Rescue Services Act 2004 (c. 21)*

- 22 (1) The Fire and Rescue Services Act 2004 is amended as follows.
- (2) In section 2 (power to create combined fire and rescue authorities), in each of subsections (9)(c) and (10)(a), for “Part 2 of the Local Government Act 1992 (c. 19) or section 17 of the Regional Assemblies (Preparations) Act 2003 (c. 10)” substitute “ section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ”.
- (3) In section 4(7)(b) (combined authorities under the Fire Services Act 1947), for “Part 2 of the Local Government Act 1992 (c. 19) or section 17 of the Regional Assemblies (Preparations) Act 2003 (c. 10)” substitute “ section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007 ”.

**Commencement Information**

**I21** Sch. 1 para. 22 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(b)

SCHEDULE 2

Section 61

ELECTORAL ARRANGEMENTS: CONSEQUENTIAL AMENDMENTS

*Local Government and Housing Act 1989 (c. 42)*

- 1 Section 9 of the Local Government and Housing Act 1989 (assistants for political groups) is amended as follows.

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**Commencement Information**

**I22** Sch. 2 para. 1 in force at 30.12.2007, see s. 245(2)

- 2 In subsection (11), in paragraph (a) of the definition of “appropriate year”, for “one in relation to which provision for whole council elections has been made by virtue of section 7(4)(a) or 26(2)(a) of the Local Government Act 1972” substitute “subject to whole council elections by virtue of Chapter 1 of Part 2 of the Local Government and Public Involvement in Health Act 2007”.

**Commencement Information**

**I23** Sch. 2 para. 2 in force at 30.12.2007, see s. 245(2)

SCHEDULE 3

Section 74

EXECUTIVES: FURTHER AMENDMENTS

*Local Government Act 1972 (c. 70)*

- 1 The Local Government Act 1972 is amended as follows.

**Commencement Information**

**I24** Sch. 3 para. 1 in force at 30.12.2007, see s. 245(2)

- 2 (1) Section 2 (constitution of principal councils in England) is amended as follows.
- (2) After subsection (2A) insert—
- “(2B) In such a case, a reference in this Act to a member of a council is a reference to—
- (a) the elected mayor of the council,
  - (b) the chairman of the council, or
  - (c) a councillor of the council.”

**Commencement Information**

**I25** Sch. 3 para. 2 in force at 30.12.2007, see s. 245(2)

- 3 (1) Section 3 (chairman) is amended as follows.
- (2) In subsection (4A) omit “or a mayor and council manager executive”.

**Commencement Information**

**I26** Sch. 3 para. 3 in force at 30.12.2007, see s. 245(2)

- 4 (1) Section 21 (constitution of principal councils in Wales) is amended as follows.



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(2) After subsection (1A) insert—

- “(1B) In such a case, a reference in this Act to a member of a council is a reference to—
- (a) the elected mayor of the council,
  - (b) the chairman of the council, or
  - (c) a councillor of the council.”

**Commencement Information**

**I27** Sch. 3 para. 4 in force at 30.12.2007, see s. 245(2)

5 (1) Section 79 (qualifications for election and holding office) is amended as follows.

(2) In subsection (1) omit “, or be qualified to be elected and to be an elected mayor.”.

**Commencement Information**

**I28** Sch. 3 para. 5 in force at 30.12.2007, see s. 245(2)

6 (1) Section 80 (disqualification for election and holding office) is amended as follows.

(2) In subsection (1) in the words before paragraph (a) omit “, and be disqualified for being elected or being an elected mayor.”.

**Commencement Information**

**I29** Sch. 3 para. 6 in force at 30.12.2007, see s. 245(2)

7 (1) Section 100G (principal councils to publish additional information) is amended as follows.

(2) In subsection (1)(a) for the second “and” substitute “ together with, in the case of a councillor, ”.

**Commencement Information**

**I30** Sch. 3 para. 7 in force at 30.12.2007, see s. 245(2)

8 (1) Section 100J (application of Part 5A to new authorities, Common Council, etc) is amended as follows.

(2) In subsection (4)(a)—

- (a) for “from “ward” onwards” substitute “ after “together with” ”;
- (b) before “name” insert “ the ”.

(3) In subsection (4)(aa)—

- (a) for “from “ward” onwards” substitute “ after “together with” ”;
- (b) before “name” insert “ the ”.

(4) In subsection (4)(b) for “from “and the ward” onwards” substitute “ after “for the time being” ”.

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- (5) In subsection (4)(c)—
- (a) before “ward” insert “, in the case of a councillor, the ”;
  - (b) before “constituent” insert “ the ”.
- (6) In subsection (4A)—
- (a) before “the ward” insert “ together with, in the case of a councillor, ”;
  - (b) before the first “whether” insert “ and ”.

**Commencement Information**

**I31** Sch. 3 para. 8 in force at 30.12.2007, see s. 245(2)

- 9 (1) Section 249 (honorary aldermen and freemen) is amended as follows.
- (2) In subsection (1) for “councillors” substitute “ members ”.
  - (3) In subsection (2) for “councillor” substitute “ member ”.

**Commencement Information**

**I32** Sch. 3 para. 9 in force at 30.12.2007, see s. 245(2)

- 10 (1) Section 270 (general provisions as to interpretation) is amended as follows.
- (2) In subsection (1) for the definition of “leader and cabinet executive” substitute—
 

““leader and cabinet executive means”—

    - (a) in relation to England: a leader and cabinet executive (England);
    - (b) in relation to Wales: a leader and cabinet executive (Wales);”.
  - (3) In subsection (1) insert the following definitions at the appropriate places—
 

““leader and cabinet executive (England)” has the same meaning as in Part 2 of the Local Government Act 2000;”;

““leader and cabinet executive (Wales)” has the same meaning as in Part 2 of the Local Government Act 2000;”.
  - (4) In subsection (4A) omit “or a mayor and council manager executive”.

**Commencement Information**

**I33** Sch. 3 para. 10 in force at 30.12.2007, see s. 245(2)

- 11 (1) Schedule 2 (constitution and membership of London borough councils) is amended as follows.
- (2) For paragraph 5C substitute—
 

“5C (1) The council shall consist of an elected mayor, a chairman and councillors.

    - (2) A reference in this Act to a member of the council is a reference to—
      - (a) the chairman of the council,
      - (b) a councillor of the council, or

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(c) the elected mayor of the council.”

**Commencement Information**

**I34** Sch. 3 para. 11 in force at 30.12.2007, see s. 245(2)

12 (1) Schedule 12 (meetings and proceedings of local authorities) is amended as follows.

(2) In paragraph 5(5) (who presides over meeting of council operating mayoral executive) omit “or a mayor and council manager executive”.

**Commencement Information**

**I35** Sch. 3 para. 12 in force at 30.12.2007, see s. 245(2)

*Local Government Act 1974 (c. 7)*

13 The Local Government Act 1974 is amended as follows.

**Commencement Information**

**I36** Sch. 3 para. 13 in force at 30.12.2007, see s. 245(2)

14 (1) Section 30 (reports on investigation) is amended as follows.

(2) In subsection (2AB) omit “or mayor and council manager executive”.

**Commencement Information**

**I37** Sch. 3 para. 14 in force at 30.12.2007, see s. 245(2)

15 (1) Section 34 (interpretation of Part 3) is amended as follows.

(2) In the definition of “mayor and cabinet executive” and “mayor and council manager executive” for “and “mayor and council manager executive” have” substitute “has”.

**Commencement Information**

**I38** Sch. 3 para. 15 in force at 30.12.2007, see s. 245(2)

*Representation of the People Act 1983 (c. 2)*

16 The Representation of the People Act 1983 is amended as follows.

**Commencement Information**

**I39** Sch. 3 para. 16 in force at 30.12.2007, see s. 245(2)

17 In section 24 (returning officers: England and Wales) in subsection (1)(dd) omit “or a mayor and council manager executive”.

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**Commencement Information**

**I40** Sch. 3 para. 17 in force at 30.12.2007, see s. 245(2)

*Local Government Act 1985 (c. 51)*

18 The Local Government Act 1985 is amended as follows.

**Commencement Information**

**I41** Sch. 3 para. 18 in force at 30.12.2007, see s. 245(2)

19 (1) Section 35 (disqualification) is amended as follows.

(2) In subsection (4) for “ “executive leader” and “leader and cabinet executive”” substitute “ and executive leader ”.

(3) After subsection (4) insert—

“(5) In this section “leader and cabinet executive” means—

(a) in relation to England: a leader and cabinet executive (England);

(b) in relation to Wales: a leader and cabinet executive (Wales);

and for this purpose “leader and cabinet executive (England)” and “leader and cabinet executive (Wales)” have the same meanings as in Part 2 of the Local Government Act 2000.”

**Commencement Information**

**I42** Sch. 3 para. 19 in force at 30.12.2007, see s. 245(2)

*Local Government Finance Act 1988 (c. 41)*

20 The Local Government Finance Act 1988 is amended as follows.

**Commencement Information**

**I43** Sch. 3 para. 20 in force at 30.12.2007, see s. 245(2)

21 (1) Section 111 (interpretation of Part 8) is amended as follows.

(2) In subsection (3A) omit “leader and cabinet executive,”.

(3) After subsection (3A) insert—

“(3B) In this Part, “leader and cabinet executive” means—

(a) in relation to England: a leader and cabinet executive (England);

(b) in relation to Wales: a leader and cabinet executive (Wales);

and for this purpose “leader and cabinet executive (England)” and “leader and cabinet executive (Wales)” have the same meanings as in Part 2 of the Local Government Act 2000.”

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**Commencement Information**

**I44** Sch. 3 para. 21 in force at 30.12.2007, see s. 245(2)

*Local Government Act 2000 (c. 22)*

22 The Local Government Act 2000 is amended as follows.

**Commencement Information**

**I45** Sch. 3 para. 22 in force at 30.12.2007, see s. 245(2)

23 In section 29 (operation of and publicity for executive arrangements), in subsection (3) after “A local authority” insert “ in Wales ”.

**Commencement Information**

**I46** Sch. 3 para. 23 in force at 30.12.2007, see s. 245(2)

24 In section 30 (operation of different executive arrangements), in subsection (1) after “a local authority” insert “ in Wales ”.

**Commencement Information**

**I47** Sch. 3 para. 24 in force at 30.12.2007, see s. 245(2)

25 In section 33 (operation of alternative arrangements), before subsection (1) insert—  
“(A1) In this section references to a local authority are references to a local authority in Wales.”

**Commencement Information**

**I48** Sch. 3 para. 25 in force at 30.12.2007, see s. 245(2)

26 In section 83 (interpretation of Part 3) in the definition of “executive leader”, for “section 11(3)(a)” substitute “ section 11(2A)(a) or (3)(a) ”.

**Commencement Information**

**I49** Sch. 3 para. 26 in force at 30.12.2007, see s. 245(2)

27 In section 105 (orders and regulations), in subsection (6) after “32,” insert “ 33O(6), ”.

**Commencement Information**

**I50** Sch. 3 para. 27 in force at 30.12.2007, see s. 245(2)

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

### Textual Amendments

**F2** Sch. 3 para. 28 repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(c)

- 29 (1) For the heading before paragraph 2 of Schedule 1 substitute— “ Leader and cabinet executives (Wales) ”.
- (2) Paragraph 2 is amended as follows.
- (3) In sub-paragraph (1) for “leader and cabinet executive” substitute “ leader and cabinet executive (Wales) ”.
- (4) In sub-paragraph (4) for “sub-paragraph (2)(a)” substitute “ sub-paragraph (3)(a). ”.

### Commencement Information

**I51** Sch. 3 para. 29 in force at 30.12.2007, see s. 245(2)

## SCHEDULE 4

Section 245

### NEW ARRANGEMENTS FOR EXECUTIVES: TRANSITIONAL PROVISION

### Modifications etc. (not altering text)

**C1** Sch. 4 modified (29.8.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) Regulations 2008 \(S.I. 2008/2113\)](#), regs. 1, **9**

## PART 1

### OLD-STYLE LEADER AND CABINET EXECUTIVE

#### *Application of Part*

- 1 This Part applies to a local authority in England if, at the relevant time, the authority is operating an old-style leader and cabinet executive.

### Commencement Information

**I52** Sch. 4 para. 1 in force at 30.12.2007, see s. 245(2)

#### *Continued operation of existing executive*

- 2 (1) The coming into force of section 62(5) does not prevent the local authority from continuing to operate the old-style leader and cabinet executive until the end of the transitional period.

*Status: Point in time view as at 22/11/2012.*

**Changes to legislation:** Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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) For as long as the local authority continues to operate the old-style leader and cabinet executive, any enactment amended or repealed by this Part of this Act continues to apply in relation to the local authority, and to the executive and its operation, as if the amendment or repeal had not been made.

#### Commencement Information

**I53** Sch. 4 para. 2 in force at 30.12.2007, see s. 245(2)

#### *Change in form of executive*

- 3 (1) The local authority must make a change in governance arrangements of the kind set out in section 33A of the LGA 2000 (new form of executive).
- (2) Sections 33E, 33F, 33G, 33I(2) and 33J of the LGA 2000 apply to a change in governance arrangements required by this paragraph as they apply to a change made under section 33A.
- (3) In the application of section 33G by virtue of this paragraph, “relevant elections” has the meaning given in paragraph 5.
- (4) Any resolution to make the change in governance arrangements must be passed—
- (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
  - (b) during the permitted resolution period specified in the second column of the following table in relation to the authority.

<i>Type of local authority</i>	<i>Permitted resolution period</i>
Metropolitan district	The period ending with 31 December 2009
County	The period ending with 31 December 2008
London borough	The period ending with 31 December 2009
Non-metropolitan district	The period ending with 31 December 2010

- (5) The Secretary of State may by order provide that a permitted resolution period is to end later than the last day of the period specified in the table.

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

**C2** Sch. 4 para. 3(3) excluded (28.11.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) \(No.2\) Regulations 2008](#) (S.I. 2008/2867), regs. 1(1), **29(2)(b)** (with reg. 1(2))

#### Commencement Information

**I54** Sch. 4 para. 3 in force at 30.12.2007, see s. 245(2)

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

*Failure to change form of executive: automatic change*

- 4 (1) This paragraph applies if the local authority does not make a change in governance arrangements in accordance with paragraph 3.
- (2) Before the end of the transitional period, the local authority must draw up and adopt executive arrangements which provide for a leader and cabinet executive (England).
- (3) But if it appears to the Secretary of State that the authority will fail to comply with sub-paragraph (2), the Secretary of State may by order specify executive arrangements which provide for a leader and cabinet executive (England).
- (4) The leader and cabinet executive (England) which is provided for under sub-paragraph (2) or (3) shall come into operation on the last day of the transitional period.
- (5) Arrangements which the Secretary of State specifies under sub-paragraph (3) are to be treated as having been made by the local authority itself.
- (6) Arrangements which come into operation in accordance with sub-paragraph (4) are to be treated as being operated after the passing of a resolution of the authority under section 33F of the LGA 2000.
- (7) As soon as practicable after executive arrangements are adopted under sub-paragraph (2), or specified under sub-paragraph (3), the local authority must comply with the duties set out in the following provisions of the LGA 2000—
- (a) section 29(2)(a);
  - (b) section 29(2)(b)(ii) to (v).

**Commencement Information**

**I55** Sch. 4 para. 4 in force at 30.12.2007, see s. 245(2)

*Interpretation*

- 5 (1) In this Part—
- “LGA 2000” means the Local Government Act 2000 (c. 22);
- “old-style leader and cabinet executive” means a leader and cabinet executive of the form specified in section 11(3) of the LGA 2000;
- “relevant elections” means the first ordinary elections of councillors of the local authority which take place after the end of the permitted resolution period (within the meaning of paragraph 3(4)(b));
- “relevant time” means the time immediately before section 62(5) comes into force;
- “transitional period” means the period that—
- (a) starts when section 62(5) comes into force, and
  - (b) ends with the third day after the day of the relevant elections.
- (2) Expressions used in this Part of this Schedule and in Part 2 of the LGA 2000 have the same meaning in this Part as in that Part.



*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

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

**C3** Sch. 4 para. 5(1) excluded in part (28.11.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) \(No.2\) Regulations 2008 \(S.I. 2008/2867\)](#), regs. 1(1), **29(2)(c)** (with reg. 1(2))

**Commencement Information**

**I56** Sch. 4 para. 5 in force at 30.12.2007, see s. 245(2)

**PART 2**

**MAYOR AND COUNCIL MANAGER EXECUTIVE**

*Application of Part*

- 6 This Part applies to a local authority in England if, at the relevant time, the authority is operating a mayor and council manager executive.

**Commencement Information**

**I57** Sch. 4 para. 6 in force at 30.12.2007, see s. 245(2)

*Continued operation of existing executive*

- 7 (1) The coming into force of section 62(6) does not prevent the local authority from continuing to operate the mayor and council manager executive.
- (2) For as long as the local authority continues to operate the mayor and council manager executive, any enactment amended or repealed by this Part of this Act continues to apply in relation to the local authority, and to the executive and its operation, as if the amendment or repeal had not been made.

**Commencement Information**

**I58** Sch. 4 para. 7 in force at 30.12.2007, see s. 245(2)

*Change in form of executive*

- 8 (1) The local authority must make a change in governance arrangements of the kind set out in section 33A of the LGA 2000 (new form of executive).
- (2) Sections 33E, 33F, 33I(2) and 33J of the LGA 2000 apply to a change in governance arrangements required by this paragraph as they apply to a change made under section 33A.

**Commencement Information**

**I59** Sch. 4 para. 8 in force at 30.12.2007, see s. 245(2)

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

- 9 (1) This paragraph applies if the proposals drawn up in accordance with section 33E provide for a change to a mayor and cabinet executive.
- (2) The proposals must specify the day on which the authority is to cease operating the mayor and council manager executive and start operating the mayor and cabinet executive.
- (3) The day specified in accordance with sub-paragraph (2) must fall before the day which is expected to be the last day of the relevant mayoral term.
- (4) Any resolution to make the change in governance arrangements must be passed —
- (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
  - (b) on or before 31 December 2008 or such later date as the Secretary of State may by order provide.
- (5) The following sub-paragraphs apply if the local authority adopt the mayor and cabinet executive.
- (6) On the day specified in accordance with sub-paragraph (2), the local authority must—
- (a) cease operating the mayor and council manager executive, and
  - (b) start operating the mayor and cabinet executive.
- (7) The council manager ceases to hold office when the local authority ceases to operate the mayor and council manager executive.
- (8) But—
- (a) the mayor does not cease to hold office, and
  - (b) his term of office is not affected,
- by virtue of the local authority ceasing to operate the mayor and council manager executive.
- (9) Subject to sub-paragraph (6), the local authority must implement the change in governance arrangements in accordance with the timetable in the proposals.
- (10) Any arrangements (including any enactment or subordinate legislation) which apply to the election of the mayor of the mayor and council manager executive—
- (a) apply to the first election of the mayor of the mayor and cabinet executive as if it were the election of the mayor of the mayor and council manager executive, and
  - (b) subject to any order under Part 3, apply in the same way to subsequent elections of the mayor of the mayor and cabinet executive.

**Commencement Information**

**I60** Sch. 4 para. 9 in force at 30.12.2007, see s. 245(2)

- 10 (1) This paragraph applies if the proposals drawn up in accordance with section 33E provide for a change to a leader and cabinet executive (England).
- (2) Section 33K(2), (3), (5) and (6) of the LGA 2000 apply to the change as they would if the change were, by virtue of section 33M of the LGA 2000, subject to approval in a referendum.

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

- (3) Any resolution to make the change in governance arrangements must be passed on or before the earlier of these days—
  - (a) the last day of the period of 28 days that begins with the day when the referendum is held;
  - (b) 31 December 2008, or such later date as the Secretary of State may by order provide.
- (4) Section 45(1) of the LGA 2000 does not prevent a referendum from being held in accordance with section 33K of the LGA 2000 as applied by sub-paragraph (2).
- (5) The proposals must provide for the local authority to cease operating the mayor and council manager executive and start operating the leader and cabinet executive (England) on the day which is expected to be the last day of the relevant mayoral term.
- (6) The following sub-paragraphs apply if the local authority adopt the leader and cabinet executive (England).
- (7) On the day specified in accordance with sub-paragraph (5), the local authority must—
  - (a) cease operating the mayor and council manager executive, and
  - (b) start operating the leader and cabinet executive (England).
- (8) Subject to sub-paragraph (7), the local authority must implement the change in governance arrangements in accordance with the timetable in the proposals.
- (9) If the local authority has held its annual meeting in 2009 before changing to the leader and cabinet executive (England), the authority must hold a meeting within the 21 days following the day on which it changes to that form of executive.
- (10) For the purposes of section 44B of the LGA 2000, that meeting is to be treated as a relevant annual meeting.

**Commencement Information**

**I61** Sch. 4 para. 10 in force at 30.12.2007, see s. 245(2)

*Failure to change form of executive: automatic change*

- 11 (1) This paragraph applies if the local authority does not make a change in its executive arrangements in accordance with paragraph 8.
- (2) Before the end of the transitional period, the local authority must draw up and adopt executive arrangements which provide for a mayor and cabinet executive.
- (3) But if it appears to the Secretary of State that the authority will fail to comply with sub-paragraph (2), the Secretary of State may by order specify executive arrangements which provide for a mayor and cabinet executive.
- (4) The mayor and cabinet executive which is provided for under sub-paragraph (2) or (3) shall come into operation on the last day of the transitional period.
- (5) Arrangements which the Secretary of State specifies under sub-paragraph (3) are to be treated as having been made by the local authority itself.

*Status: Point in time view as at 22/11/2012.*

**Changes to legislation:** *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

- (6) Arrangements which come into operation in accordance with sub-paragraph (4) are to be treated as being operated after the passing of a resolution of the authority under section 33F of the LGA 2000.
- (7) As soon as practicable after executive arrangements are adopted under sub-paragraph (2), or specified under sub-paragraph (3), the local authority must comply with the duties set out in the following provisions of the LGA 2000—
- (a) section 29(2)(a);
  - (b) section 29(2)(b)(ii) to (v).

**Commencement Information**

**I62** Sch. 4 para. 11 in force at 30.12.2007, see s. 245(2)

*Interpretation*

- 12 (1) In this Part—
- “LGA 2000” means the Local Government Act 2000 (c. 22);
- “relevant election day” means the day in 2009 on which an ordinary election of a mayor would take place if the local authority continued to operate a mayor and council manager executive;
- “relevant mayoral term”, in relation to proposals, means the term of office of the person who is mayor when the proposals are drawn up;
- “relevant time” means the time immediately before section 62(6) comes into force;
- “transitional period” means the period that—
- (a) starts when section 62(6) comes into force, and
  - (b) ends with the third day after the relevant election day.
- (2) Expressions used in this Part of this Schedule and in Part 2 of the LGA 2000 have the same meaning in this Part as in that Part.

**Commencement Information**

**I63** Sch. 4 para. 12 in force at 30.12.2007, see s. 245(2)

**PART 3**

OTHER TRANSITIONAL PROVISION

- 13 (1) The Secretary of State may by order make transitional, saving or transitory provision for the purposes of—
- (a) supplementing or giving full effect to Part 3 of this Act; or
  - (b) making provision consequential on the passing of Part 3 of this Act.
- (2) An order under sub-paragraph (1) may, in particular, make—
- (a) provision as to the dates on which and years in which relevant elections may or must be held;
  - (b) provision as to the intervals between relevant elections;

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- (c) provision as to the term of office of any member of any form of executive;
  - (d) provision as to when sections 33A to 33D of the LGA 2000 are to begin to apply in relation to a local authority;
  - (e) provision as to when section 39(6) and (7) of the LGA 2000 are to begin to apply in relation to a local authority.
- (3) An order under sub-paragraph (1) may, in particular, make provision to supplement any provision made in Part 1 or 2 of this Schedule.
- (4) An order under sub-paragraph (1) may not make provision of the kind that may be made under section 243.
- (5) In this paragraph “relevant election” means—
- (a) an election for the return of an elected mayor;
  - (b) the election by a local authority of the executive leader of a leader and cabinet executive (England).

**Commencement Information**

**I64** Sch. 4 para. 13 in force at 30.12.2007, see s. 245(2)

SCHEDULE 5

Section 101

PARISHES: FURTHER AMENDMENTS

- 1 The Local Government Act 1972 (c. 70) is amended in accordance with paragraphs 2 to 9.

**Commencement Information**

**I65** Sch. 5 para. 1 in force at 13.2.2008 by [S.I. 2008/337](#), [art. 2\(c\)](#)

- 2 (1) Section 9 (parish meetings and councils) is amended as follows.
- (2) In subsection (4) for “section 14 of the Local Government and Rating Act 1997” substitute “section 86 of the Local Government and Public Involvement in Health Act 2007”.
- (3) In subsection (6)—
- (a) for “section 16 of the Local Government and Rating Act 1997” substitute “section 86 of the Local Government and Public Involvement in Health Act 2007”;
  - (b) for “section 16 of the Act of 1997” substitute “section 86 of the 2007 Act”.

**Commencement Information**

**I66** Sch. 5 para. 2 in force at 13.2.2008 by [S.I. 2008/337](#), [art. 2\(c\)](#)

- 3 (1) Section 10 (power to dissolve parish councils in small parishes) is amended as follows.

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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) In subsection (1) after “district council” in each place insert or “ London borough council ”.

#### Commencement Information

**I67** Sch. 5 para. 3 in force at 13.2.2008 by S.I. 2008/337, art. 2(c)

- 4 (1) Section 11 (orders for grouping parishes etc) is amended as follows.
- (2) In subsection (1)—
- (a) after “district council” in each place insert “ or London borough council ”;
  - (b) after “same district” insert “ or London borough ”.
- (3) In subsection (3), for paragraph (b) substitute—
- “(b) the electoral arrangements that are to apply to the council;”.
- (4) After subsection (3) insert—
- “(3A) In this section “electoral arrangements”, in relation to a council, means all of the following—
- (a) the year in which ordinary elections of councillors are to be held;
  - (b) the number of councillors to be elected to the council by each parish;
  - (c) the division (or not) of any of the parishes, into wards for the purpose of electing councillors;
  - (d) the number and boundaries of any such wards;
  - (e) the number of councillors to be elected for any such ward;
  - (f) the name of any such ward.”
- (5) In subsection (4) after “district council” in each place insert “ or London borough council ”.
- (6) In subsection (5) for “section 16 of the Local Government and Rating Act 1997” in each place substitute “ section 86 of the Local Government and Public Involvement in Health Act 2007 ”.

#### Commencement Information

**I68** Sch. 5 para. 4 in force at 13.2.2008 by S.I. 2008/337, art. 2(c)

- 5 (1) Section 12 (provision supplementary to sections 9 to 11) is amended as follows.
- (2) In subsection (1)—
- (a) after “district councils” in the first place insert “ or by a London borough council ”;
  - (b) after “district councils” in the second place insert “ or the London borough council ”.

#### Commencement Information

**I69** Sch. 5 para. 5 in force at 13.2.2008 by S.I. 2008/337, art. 2(c)

- 6 (1) Section 16 (parish councillors) is amended as follows.

*Status: Point in time view as at 22/11/2012.*

**Changes to legislation:** Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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) In subsection (1), after “each parish” insert “ council ”.
- (3) In subsection (2), at the end insert “ and relevant electoral arrangements ”.
- (4) After subsection (2) insert—
  - “(2A) In their application to the election of parish councillors, this Act and Part 1 of the Representation of the People Act 1983 (c. 2) are subject to the relevant electoral arrangements that apply to the election.
  - (2B) For the purposes of this section “relevant electoral arrangements” means—
    - (a) any arrangements about the election of councillors that are made in, or applicable by virtue of, provision made by virtue of section 245(6)(b) of the Local Government and Public Involvement in Health Act 2007 (transitional, saving or transitory provision), and
    - (b) any electoral arrangements applicable to the council by virtue of an order under section 7 or 10 or an order under section 86 of the Local Government and Public Involvement in Health Act 2007.”

**Commencement Information**

**I70** Sch. 5 para. 6 in force at 13.2.2008 by S.I. 2008/337, art. 2(c)

- 7 (1) Section 137 (power of local authorities to incur expenditure for certain purposes) is amended as follows.
  - (2) In subsection (9) for “means a parish or community council” substitute “means—
    - (a) a parish council which is not an eligible parish council for the purposes of Part 1 of the Local Government Act 2000, or
    - (b) a community council”.

**Commencement Information**

**I71** Sch. 5 para. 7 in force at 31.12.2008 by S.I. 2008/3110, art. 3(c)

- 8 (1) Section 245 (status of certain districts, parishes and communities) is amended as follows.
  - (2) After subsection (7) insert—
    - “(7A) A resolution under subsection (6) shall cease to have effect if the parish has an alternative style (within the meaning of section 17A) by virtue of any of the following—
      - (a) an order under section 11;
      - (b) a resolution under section 12A;
      - (c) an order under section 86 of the Local Government and Public Involvement in Health Act 2007.”

**Commencement Information**

**I72** Sch. 5 para. 8 in force at 13.2.2008 by S.I. 2008/337, art. 2(c)

*Status: Point in time view as at 22/11/2012.*

**Changes to legislation:** Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)

- 9 (1) Schedule 3 (establishment of new authorities in England) is amended as follows.
- (2) In paragraph 10(1), (2) and (3) (parish councillors) for “Part II of the Local Government and Rating Act 1997” substitute “ Part 1 or 4 of the Local Government and Public Involvement in Health Act 2007 ”.

**Commencement Information**

**I73** Sch. 5 para. 9 in force at 13.2.2008 by S.I. 2008/337, art. 2(c)

- 10 (1) The Local Government and Rating Act 1997 (c. 29) is amended as follows.
- (2) Omit Part 2.

**Commencement Information**

**I74** Sch. 5 para. 10 in force at 13.2.2008 by S.I. 2008/337, art. 2(c)

SCHEDULE 6

Section 135

BYELAWS: FURTHER AMENDMENTS

*Public Health Acts Amendment Act 1907 (c. 53)*

- 1 In subsection (4) of section 82 of the Public Health Acts Amendment Act 1907 (byelaws relating to the seashore), omit from “Provided” to the end of the subsection.

**Commencement Information**

**I75** Sch. 6 para. 1 in force at 27.1.2010 by S.I. 2010/112, art. 2(g)

*Public Health Act 1936 (c. 49)*

- 2 In section 231(1) of the Public Health Act 1936 (byelaws with respect to public bathing)—
- (a) in paragraph (b), omit “bathing-machines may be stationed, or”,
  - (b) in paragraph (c), omit “bathing-machines,”,
  - (c) omit paragraph (d).

**Commencement Information**

**I76** Sch. 6 para. 2 in force at 27.1.2010 by S.I. 2010/112, art. 2(g)



*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

*Public Health (Control of Disease) Act 1984 (c. 22)*

- 3 Omit subsections (2) and (3) of section 56 of the Public Health (Control of Disease) Act 1984 (byelaws for preventing disease by the occupants or users of tents, vans, etc).

**Commencement Information**

**I77** Sch. 6 para. 3 in force at 27.1.2010 by S.I. 2010/112, art. 2(g)

*Police Reform Act 2002 (c. 30)*

- 4 (1) In paragraph 1(3)(a) of Schedule 4 to the Police Reform Act 2002 (definition of “relevant fixed penalty offence”) for “sub-paragraph 1(2)(a) to (d)” substitute “sub-paragraph (2)(a) to (e) ”.
- (2) In paragraph 1(3)(a) of Schedule 5 to that Act (definition of “relevant fixed penalty offence”) for “sub-paragraph (2)(a) to (c)” substitute “sub-paragraph (2)(a) to (d) ”.

**Commencement Information**

**I78** Sch. 6 para. 4 in force at 27.1.2010 by S.I. 2010/112, art. 2(g)

SCHEDULE 7

Section 136

AMENDMENTS CONSEQUENTIAL ON REMOVING  
PARISH COUNCILS ETC FROM BEST VALUE DUTIES

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

- 1 In section 2(1) of the Local Government, Planning and Land Act 1980 (duty of authorities to publish information) after paragraph (b) insert—
- “(ba) a parish council;
  - (bb) a parish meeting of a parish which does not have a separate parish council;
  - (bc) a community council;”.

**Commencement Information**

**I79** Sch. 7 para. 1 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(a)

*Local Government Act 1999 (c. 27)*

- 2 (1) The Local Government Act 1999 is amended as follows.
- (2) Before section 19 insert— “ Exclusion of non-commercial considerations ”.
- (3) In section 19 (exclusion of non-commercial considerations for the purposes of section 17 of the Local Government Act 1988)—

*Status: Point in time view as at 22/11/2012.*

**Changes to legislation:** *Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

- (a) in subsection (1)(a) and (b), for “best value authorities” substitute “ relevant authorities ”;
- (b) in subsections (1)(c) and (4), for “best value authority” substitute “ relevant authority ”;
- (c) after subsection (4) insert—
  - “(5) In this section, “relevant authority” means—
    - (a) a best value authority,
    - (b) a parish council, or
    - (c) a community council.”
- (4) After section 19 insert— “ Publication of information ”.
- (5) In section 26(2)(a) (guidance), omit “best value”.

**Commencement Information**

**180** Sch. 7 para. 2 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(a)

*Local Government Act 2003 (c. 26)*

- 3 (1) The Local Government Act 2003 is amended as follows.
- (2) Omit sections 34 and 35 (best value grants to parishes and communities).
- (3) In section 93 (power to charge for discretionary services)—
- (a) in subsections (1), (5) and (6), for “best value authority” substitute “ relevant authority ”;
  - (b) after subsection (8) insert—
    - “(9) In this section, “relevant authority” means—
      - (a) a best value authority;
      - (b) a parish council;
      - (c) a parish meeting of a parish which does not have a separate parish council; or
      - (d) a community council.”
- (4) In section 94 (power to disapply section 93(1))—
- (a) in subsections (1)(a) and (b)(iii) for “best value authority” substitute “ relevant authority ”;
  - (b) in subsections (1)(a) and (b)(i) and (ii) for “best value authorities” substitute “ relevant authorities ”;
  - (c) after subsection (2) insert—
    - “(3) In this section, “relevant authority” has the meaning given in section 93.”
- (5) In section 95 (power to trade in function-related activities through a company)—
- (a) in subsections (1)(a) and (3)(a) (in both places) for “best value authorities” substitute “ relevant authorities ”;
  - (b) in subsections (2), (3)(a) and (5) and in the definition of “ordinary functions” in subsection (7), for “best value authority” substitute “ relevant authority ”;

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- (c) in subsection (7), omit the definition of “best value authority”;
- (d) in that subsection, at the end insert—

““police authority” means—

- (a) a police authority established under section 3 of the Police Act 1996;
- (b) the Common Council of the City of London in its capacity as a police authority; or
- (c) the Metropolitan Police Authority;

“relevant authority” means—

- (a) a best value authority, other than a police authority or the London Development Agency;
- (b) a parish council;
- (c) a parish meeting of a parish which does not have a separate parish council; or
- (d) a community council.”

- (6) In section 96 (regulation of trading powers)—

- (a) in subsections (1), (2) and (3)(c) for “best value authority” substitute “relevant authority”;
- (b) in subsection (3)(a) and (b) for “best value authorities” substitute “relevant authorities”;
- (c) for subsection (4) substitute—

“(4) In this section, “relevant authority” has the meaning given in section 95.”

- (7) In section 97 (power to modify enactments in connection with charging or trading)—

- (a) in subsections (1) and (4)(a) and (b) for “best value authorities” substitute “relevant authorities”;
- (b) in subsections (2), (4)(c), (6) and (11) (in the definition of “discretionary service” and “ordinary functions”) for “best value authority” substitute “relevant authority”;
- (c) in subsection (11) at the end insert—

““relevant authority” means—

- (a) a best value authority;
- (b) a parish council;
- (c) a parish meeting of a parish which does not have a separate parish council; or
- (d) a community council.”

- (8) In section 98 (procedure for orders under section 97)—

- (a) in subsection (1)(a) for “best value authorities” substitute “relevant authorities”;
- (b) after subsection (7) insert—

“(8) In this section, “relevant authority” has the meaning given in section 97.”

- (9) In section 101 (staff transfer matters: general)—

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- (a) in subsections (1) and (3) for “a best value authority (in Scotland, a relevant authority)” substitute “ a relevant authority ”;
  - (b) in subsection (6)(a)(i) for “all best value authorities (or, as the case may be, relevant authorities)” substitute “ all relevant authorities ”;
  - (c) after subsection (7) insert—
    - “(7A) In this section, in relation to England and Wales, “relevant authority” means—
      - (a) a best value authority;
      - (b) a parish council;
      - (c) a parish meeting of a parish which does not have a separate parish council; or
      - (d) a community council.”
  - (d) in subsection (8)—
    - (i) after “In this section” insert “ , in relation to Scotland ”;
    - (ii) in the definition of “appropriate person” omit “ , in relation to Scotland.”.
- (10) In section 102 (staff transfer matters: pensions) after subsection (7) insert—
- “(7A) In this section, in relation to England, “local authority” means—
    - (a) a county council in England, a district council, a London borough council, a parish council or a parish meeting of a parish which does not have a separate parish council;
    - (b) the Council of the Isles of Scilly;
    - (c) the Common Council of the City of London in its capacity as a local authority; and
    - (d) the Greater London Authority so far as it exercises its functions through the Mayor.
  - (7B) In this section, in relation to Wales, “local authority” means a county council, county borough council or community council in Wales.”
- (11) In section 102(8) (definitions)—
- (a) after “in this section” insert “ , in relation to Scotland ”;
  - (b) in the definition of “appropriate person”, omit “in relation to Scotland.”;
  - (c) in the definition of “local authority”—
    - (i) omit paragraph (a);
    - (ii) in paragraph (b), omit “in relation to Scotland.”;
  - (d) after the definition of “local authority” insert—
    - “(9) In this section.”.

#### **Commencement Information**

**I81** Sch. 7 para. 3 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(a)

*Status: Point in time view as at 22/11/2012.*

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## SCHEDULE 8

Section 144

### BEST VALUE: MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

##### PART 1 OF LOCAL GOVERNMENT ACT 1999

- 1 Part 1 of the Local Government Act 1999 (c. 27) (best value authorities) is amended in accordance with this Part of this Schedule.

#### Commencement Information

**I82** Sch. 8 para. 1 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 2 (1) Section 1 (best value authorities) is amended as follows.
- (2) In subsection (1)—
- (a) for paragraph (a) substitute—  
“(a) an English local authority;”;
  - (b) in paragraph (b), at the end insert “ for a National Park in England ”;
  - (c) in paragraph (e), after “fire and rescue authority” insert “ in England ”;
  - (d) for paragraph (g) substitute—  
“(g) an authority established under section 10 of the Local Government Act 1985 (waste disposal authorities);”;
  - (e) after paragraph (j) insert—  
“(k) a Welsh best value authority.”
- (3) In subsection (2) (definition of local authority in relation to England)—
- (a) for the words preceding paragraph (a) substitute “ In this section, “English local authority” means ”;
  - (b) in paragraph (a), after “a county council” insert “ in England ”.
- (4) Omit subsection (3) (definition of local authority in relation to Wales).
- (5) In subsection (4) (definition of police authorities), for “In this section” substitute “ In this Part ”.
- (6) Omit subsection (5) (definition of waste disposal authorities).
- (7) Omit subsection (8) (exclusion of police authorities from certain provisions).

#### Commencement Information

**I83** Sch. 8 para. 2 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 3 (1) Section 2 (power to extend or disapply) is amended as follows.
- (2) In the title, at the end insert “ : Secretary of State ”.
- (3) In subsection (2)—

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- (a) in paragraph (b), at the end insert “ in respect of which the county council or charging authority referred to in section 74(1)(b) of that Act was a council or authority for an area in England ”;
  - (b) in paragraph (c), at the end insert “ and which as regards the financial year beginning in 1989 had power to levy a rate by reference to property in England ”.
- (4) Omit subsection (3) (power to apply section 7 with modifications).
- (5) In subsection (5), for the words from “to a duty” to the end substitute “ to the duty in section 3. ”
- (6) After subsection (5) insert—
- “(5A) Subsection (5) does not apply in relation to a Welsh best value authority.”

#### Commencement Information

**184** Sch. 8 para. 3 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 4 (1) Section 2A (power of National Assembly for Wales to extend or disapply best value duties) is amended as follows.
- (2) In the title, for “best value authorities in Wales” substitute “ Welsh Ministers ”.
- (3) In subsections (1) and (4), for “National Assembly for Wales” substitute “ Welsh Ministers ”;
- (4) In subsections (1), (3) and (4) for “best value authority in Wales” substitute “ Welsh best value authority ”.
- (5) In subsection (2)—
- (a) in paragraph (a), at the end insert “ in respect of which the county council or charging authority referred to in section 74(1)(b) of that Act was a council or authority for an area in Wales ”;
  - (b) in paragraph (b), at the end insert “ and which as regards the financial year beginning in 1989 had power to levy a rate by reference to property in Wales ”.

#### Commencement Information

**185** Sch. 8 para. 4 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 5 For the heading immediately preceding section 3 substitute “ *Duties: general* ”.

#### Commencement Information

**186** Sch. 8 para. 5 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 6 (1) Section 4 (performance indicators and standards) is amended as follows.
- (2) In subsections (1), (3) and (4) for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In subsection (3)—

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- (a) in paragraph (a), for “him” substitute “ them ”;
  - (b) in paragraph (b) for “he thinks” substitute “ they think ”.
- (4) In subsection (4)(b)—
- (a) for “him” substitute “ them ”;
  - (b) for “relevant audit authority” substitute “ Auditor General for Wales ”.
- (5) Omit subsection (6) (definition of relevant audit authority).

**Commencement Information**

**I87** Sch. 8 para. 6 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 7 In section 6 (best value performance plans), in subsections (2), (3)(b) and (4) for “Secretary of State” substitute “ Welsh Ministers ”.

**Commencement Information**

**I88** Sch. 8 para. 7 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 8 In the heading immediately before section 7, at the end insert “ : *Welsh best value authorities* ”.

**Commencement Information**

**I89** Sch. 8 para. 8 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 9 (1) Section 7 (audit of best value performance plans) is amended as follows.
- (2) In subsection (1), for “best value authority” substitute “ Welsh best value authority ”.
  - (3) Omit subsection (3) (auditors appointed by the Audit Commission).
  - (4) In subsection (3A), omit “If an authority's auditor is appointed by the Auditor General for Wales,”.
  - (5) In subsection (4)—
    - (a) omit paragraph (e);
    - (b) in paragraph (ea), omit “if the auditor is appointed by the Auditor General for Wales,”;
    - (c) in paragraph (f) for “Secretary of State” substitute “ Welsh Ministers ”.
  - (6) In subsection (5)—
    - (a) omit paragraph (b);
    - (b) in paragraph (ba), omit “if the auditor is appointed by the Auditor General for Wales,”;
    - (c) in paragraph (c) (in both places) for “Secretary of State” substitute “ Welsh Ministers ”.
  - (7) In subsection (6)(b) for “Secretary of State” substitute “ Welsh Ministers ”.
  - (8) In subsection (7), omit “, (3)”.

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- (9) In subsection (8)—
- (a) omit paragraph (a);
  - (b) in paragraph (aa), omit “if he was appointed by the Auditor General for Wales,”;
  - (c) in the words following paragraph (b), omit “, (3)”.
- (10) In subsection (8A)—
- (a) in paragraph (a), omit “, if the authority is a best value authority in Wales”;
  - (b) omit paragraph (b).
- (11) Omit subsection (9) (application of section 3 of Audit Commission Act 1998 where auditor appointed by the Audit Commission).

**Commencement Information**

**I90** Sch. 8 para. 9 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 10 Omit section 8 (Audit Commission's code of practice and fees).

**Commencement Information**

**I91** Sch. 8 para. 10 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 11 In section 8A(5)—
- (a) in paragraph (a), for “Assembly” substitute “ Welsh Ministers ”;
  - (b) in paragraph (b), for “best value authorities in Wales” substitute “ Welsh best value authorities ”.

**Commencement Information**

**I92** Sch. 8 para. 11 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 12 In section 8B (auditor's duty in relation to codes) omit—
- (a) subsection (1) (auditors appointed by Audit Commission); and
  - (b) subsections (3) and (4) (transitional provision).

**Commencement Information**

**I93** Sch. 8 para. 12 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 13 In section 9 (response to audit)—
- (a) in subsections (1) and (2) for “best value authority” substitute “ Welsh best value authority ”;
  - (b) in subsection (6) (in both places) for “Secretary of State” substitute “ Welsh Ministers ”.

**Commencement Information**

**I94** Sch. 8 para. 13 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)



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- 14 (1) Section 10 (best value inspections by Audit Commission) is amended as follows.
- (2) In subsection (4), omit paragraph (a).
- (3) In subsection (5), for “a best value authority in Wales” substitute “—
- (a) a Welsh best value authority, or
  - (b) a police authority for a police area in Wales.”

**Commencement Information**

**I95** Sch. 8 para. 14 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 15 (1) Section 10A (best value inspections by Auditor General for Wales) is amended as follows.
- (2) In subsection (1) for “a best value authority in Wales” substitute “—
- (a) a Welsh best value authority, or
  - (b) a police authority for a police area in Wales.”
- (3) In subsection (2) for “specified best value authority in Wales” substitute “ specified authority mentioned in subsection (1) ”.

**Commencement Information**

**I96** Sch. 8 para. 15 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 16 In section 11 (inspectors' powers and duties), in subsection (4)(b) omit “must”.

**Commencement Information**

**I97** Sch. 8 para. 16 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 17 In section 12A(4)(b) (consultation about fees for inspections by Auditor General for Wales) for “best value authorities in Wales” substitute “ best value authorities which may be inspected under section 10A ”.

**Commencement Information**

**I98** Sch. 8 para. 17 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 18 In section 13 (reports by Audit Commission) omit subsection (5) (performance plans to record failure to comply with Part 1).

**Commencement Information**

**I99** Sch. 8 para. 18 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 19 In section 13A (reports by Auditor General for Wales), in subsection (5) (performance plans to record failure to comply with Part 1), for “an authority” substitute “ a Welsh best value authority ”.

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**Commencement Information**

**I100** Sch. 8 para. 19 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 20 In section 15(2) (Secretary of State's powers)—
- (a) for the words from “direct it” to the end of paragraph (b) substitute—
    - “(aa) in the case of a Welsh best value authority, direct it to prepare or amend a performance plan or to follow specified procedures in relation to a performance plan;”;
  - (b) in paragraph (c), at the beginning insert “ in the case of any best value authority, direct it ”.

**Commencement Information**

**I101** Sch. 8 para. 20 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 21 (1) Section 23 (accounts) is amended as follows.
- (2) In subsection (4), in paragraph (za), for “best value authorities in Wales” substitute “ Welsh best value authorities or police authorities for police areas in Wales ”.
  - (3) In subsection (6), omit “(within the meaning of section 7)”.
  - (4) After subsection (6) insert—
    - “(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.”

**Commencement Information**

**I102** Sch. 8 para. 21 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

- 22 (1) Section 29 (modification for Wales) is amended as follows.
- (2) For subsections (1) and (2) substitute—
    - “(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.”
  - (3) In subsection (4)—
    - (a) omit “to Wales”;
    - (b) for “National Assembly for Wales” and “Assembly” substitute “ Welsh Ministers ”.
  - (4) After subsection (4) insert—

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“(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.”

**Commencement Information**

**I103** Sch. 8 para. 22 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

**PART 2**

OTHER MINOR AND CONSEQUENTIAL AMENDMENTS

*Housing Associations Act 1985 (c. 69)*

<sup>F3</sup>23 .....

**Textual Amendments**

**F3** Sch. 8 para. 23 repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), [Sch. 4](#) (with art. 6, Sch. 3)

*Railways and Transport Safety Act 2003 (c. 20)*

24 In section 54 of the Railways and Transport Safety Act 2003 (performance directions), for subsection (1) substitute—

“(1) The Secretary of State may give a direction to the Authority—

- (a) specifying factors (“performance indicators”) by reference to which the Authority's performance in exercising functions can be measured;
- (b) specifying standards (“performance standards”) to be met by the Authority in relation to performance indicators specified under paragraph (a).

(1A) In specifying performance indicators and performance standards, and in deciding whether to do so, the Secretary of State shall aim to promote improvement of the way in which the functions of the Authority are exercised, having regard to a combination of economy, efficiency and effectiveness.

(1B) A direction under subsection (1) may specify different performance indicators or performance standards—

- (a) for different functions;
- (b) to apply at different times.

(1C) The Secretary of State may give a direction to the Authority requiring the Authority to—

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- (a) specify performance indicators in relation to functions;
- (b) set targets for the performance of functions (“performance targets”) by reference to performance indicators specified under paragraph (a) or subsection (1)(a);
- (c) set a plan of action to be taken for the purposes of meeting a performance target.”

**Commencement Information**

**I104** Sch. 8 para. 24 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

*Local Government Act 2003 (c. 26)*

- 25 (1) The Local Government Act 2003 is amended as follows.
- (2) In section 36(1) (grants in connection with designation for service excellence), for “subject to any of the duties in sections 3 to 6 of the Local Government Act 1999 (best value duties)” substitute “ which, in relation to any of its functions, is subject to the duty in section 3(1) of the Local Government Act 1999 (best value duty) ”.
  - (3) In section 98(2) (procedure for orders under section 97), for “relate to best value authorities in Wales” (in each place) substitute “ include provision which has effect in relation to Wales ”.
  - (4) In section 101 (staff transfer matters: general), for subsection (7) substitute—  
 “(7) For the purposes of this section, the Secretary of State is the “appropriate person” in relation to a police authority for a police area in Wales.”

**Commencement Information**

**I105** Sch. 8 para. 25 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

*Fire and Rescue Services Act 2004 (c. 21)*

- 26 (1) Section 24 of the Fire and Rescue Services Act 2004 (inspection of compliance with obligation to have regard to Fire and Rescue National Framework) is amended as follows.
- (2) In subsection (1), for “13” substitute “ 13A ”.
  - (3) In subsection (2), for “section 13(2)(b) and (4)” substitute “ sections 13(2)(b) and (4) and 13A(2)(b) and (4) ”.

**Commencement Information**

**I106** Sch. 8 para. 26 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

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

- 27 (1) The Public Audit (Wales) Act 2004 is amended as follows.

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- (2) In section 41(1)(a) (studies for improving economy etc in services), for “best value authorities in Wales” substitute “local government bodies in Wales that are also best value authorities for the purposes of Part 1 of the Local Government Act 1999”.
- (3) In section 59 (interpretation), omit subsection (4) (definition of best value authority in Wales).

**Commencement Information**

**I107** Sch. 8 para. 27 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(e)

SCHEDULE 9

Section 146

CONSEQUENTIAL AMENDMENTS RELATING TO  
CHANGE OF NAME OF THE AUDIT COMMISSION

*Amendment of references to the current name of the Commission*

- 1 (1) In the provisions listed in sub-paragraph (2), in the expression “Audit Commission for Local Authorities and the National Health Service in England and Wales”, omit “and Wales”.
- (2) The provisions are—
  - (a) paragraphs 2(2)(h), 3(2)(e) and 4(h) of Schedule A1 to the Prison Act 1952 (c. 52) (interaction between Her Majesty's Chief Inspector of Prisons and other authorities);
  - (b) the entry in Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (offices disqualifying for membership) relating to any member of the Audit Commission in receipt of remuneration;
  - (c) the entry relating to the Audit Commission in Part 2 of Schedule 1A to the Race Relations Act 1976 (c. 74) (bodies and other persons subject to general statutory duty);
  - <sup>F4</sup>(d) . . . . .
  - (e) section 22(5)(b) of the Airports Act 1986 (c. 31) (auditors of public airport companies);
  - (f) section 124B(5) of the Education Reform Act 1988 (c. 40) (accounts of higher education corporations);
  - (g) paragraph 5(6)(c)(i) of Schedule 8 to the Local Government Finance Act 1988 (c. 41) (non-domestic rating contributions);
  - (h) section 123(8)(ja) of the Social Security Administration Act 1992 (c. 5) (unauthorised disclosure of information relating to particular persons);
  - <sup>F5</sup>(i) . . . . .
  - (j) paragraphs 2(2)(h), 3(2)(e) and 4(h) of Schedule 4A to the Police Act 1996 (c. 16) (interaction between Her Majesty's Inspectors of Constabulary and other authorities);
  - (k) the definition of “the Commission” in section 53(1) of the Audit Commission Act 1998 (c. 18) (interpretation);

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- (l) section 53(1) of the School Standards and Framework Act 1998 (c. 31) (certification of statements by Audit Commission);
- (m) section 22(1) of the Local Government Act 1999 (c. 27) (Audit Commission);
- (n) section 125(2)(b) of the Greater London Authority Act 1999 (c. 29) (information);
- (o) paragraphs 2(2)(h) and 4(h) of the Schedule to the Crown Prosecution Service Inspectorate Act 2000 (c. 10) (interaction between Her Majesty's Chief Inspector of the Crown Prosecution Service and other authorities);
- (p) the definition of “the Audit Commission” in section 83(1) of the Local Government Act 2000 (c. 22) (interpretation of Part 3);
- (q) the entry relating to the Audit Commission in Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities);
- (r) paragraphs 2(2)(h), 3(2)(e) and 4(h) of Schedule 1A to the Criminal Justice and Court Services Act 2000 (c. 43) (interaction between Her Majesty's Inspectorate of the National Probation Service for England and Wales and other authorities);
- (s) the definition of “the Audit Commission” in section 99(7) of the Local Government Act 2003 (c. 26) (categorisation of English local authorities by reference to performance);
- (t) section 110(4) of that Act (financial year of the Audit Commission);
- <sup>F6</sup>(u) .....
- (v) the definition of “Audit Commission” in section 148 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (interpretation of Part 2);
- (w) the definition of “the Audit Commission” in section 71 of the Public Audit (Wales) Act 2004 (c. 23) (interpretation);
- (x) section 20(4)(e) of the Children Act 2004 (c. 31) (joint area reviews);
- (y) paragraph 1(2)(h) of Schedule 13 to the Education and Inspections Act 2006 (c. 40) (inspection authorities);
- (z) paragraph 23(7) of Schedule 7 to the National Health Service Act 2006 (c. 41) (audit of public benefit corporations);
- (z1) paragraph 4(4) of Schedule 15 to that Act (audit of certain NHS bodies).

#### Textual Amendments

- F4** Sch. 9 para. 1(2)(d) repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 4** (with art. 6, Sch. 3)
- F5** Sch. 9 para. 1(2)(i) repealed (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)
- F6** Sch. 9 para. 1(2)(u) repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), **Sch. 1 para. 28** (with art. 2)

#### Commencement Information

- I108** Sch. 9 para. 1 in force at 1.4.2008 by [S.I. 2008/172](#), art. 4(a)

*Status: Point in time view as at 22/11/2012.*

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*Amendment of references to the old name of the Commission*

- 2 (1) In the provisions listed in sub-paragraph (2), in the expression “Audit Commission for Local Authorities in England and Wales”, for “in England and Wales” substitute “and the National Health Service in England”.
- (2) The provisions are—
- (a) section 76(1) of the Transport Act 1985 (c. 67) (audit of accounts of public transport companies);
  - (b) section 70(5) of the Local Government and Housing Act 1989 (c. 42) (requirements for companies under control or subject to influence of local authorities).

**Commencement Information**

**I109** Sch. 9 para. 2 in force at 1.4.2008 by S.I. 2008/172, art. 4(a)

*Repeal of provision in the Audit Commission Act 1998 (c. 18)  
relating to the previous change of name of the Commission*

- 3 In Schedule 4 to the Audit Commission Act 1998 (transitional provisions, savings etc), omit paragraph 8.

**Commencement Information**

**I110** Sch. 9 para. 3 in force at 1.4.2008 by S.I. 2008/172, art. 4(a)

SCHEDULE 10

Section 148

BENEFIT FRAUD INSPECTORATE: TRANSFER SCHEMES

*Transfer of staff*

- 1 Paragraphs 2 to 4 apply where the rights and liabilities relating to an individual's contract of employment are transferred in accordance with a transfer scheme.

**Commencement Information**

**I111** Sch. 10 para. 1 in force at 31.3.2008 by S.I. 2008/172, art. 3

- 2 (1) The individual's contract of employment—
- (a) is not terminated by the transfer; and
  - (b) has effect from the transfer date as if originally made between the individual and the Audit Commission.
- (2) The rights, powers, duties and liabilities of the Secretary of State under or in connection with the contract are transferred to the Audit Commission on the transfer date.

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- (3) Anything done before the transfer date by or in relation to the Secretary of State in respect of the contract or otherwise in his capacity as the employer of the individual shall be treated from that date as having been done by or in relation to the Audit Commission.
- (4) For the purposes of the Employment Rights Act 1996 (c. 18)—
  - (a) the period of employment of the individual in the civil service of the State counts as a period of employment with the Audit Commission; and
  - (b) the transfer does not break the continuity of the period of employment.
- (5) For the purposes of Part 11 of that Act (redundancy), the individual shall not be regarded as having been dismissed by virtue of the transfer.
- (6) This paragraph does not apply in relation to—
  - (a) so much of a contract of employment as relates to a pension scheme; or
  - (b) any rights, powers, duties or liabilities relating to a pension scheme.
- (7) In this paragraph, “transfer date”, in relation to a transfer scheme and an individual, means the date on which the rights and liabilities relating to an individual's contract of employment are transferred to the Audit Commission by virtue of the scheme.

#### Commencement Information

**I112** Sch. 10 para. 2 in force at 31.3.2008 by S.I. 2008/172, art. 3

- 3 (1) A transfer scheme may make provision with respect to the eligibility of the individual to become a member of a pension scheme by virtue of his employment with the Audit Commission.
- (2) A transfer scheme may make provision with respect to the rights of, or rights or liabilities in respect of, the individual under a pension scheme of which he is a member by virtue of his employment immediately before the transfer.

#### Commencement Information

**I113** Sch. 10 para. 3 in force at 31.3.2008 by S.I. 2008/172, art. 3

- 4 In paragraphs 2 and 3, “pension scheme” includes a scheme made under section 1 of the Superannuation Act 1972 (c. 11) (superannuation schemes as respects civil servants etc.).

#### Commencement Information

**I114** Sch. 10 para. 4 in force at 31.3.2008 by S.I. 2008/172, art. 3

#### *Property, rights and liabilities etc.*

- 5 (1) A transfer scheme may provide for the transfer of property, rights and liabilities—
  - (a) whether or not they would otherwise be capable of being transferred or assigned;
  - (b) irrespective of any requirement for consent that would otherwise apply.



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- (2) A transfer scheme may—
  - (a) create rights, or impose liabilities, in relation to property, rights and liabilities transferred by virtue of the scheme;
  - (b) apportion property, rights and liabilities between the transferor and the Audit Commission.
- (3) A transfer scheme may provide for things done by or in relation to the transferor for the purposes of or in connection with anything transferred by a transfer scheme to be—
  - (a) treated as done by or in relation to the Audit Commission or its employees;
  - (b) continued by or in relation to the Audit Commission or its employees.
- (4) A scheme may in particular make provision about the continuation of legal proceedings.
- (5) A scheme may include supplementary, incidental and consequential provision.
- (6) This paragraph has effect subject to paragraph 2 and section 148(4).

**Commencement Information**

**I115** Sch. 10 para. 5 in force at 31.3.2008 by S.I. 2008/172, art. 3

SCHEDULE 11

Section 149

SCHEDULE TO BE INSERTED IN AUDIT COMMISSION ACT 1998

**Commencement Information**

**I116** Sch. 11 in force at 31.1.2008 by S.I. 2008/172, art. 2(1)(a)

“SCHEDULE 2A

Section 47B

INTERACTION WITH OTHER AUTHORITIES

**PART 1**

INTERPRETATION

*Inspection authorities*

- 1 (1) In this Schedule (subject to sub-paragraph (2)), “inspection authority” means—
  - (a) Her Majesty's Chief Inspector of Prisons;
  - (b) Her Majesty's Chief Inspector of Constabulary;
  - (c) Her Majesty's Chief Inspector of the Crown Prosecution Service;
  - (d) Her Majesty's Chief Inspector of the National Probation Service for England and Wales;

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- <sup>F7</sup>(e) .....
- (f) Her Majesty's Chief Inspector of Education, Children's Services and Skills;
- (g) the Commission for Healthcare Audit and Inspection; or
- (h) the Commission for Social Care Inspection.

- (2) In paragraphs 5 to 10 of this Schedule, “inspection authority” also includes—
- (a) Her Majesty's Inspectors of Constabulary,
- (b) Her Majesty's Inspectorate of the National Probation Service for England and Wales. <sup>F8</sup>...

<sup>F8</sup>(c) .....

but notice under paragraph 5(1) in respect of an inspection by those inspectors or inspectorates may be given to their Chief Inspector.

#### *Public authorities*

- 2 (1) In this Schedule “public authority”—
- (a) includes any person any of whose functions are of a public nature; but
- (b) does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.
- (2) Subject to paragraph 9(3), references in this Schedule to a public authority do not include a public authority outside the United Kingdom.
- (3) In relation to a particular act, a person is not a public authority by virtue of sub-paragraph (1) if the nature of the act is private.

#### *Inspections and functions*

- 3 In this Schedule—
- “Audit Commission inspection” means an inspection under—
- (a) section 41A of this Act (inspection of registered social landlords); or
- (b) section 10 of the Local Government Act 1999 (c. 27) (inspection of best value authorities);
- “inspection functions” means functions relating to Audit Commission inspections;
- “national studies functions” means functions relating to studies under any of the following provisions of this Act—
- (a) section 33(1) or (4) (studies for improving economy, efficiency and effectiveness in services);
- (b) section 34(1) (studies as to impact of statutory provisions etc on economy, efficiency and effectiveness in services);
- (c) section 36(1) (studies for improving economy, efficiency and effectiveness in management or operation of educational bodies);
- (d) section 38 (benefit administration studies for Secretary of State);
- (e) section 40 (studies relating to registered social landlords);
- “relevant functions” means—
- (a) inspection functions;
- (b) national studies functions; and
- (c) reporting functions;

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“reporting functions” means functions relating to the production of reports by the Commission under—

- (a) section 139A of the Social Security Administration Act 1992;
- (b) section 47A of this Act;

“section 139A inspector” means a person authorised under section 139A of the Social Security Administration Act 1992 (c. 5) (persons authorised to report on the administration of housing benefit and council tax benefit), other than the Commission.

## PART 2

### EXERCISE OF FUNCTIONS

#### *Inspection programmes and inspection frameworks*

- 4 (1) The Commission must from time to time, or at such times as the Secretary of State may specify by order, prepare—
- (a) a document setting out what Audit Commission inspections it proposes to carry out (an “inspection programme”);
  - (b) a document setting out the way in which it proposes to carry out its functions of inspecting and reporting so far as they relate to Audit Commission inspections (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework, the Commission must consult—
- (a) the Secretary of State,
  - (b) the inspection authorities, and
  - (c) any other person or body specified by an order made by the Secretary of State,
- and it must send to each of the persons or bodies referred to in paragraph (a), (b) or (c) a copy of each programme or framework once it is prepared.
- (3) Sub-paragraph (2) does not require the Commission to consult, or to send copies of documents to, a person or body mentioned in paragraph (b) or (c) of that sub-paragraph in cases or circumstances in relation to which the Commission and that person or body have agreed to waive the requirement.
- (4) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks must take.

#### *Inspections by other inspectors of organisations within the Commission's remit*

- 5 (1) If—
- (a) a specified inspector is proposing to carry out an inspection that would involve inspecting a specified organisation, and
  - (b) the Commission considers that the proposed inspection would impose an unreasonable burden on the specified organisation, or would do so if carried out in a particular way,
- the Commission must, subject to sub-paragraph (6), give a notice to the specified inspector requiring the inspector not to carry out the proposed inspection, or not to carry it out in that way.

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- (2) In this paragraph “specified inspector” means—
- (a) an inspection authority;
  - (b) a section 139A inspector; or
  - (c) any other person or body specified by order made by the Secretary of State.
- (3) In this paragraph “specified organisation” means a person or body specified by order made by the Secretary of State.
- (4) A person or body may be specified under sub-paragraph (3) in relation to particular functions.
- (5) In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge by that person or body of any of the functions in relation to which it is specified.
- (6) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (7) Where a notice is given under this paragraph, the proposed inspection must not be carried out, or (as the case may be) must not be carried out in the way mentioned in the notice; but this is subject to sub-paragraph (8).
- (8) The Secretary of State, if satisfied that the proposed inspection—
- (a) would not impose an unreasonable burden on the specified organisation in question, or
  - (b) would not do so if carried out in a particular way,
- may give consent to the inspection being carried out, or being carried out in that way.
- (9) The Secretary of State may by order make provision supplementing this paragraph, including in particular provision—
- (a) about the form of notices;
  - (b) prescribing the period within which notices are to be given;
  - (c) prescribing circumstances in which notices are, or are not, to be made public;
  - (d) for revising or withdrawing notices;
  - (e) for setting aside notices not validly given.

#### *Co-operation*

- 6 The Commission must co-operate with—
- (a) the inspection authorities,
  - (b) section 139A inspectors, and
  - (c) any other public authority specified by order made by the Secretary of State,
- where it is appropriate to do so for the efficient and effective discharge of any of its relevant functions.

#### *Joint action*

- 7 The Commission may act jointly with—
- (a) an inspection authority, and
  - (b) a section 139A inspector,

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where it is appropriate to do so for the efficient and effective discharge of any of its relevant functions.

#### *Delegation of functions*

- 8 (1) The Commission may delegate any of its relevant functions (to such extent as it may determine) to—
- (a) an inspection authority;
  - (b) any other public authority specified by an order made by the Secretary of State.
- (2) If the carrying out of an Audit Commission inspection, or any study referred to in the definition of “national studies functions” in paragraph 3, is delegated under subparagraph (1) it is nevertheless to be regarded for the purposes of any enactment as carried out by the Commission.

#### *Advice or assistance for other public authorities*

- 9 (1) The Commission may, if it thinks it appropriate to do so, provide advice or assistance to another public authority for the purpose of the exercise by that authority of its functions.
- (2) Advice or assistance under this paragraph may be provided on such terms, including terms as to payment, as the Commission thinks fit.
- (3) In subparagraph (1), the reference to another public authority includes a public authority outside the United Kingdom.

#### *Inspections carried out under arrangements*

- 10 (1) The Commission may make arrangements with an inspection authority to carry out, on behalf of that authority, inspections in England of any institution or matter which the Commission is not required or authorised to carry out by virtue of any other enactment.
- (2) Inspections under this paragraph may be carried out on such terms, including terms as to payment, as the Commission thinks fit.”

#### **Textual Amendments**

- F7** Words in Sch. 11 repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty’s Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), [Sch. 1 para. 29\(a\)](#) (with art. 2)
- F8** Words in Sch. 11 repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty’s Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), [Sch. 1 para. 29\(b\)](#) (with art. 2)

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## SCHEDULE 12

Section 182

### THE COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND: MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

##### AMENDMENTS OF PART 3 OF LOCAL GOVERNMENT ACT 1974

- 1 Part 3 of the Local Government Act 1974 (c. 7) (Commission for Local Administration in England) is amended in accordance with this Part of this Schedule.

#### **Commencement Information**

**I117** Sch. 12 para. 1 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

- 2 In section 23(12) (three-yearly reviews by the Commission), for “complaints” substitute “ matters ”.

#### **Commencement Information**

**I118** Sch. 12 para. 2 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

- 3 (1) Section 26 (matters subject to investigation) is amended as follows.
- (2) In subsection (5)—
- (a) for “a complaint” substitute “ a matter ”;
  - (b) in paragraph (a)—
    - (i) for “the complaint has” substitute “ the matter has ”;
    - (ii) for “the person aggrieved” substitute “ the person affected ”;
    - (iii) for “the complaint relates” substitute “ it relates ”;
    - (iv) for “to investigate, and reply to, the complaint” substitute “ to investigate the matter and to respond ”;
  - (c) in paragraph (b)—
    - (i) for “the complaint to be” substitute “ the matter to be ”;
    - (ii) for “to investigate, and reply to, the complaint” substitute “ to investigate the matter and to respond ”.
- (3) In subsection (6), for “person aggrieved” (in each place) substitute “ person affected ”.
- (4) In subsection (6A), for “any action taken in connection with the discharge by an authority” substitute “ any action taken by or on behalf of an authority in the exercise ”.
- (5) In subsection (7), in paragraphs (aa), (a) (in both places) and (ba), for “complaint” substitute “ matter ”.
- (6) Omit subsection (10) (Local Commissioners' discretion to investigate matters etc).
- (7) In subsection (11)—

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- (a) in paragraph (a), for “person aggrieved” substitute “ person affected ”;
- (b) omit paragraph (b).

(8) Omit subsections (12) and (13) (restrictions on investigating matters arising before specified dates).

#### Commencement Information

**I119** Sch. 12 para. 3 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

- 4 (1) Section 28 (payments to complainants and persons assisting with investigations) is amended as follows.
- (2) In subsection (1)—
- (a) for “conduct an investigation pursuant to a complaint” substitute “ investigate a matter under this Part of this Act ”;
  - (b) after “who is alleged in the complaint” insert “ (if any), or who otherwise appears to the Local Commissioner, ”;
  - (c) for “the action complained of” substitute “ the action which would be the subject of the investigation ”;
  - (d) for “any allegations contained in the complaint” substitute “ the matter ”.
- (3) In subsection (2), for “such investigation” substitute “ investigation under this Part of this Act ”.
- (4) In subsection (3)—
- (a) after “the complaint” insert “ (if any) ”;
  - (b) omit the words following paragraph (b).
- (5) In subsection (4)—
- (a) after “the authority concerned” insert “ or any other person ”;
  - (b) for “that authority” substitute “ the authority concerned or any other person ”.

#### Commencement Information

**I120** Sch. 12 para. 4 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

- 5 (1) Section 29 (further provisions about investigations) is amended as follows.
- (2) In subsection (6), omit “with the approval of the Minister for the Civil Service”.
- (3) In subsection (8), for “or any officer of the Commission assisting in the performance” substitute “ or any person discharging or assisting in the discharge ”.

#### Commencement Information

**I121** Sch. 12 para. 5 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

- 6 (1) Section 31A (consideration of adverse reports) is amended as follows.
- (2) For subsections (1) to (2A) substitute—

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“(1A) Where a further report of a Local Commissioner under section 31(2A) is considered by a person other than the appropriate listed authority and it is proposed that—

- (a) no action should be taken on the report, or
  - (b) the action recommended in the report should not be taken,
- consideration of the report shall be referred to that authority.

(1B) For the purposes of subsection (1A)—

- (a) “listed authority” means an authority mentioned in section 25(1) or specified in an order under subsection 25(2) (but does not include a person mentioned in section 25(4) to (5)), and
- (b) a listed authority is the appropriate listed authority in relation to a further report if the report relates to the authority (or to any person with which the authority is connected for the purposes of this Part of this Act by virtue of section 25(4) to (5)).

(1C) Subsection (1A) has effect subject to subsection (3).”

(3) In subsection (3)—

- (a) for “subsections (1) and (2)” substitute “ subsection (1A) ”;
- (b) in paragraph (a), for “the said section 101, or” substitute “ section 101 of the Local Government Act 1972, ”;
- (c) for paragraph (b) substitute—
  - “(b) a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966, or
  - (c) an admission appeal panel or exclusion appeal panel mentioned in section 25(5)(c) or (e),

and the report is considered by that committee or panel. ”

(4) In subsection (5), for the words from the beginning to “shall vote” substitute “ No individual shall decide or vote ”.

(5) Omit subsections (5A) and (6).

(6) In subsection (7)—

- (a) omit “Where the authority concerned is the Greater London Authority,”;
- (b) for “the Authority” substitute “ the Greater London Authority ”;
- (c) for “the authority concerned (other than references to a member of the authority concerned)” substitute “ an authority ”.

#### **Commencement Information**

**I122** Sch. 12 para. 6 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

7 (1) Section 32 (law of defamation and disclosure of information) is amended as follows.

(2) In subsection (1)(a), for “any officer of the Commission” substitute “ any person discharging or assisting in the discharge of a function of a Local Commissioner ”.

(3) In subsection (1)(b)—



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- (a) for “any officer of the Commission” substitute “ any person discharging or assisting in the discharge of a function of a Local Commissioner ”;
  - (b) after “a complainant” insert “ , or with the person affected in relation to a matter, ”.
- (4) In subsection (1)(ba), for “any officer of the Commission,” substitute “ any person discharging or assisting in the discharge of a function of a Local Commissioner ”.
- (5) In subsection (1)(d), for “section 24” substitute “ section 23A ”.
- (6) After subsection (1)(e) insert—
- “(f) the publication of any matter by inclusion in a report, statement or summary published or supplied under section 31B.”
- (7) In subsection (2)—
- (a) for “any officer of the Commission” substitute “ any person discharging or assisting in the discharge of a function of a Local Commissioner ”;
  - (b) in paragraph (a), for “report to be made under section 30 or 31” insert “ report, statement or summary under section 30, 31 or 31B ”;
  - (c) in paragraph (b), for “an officer of the Commission” substitute “ a person discharging or assisting in the discharge of a function of Local Commissioner ”;
  - (d) in the words following paragraph (c), for “the officers of the Commission” substitute “ persons discharging or assisting in the discharge of a function of a Local Commissioner ”.
- (8) In subsection (3)—
- (a) for “any of the authorities mentioned in section 25(1) above” substitute “ any of the authorities to which this Part of this Act applies ”;
  - (b) for “any member of the staff of the Commission who is allocated to assist him” substitute “ any person discharging or assisting in the discharge of a function of a Local Commissioner ”.
- (9) After subsection (3A) (inserted by section 178) insert—
- “(3B) Section 25(4), (4A) and (5) do not apply for the purpose of subsection (3).”

#### **Commencement Information**

**I123** Sch. 12 para. 7 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

- 8 (1) Section 33 (consultation with other Commissioners etc) is amended as follows.
- (2) In subsection (1)—
- (a) for “the complaint relates partly to” substitute “ the matters which are the subject of the investigation include ”;
  - (b) for “about the complaint and” substitute “ about the matter and, where a complaint was made about the matter, he shall ”.
- (3) In subsection (2)—
- (a) for “a complaint under this Part of this Act” substitute “ a matter under investigation under this Part of this Act ”;

*Status: Point in time view as at 22/11/2012.*

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- (b) for “any matter relating to the complaint” substitute “ anything relating to the matter ”;
- (c) in paragraph (a), for “complaint” substitute “ matter ”.

**Commencement Information**

**I124** Sch. 12 para. 8 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

- 9 (1) Section 33ZA (collaborative working between Local Commissioners and other Commissioners) is amended as follows.
- (2) In subsection (1), for “the complaint relates partly to” substitute “ the matters which are the subject of the investigation include ”.
- (3) In subsection (2)—
- (a) for “the person aggrieved” substitute “ the person affected ”;
  - (b) for “any person acting on his behalf in accordance with subsection (2) of section 27 of this Act” substitute “ the complainant (if any) ”.
- (4) In subsection (4), omit “of a complaint”.

**Commencement Information**

**I125** Sch. 12 para. 9 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

- 10 In section 34(1) (interpretation of Part)—
- (a) in the definition of “member”, omit paragraphs (b) and (c);
  - (b) for the definition of “person aggrieved” substitute—
    - ““person affected”—
    - (a) in relation to a matter which is the subject of a complaint made or to be made under this Part of this Act, means the member of the public who claims or is alleged to have sustained injustice in consequence of the matter, and
    - (b) in relation to a matter coming to the attention of a Local Commissioner to which section 26D applies, means the member of the public who the Local Commissioner considers has, or may have, sustained injustice in consequence of the matter;”.

**Commencement Information**

**I126** Sch. 12 para. 10 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

- 11 (1) Schedule 4 (the Commission) is amended as follows.
- (2) In paragraph 3 (remuneration etc of Commissioners and their officers)—
- (a) in sub-paragraph (1) omit “, with the approval of the Minister for the Civil Service,”;
  - (b) in sub-paragraph (2) omit “, with the consent of the Minister for the Civil Service,”.

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- (3) In paragraph 4 (staff and accommodation)—
- (a) in sub-paragraph (2), for “complaints” substitute “ matters ”;
  - (b) omit sub-paragraphs (5) and (6).

**Commencement Information**

**I127** Sch. 12 para. 11 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

- 12 In Schedule 5 (matters not subject to investigation), in paragraphs 2, 6, 7 and 8, after “taken by” insert “ or on behalf of ”.

**Commencement Information**

**I128** Sch. 12 para. 12 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

## PART 2

### OTHER AMENDMENTS

#### *Parliamentary Commissioner Act 1967 (c. 13)*

- 13 (1) The Parliamentary Commissioner Act 1967 is amended as follows.
- (2) In section 3(2A) (administrative provisions) for “any officer or member of staff of the Commission for Local Administration in England” substitute “ any person discharging or assisting in the discharge of a function of a Local Commissioner, but only if the person is ”.
  - (3) In section 11 (provision for secrecy of information), in subsection (2)(aa) for “a complaint” substitute “ a matter ”.
  - (4) In section 11ZAA (collaborative working between Parliamentary Commissioner and other Commissioners)—
    - (a) in subsection (3)—
      - (i) for “a complaint which is being investigated” substitute “ matters which are the subject of an investigation ”;
      - (ii) for “relates partly to” substitute “ include ”;
      - (iii) after “investigation” insert “ of that matter ”;
    - (b) in subsection (4)—
      - (i) for “a complaint” substitute “ a matter ”;
      - (ii) for “the complaint” substitute “ a complaint about the matter ”;
    - (c) in subsection (5), omit “of a complaint”.

**Commencement Information**

**I129** Sch. 12 para. 13 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

*Status: Point in time view as at 22/11/2012.*

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*Local Government and Housing Act 1989 (c. 42)*

- 14 (1) The Local Government and Housing Act 1989 is amended as follows.
- (2) In section 5 (reports of monitoring officer), in subsection (2)—
- (a) after paragraph (a) insert—
- “(aa) any such maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners), or”;
- (b) in paragraph (b), omit “Part III of the Local Government Act 1974 (Local Commissioners) or”.
- (3) In section 5A (reports of monitoring officer local authorities operating executive arrangements), in subsection (3)(b), for “injustice” substitute “ failure ”.

**Commencement Information**

**I130** Sch. 12 para. 14 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

*Health Service Commissioners Act 1993 (c. 46)*

- 15 (1) The Health Service Commissioners Act 1993 is amended as follows.
- (2) In section 15 (confidentiality of information), in subsection (1)(aa) for “a complaint” substitute “ a matter ”.
- (3) In section 18ZA (collaborative working between the Commissioner and other Commissioners)—
- (a) in subsection (3)—
- (i) for “a complaint which is being investigated” substitute “ matters which are the subject of an investigation ”;
- (ii) for “relates partly to” substitute “ include ”;
- (iii) after “investigation” insert “ of that matter ”;
- (b) in subsection (4), omit “of a complaint”;
- (c) in subsection (5), for “the interests of the complainant and of persons other than the complainant” substitute “ the interests of the complainant (if any) and of other persons ”.
- (4) In Schedule 1 (the English Commissioner), in paragraph 12A—
- (a) after “performed by” insert “—
- (a)”;
- (b) for “the Commission for Local Administration in England” substitute—
- “(b) any person discharging or assisting in the discharge of a function of a Local Commissioner,
- who is ”.

**Commencement Information**

**I131** Sch. 12 para. 15 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

*Status: Point in time view as at 22/11/2012.*

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*Greater London Authority Act 1999 (c. 29)*

- 16 In section 73(6) of the Greater London Authority Act 1999 (monitoring officer), for “injustice” substitute “ failure ”.

**Commencement Information**

**I132** Sch. 12 para. 16 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

*Local Government Act 2000 (c. 22)*

- <sup>F9</sup>17 .....

**Textual Amendments**

**F9** Sch. 12 para. 17 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by *Localism Act 2011 (c. 20)*, s. 240(2), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

*Health and Social Care (Community Health and Standards) Act 2003 (c. 43)*

- 18 In section 114 of the Health and Social Care (Community Health and Standards) Act 2003 (complaints about social services), in subsection (5)(a) for “(and to be treated as if it had been duly made under section 26 of that Act)” substitute “ (and for the complaint to be treated as satisfying sections 26A and 26B of that Act) ”.

**Commencement Information**

**I133** Sch. 12 para. 18 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

SCHEDULE 13

Section 209

CONSEQUENTIAL AMENDMENTS RELATING TO JOINT WASTE AUTHORITIES

**PART 1**

AMENDMENTS OF LOCAL GOVERNMENT ACT 1972

- 1 The Local Government Act 1972 (c. 70) is amended in accordance with this Part of this Schedule.

**Commencement Information**

**I134** Sch. 13 para. 1 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 2 In section 70 (restriction on promotion of Bills for changing local government areas), in subsections (1) and (3), for “or joint authority” substitute “ , joint authority or joint waste authority ”.

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**Commencement Information**

**I135** Sch. 13 para. 2 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 3 In section 80(2) (disqualifications for election and holding office as member of local authority), after “joint authority” insert “, joint waste authority”.

**Commencement Information**

**I136** Sch. 13 para. 3 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 4 In section 85(4) (vacation of office by failure to attend meetings), at the end insert “ and a joint waste authority ”.

**Commencement Information**

**I137** Sch. 13 para. 4 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 5 In section 86(2) (declaration by local authority of vacancy in office), at the end insert “ and a joint waste authority ”.

**Commencement Information**

**I138** Sch. 13 para. 5 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 6 In section 92 (proceedings for disqualification), after subsection (7) insert—
- “(7A) In this section “local authority” also includes a joint waste authority.
- (7B) The reference in subsection (1) above to a local government elector for the area concerned shall—
- (a) in relation to a joint waste authority established for an area that includes a local government area, be construed as including a reference to a local government elector for that local government area;
  - (b) in relation to a joint waste authority established for an area that includes the City of London, be construed as including a reference to a person whose name appears in a ward list published under section 7 of the City of London (Various Powers) Act 1957;
  - (c) in relation to a joint waste authority established for an area that includes the Inner Temple or the Middle Temple, be construed as including a reference to a person whose name appears in the ward list published with respect to the ward of Farringdon Without in the City under section 7 of the City of London (Various Powers) Act 1957.”

**Commencement Information**

**I139** Sch. 13 para. 6 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Status: Point in time view as at 22/11/2012.*

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- 7 In section 98(1A) (interpretation), after “joint authority,” insert “ a joint waste authority, ”.

**Commencement Information**

**I140** Sch. 13 para. 7 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 8 In section 100J (application to new authorities)—
- (a) in subsection (1), after paragraph (b) insert—  
“ (ba) a joint waste authority; ”;
  - (b) in subsection (2), in the words following paragraph (b), after “(b),” insert  
“ (ba), ”;
  - (c) in subsection (3), after “(b),” insert “ (ba), ”;
  - (d) in subsection (4)(a), after “joint authority” insert “ , a joint waste authority ”.

**Commencement Information**

**I141** Sch. 13 para. 8 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 9 In section 101(13) (arrangements for discharge of functions by local authorities), after “police authority,” insert “ a joint waste authority, ”.

**Commencement Information**

**I142** Sch. 13 para. 9 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 10 In section 146A(1) (joint authorities etc), after “joint authority,” insert “ a joint waste authority, ”.

**Commencement Information**

**I143** Sch. 13 para. 10 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 11 In section 175(3B) (allowances for attending conferences and meetings), after “London Fire and Emergency Planning Authority” insert “ , a joint waste authority ”.

**Commencement Information**

**I144** Sch. 13 para. 11 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 12 In section 176(3) (payment of expenses of official visits), after “joint authority” insert “ , a joint waste authority ”.

**Commencement Information**

**I145** Sch. 13 para. 12 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

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- 13 In section 223(2) (appearance of local authorities in legal proceedings), after “joint authority,” insert “ a joint waste authority, ”.

**Commencement Information**

**I146** Sch. 13 para. 13 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 14 In section 224(2) (arrangements by principal councils for custody of documents), after “joint authority” insert “ or joint waste authority ”.

**Commencement Information**

**I147** Sch. 13 para. 14 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 15 In section 225(3) (deposit of documents with proper officer of authority), at the end insert “ and a joint waste authority ”.

**Commencement Information**

**I148** Sch. 13 para. 15 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 16 In section 228 (inspection of documents), after subsection (7A) insert—  
 “(7B) This section shall apply to the minutes of proceedings and the accounts of a joint waste authority as if that authority were a local authority; and in relation to a joint waste authority the reference to a local government elector for the area of the authority is to be construed in accordance with section 92(7B).”

**Commencement Information**

**I149** Sch. 13 para. 16 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 17 In section 229(8) (photographic copies of documents), after “joint authority” insert “ , a joint waste authority ”.

**Commencement Information**

**I150** Sch. 13 para. 17 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 18 In section 230(2) (reports and returns), at the end insert “ and a joint waste authority ”.

**Commencement Information**

**I151** Sch. 13 para. 18 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 19 In section 231(4) (service of notices on local authorities), after “joint authority” insert “ , a joint waste authority ”.



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**Commencement Information**

**I152** Sch. 13 para. 19 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 20 In section 232(1A) (public notices), after “joint authority” insert “, a joint waste authority”.

**Commencement Information**

**I153** Sch. 13 para. 20 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 21 In section 233(11) (service of notices by local authorities), after “joint authority” insert “, a joint waste authority”.

**Commencement Information**

**I154** Sch. 13 para. 21 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 22 In section 234(4) (authentication of documents), after “joint authority” insert “, a joint waste authority”.

**Commencement Information**

**I155** Sch. 13 para. 22 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 23 In section 239(4A) (power to promote or oppose local or personal Bills), at the end insert “ and a joint waste authority”.

**Commencement Information**

**I156** Sch. 13 para. 23 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 24 In section 270(1) (general provisions as to interpretation), after the definition of “joint authority” insert—

““joint waste authority” means an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007;”.

**Commencement Information**

**I157** Sch. 13 para. 24 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

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## PART 2

### OTHER AMENDMENTS

#### *Landlord and Tenant Act 1954 (c. 56)*

- 25 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation), in the definition of “local authority”, after “National Park authority,” insert “ an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ”.

**Commencement Information**

**I158** Sch. 13 para. 25 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

#### *Trustee Investments Act 1961 (c. 62)*

- 26 In section 11(4)(a) of the Trustee Investments Act 1961 (local authority investment schemes), after “1985” insert “ , an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ”.

**Commencement Information**

**I159** Sch. 13 para. 26 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

#### *Leasehold Reform Act 1967 (c. 88)*

- 27 In section 28(5)(a) of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), after “1985,” insert “ any authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ”.

**Commencement Information**

**I160** Sch. 13 para. 27 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

#### *Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)*

- 28 In section 3(2)(b) of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), after “1985,” insert “ an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ”.

**Commencement Information**

**I161** Sch. 13 para. 28 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

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*Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 29 In section 1(4) of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in the definition of “local authority”, after “1985” insert “, any authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

**Commencement Information**

**I162** Sch. 13 para. 29 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Employment Agencies Act 1973 (c. 35)*

- 30 In section 13(7) of the Employment Agencies Act 1973 (interpretation), after paragraph (f) insert—  
“(fza) the exercise by an authority established for an area in England under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) of any of its functions;”.

**Commencement Information**

**I163** Sch. 13 para. 30 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Local Government Act 1974 (c. 7)*

- 31 (1) Part 3 of the Local Government Act 1974 (Commission for Local Administration in England) is amended as follows.
- (2) In section 25(1) (authorities subject to investigation), after paragraph (cc) insert—  
“(cd) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.
- (3) In section 26C(6) (referral of complaints by authorities) (inserted by section 174 of this Act), after paragraph (c) insert—  
“(d) in relation to an authority established by an order under section 207 of the Local Government and Public Involvement in Health Act 2007, a person who may be a member of the authority in accordance with section 208 of that Act.”

**Commencement Information**

**I164** Sch. 13 para. 31 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Health and Safety at Work etc Act 1974 (c. 37)*

- 32 In section 28(6) of the Health and Safety at Work etc Act 1974 (restrictions on disclosure of information), after “1985” insert “, an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

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**Commencement Information**

**I165** Sch. 13 para. 32 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

- 33 In section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation of Part 1), in the definition of “local authority”—
- (a) in paragraph (a), after “1985” insert “, an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ”;
  - (b) in paragraph (c), after “authorities,” insert “ an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ”.

**Commencement Information**

**I166** Sch. 13 para. 33 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Rent (Agriculture) Act 1976 (c. 80)*

- 34 In section 5(3) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord's interest belongs to local authority etc), after paragraph (bb) insert—
- “(bba) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

**Commencement Information**

**I167** Sch. 13 para. 34 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Rent Act 1977 (c. 42)*

- 35 In section 14 of the Rent Act 1977 (landlord's interest belonging to local authority etc), after paragraph (cb) insert—
- “(cba) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

**Commencement Information**

**I168** Sch. 13 para. 35 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

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

- 36 (1) The Local Government, Planning and Land Act 1980 is amended as follows.
- (2) In section 2(1) (duty of authorities to publish information), after paragraph (ka) insert—

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- “(kaa) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.
- (3) In section 98(8A) (authorities referred to by subsection (8)(d)), after paragraph (e) (and before the “and” following that paragraph) insert—
- “(ea) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.
- (4) In section 99(4) (representations by certain bodies), after paragraph (db) insert—
- “(dba) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.
- (5) In section 100(1)(a) (meaning of “subsidiary), for “or a joint authority established by Part IV of the Local Government Act 1985,” substitute “, a joint authority established by Part 4 of the Local Government Act 1985 or an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ”.
- (6) In Schedule 16 (bodies to whom Part 10 applies), after paragraph 5B insert—
- “5BA An authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities).”

#### Commencement Information

**I169** Sch. 13 para. 36 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

#### *Acquisition of Land Act 1981 (c. 67)*

- 37 In section 17(4) of the Acquisition of Land Act 1981 (local authority and statutory undertakers' land), in paragraph (a) of the definition of “local authority”, for “and a joint authority established by Part IV of the Local Government Act 1985,” substitute “, a joint authority established by Part 4 of the Local Government Act 1985 or an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ”.

#### Commencement Information

**I170** Sch. 13 para. 37 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

#### *Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

- 38 (1) The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.
- (2) In section 33(9) (enforceability by local authorities of certain covenants relating to land)—
- (a) in paragraph (a), for “or a joint authority established by Part IV of the Local Government Act 1985” substitute “, a joint authority established by Part 4

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of the Local Government Act 1985 or an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ”;

(b) in paragraph (b), after “joint authority” insert “ or joint waste authority ”.

(3) In section 41(13) (lost and uncollected property), in the definition of “local authority”, after paragraph (e) (and before the “and” following that paragraph) insert—

“(ea) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

**Commencement Information**

**I171** Sch. 13 para. 38 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Stock Transfer Act 1982 (c. 41)*

39 In paragraph 7(2)(a) of Schedule 1 to the Stock Transfer Act 1982 (specified securities), after “1985” insert “ , an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ”.

**Commencement Information**

**I172** Sch. 13 para. 39 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*County Courts Act 1984 (c. 28)*

40 In section 60(3) of the County Courts Act 1984 (right of audience), in the definition of “local authority”, after “1985,” insert “ an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), ”.

**Commencement Information**

**I173** Sch. 13 para. 40 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Housing Act 1985 (c. 68)*

41 (1) Section 4 of the Housing Act 1985 (descriptions of authority) is renumbered subsection (1) of that section.

(2) In paragraph (e) of that subsection—

(a) for “and a joint authority established by Part IV of the Local Government Act 1985” substitute “ , a joint authority established by Part 4 of the Local Government Act 1985, a joint waste authority ”;

(b) for “a joint authority established by Part IV of the Local Government Act 1985”, in the second place where it occurs, substitute “ , a joint authority

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established by Part 4 of the Local Government Act 1985, a joint waste authority”.

(3) After that subsection insert—

“(2) In this section “joint waste authority” means an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007.”

**Commencement Information**

I174 Sch. 13 para. 41 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Landlord and Tenant Act 1985 (c. 70)*

42 In section 38 of the Landlord and Tenant Act 1985 (minor definitions), in the definition of “local authority”, after “1985” insert “, an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

**Commencement Information**

I175 Sch. 13 para. 42 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Local Government Act 1988 (c. 9)*

43 In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: the public authorities), after the entry relating to an authority established by an order under section 10(1) of the Local Government Act 1985 insert— “ An authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities).”

**Commencement Information**

I176 Sch. 13 para. 43 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Housing Act 1988 (c. 50)*

44 In Schedule 1 to the Housing Act 1988 (tenancies that cannot be assured tenancies), in paragraph 12(1) after paragraph (f) insert—  
“(fa) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

**Commencement Information**

I177 Sch. 13 para. 44 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

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*Road Traffic Act 1988 (c. 52)*

- 45 In section 144(2)(a)(i) of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance), after “the London Fire and Emergency Planning Authority,” insert “an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ”.

**Commencement Information**

**I178** Sch. 13 para. 45 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Local Government and Housing Act 1989 (c. 42)*

- 46 The Local Government and Housing Act 1989 is amended as follows.

**Commencement Information**

**I179** Sch. 13 para. 46 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 47 In section 21(1) (interpretation of Part 1), after paragraph (g) insert—  
 “(ga) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

**Commencement Information**

**I180** Sch. 13 para. 47 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

- 48 In section 152(2) (interpretation of sections 150 and 151), after paragraph (i) insert—  
 “(ia) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

**Commencement Information**

**I181** Sch. 13 para. 48 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Environmental Protection Act 1990 (c. 43)*

- 49 In section 52(1A) of the Environmental Protection Act 1990 (payments for recycling and disposal etc of waste), at the end insert “ or any authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) ”.

**Commencement Information**

**I182** Sch. 13 para. 49 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)



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*Local Government (Overseas Assistance) Act 1993 (c. 25)*

- 50 In section 1(10) of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance), after paragraph (d) insert—
- “(da) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

**Commencement Information**

**I183** Sch. 13 para. 50 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Housing Grants, Construction and Regeneration Act 1996 (c. 53)*

- 51 In section 3(2) of the Housing Grants, Construction and Regeneration Act 1996 (ineligible applicants for grants), after paragraph (j) (and before the “or” following that paragraph) insert—
- “(ja) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

**Commencement Information**

**I184** Sch. 13 para. 51 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Audit Commission Act 1998 (c. 18)*

- 52 In Schedule 2 to the Audit Commission Act 1998 (accounts subject to audit), in paragraph 1, after paragraph (m) insert—
- “(ma) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

**Commencement Information**

**I185** Sch. 13 para. 52 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Local Government Act 1999 (c. 27)*

- 53 In section 1(1) of the Local Government Act 1999 (best value authorities), after paragraph (g) insert—
- “(ga) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

**Commencement Information**

**I186** Sch. 13 para. 53 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

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*Freedom of Information Act 2000 (c. 36)*

54 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), after paragraph 15 insert—

“15A An authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities).”

**Commencement Information**

**I187** Sch. 13 para. 54 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

*Local Government Act 2003 (c. 26)*

55 (1) The Local Government Act 2003 is amended as follows.

(2) In section 23(1) (definition of local authority for purposes of Part 1), after paragraph (k) insert—

“(ka) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

(3) In section 33(1) (power to pay grant: interpretation), after paragraph (j) insert—

“(ja) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

**Commencement Information**

**I188** Sch. 13 para. 55 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(p)

PROSPECTIVE

SCHEDULE 14

Section 216

CONSEQUENTIAL AMENDMENTS RELATING TO  
ENTITIES CONTROLLED ETC BY LOCAL AUTHORITIES

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

F10<sub>1</sub>

**Textual Amendments**

**F10** Sch. 14 para. 1 repealed (1.7.2011) by Bribery Act 2010 (c. 23), s. 19(1), Sch. 2 (with ss. 16, 19(5)); S.I. 2011/1418, art. 2

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*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.
- F11(...) .....

**Textual Amendments**

**F11** Words in [Sch. 14 para. 2\(3\)](#) omitted (17.11.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 2 para. 13\(3\)](#); S.I. 2021/1249, art. 2(b)

*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 ore 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.”

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*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)—
- (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.”

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- (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 ”.

<sup>F12</sup>(6) .....

#### Textual Amendments

**F12** Sch. 14 para. 5(6) repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 123\(e\)](#); S.I. 2015/841, art. 3(x)

#### *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.

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- (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.”

## SCHEDULE 15

Section 219

### THE VALUATION TRIBUNAL FOR ENGLAND

#### *Introduction*

- 1 Schedule 11 to the Local Government Finance Act 1988 (c. 41) is amended as follows.

#### **Commencement Information**

**I189** Sch. 15 para. 1 in force at 1.4.2008 for specified purposes by S.I. 2008/917, art. 2(1)(w)(2)

**I190** Sch. 15 para. 1 in force at 12.12.2008 for specified purposes by S.I. 2008/3110, art. 2(j)

**I191** Sch. 15 para. 1 in force at 1.10.2009 in so far as not already in force by S.I. 2008/3110, art. 6(c)(i)

#### *Establishment of the Tribunal*

- 2 Before paragraph 1 (and the italic heading preceding it) insert—

#### **“PART 1**

### THE VALUATION TRIBUNAL FOR ENGLAND

#### *Establishment*

- A1 There shall be a Valuation Tribunal for England.

#### *Jurisdiction*

- A2 (1) The jurisdiction of the existing English tribunals, including their jurisdiction under current legislation, is transferred to the Tribunal.
- (2) The jurisdiction of the existing English tribunals under current legislation is their jurisdiction under any of the following—

*This Act*

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Regulations under section 55.

Paragraph 4 of Schedule 4A.

Paragraph 5C of Schedule 9.

*Land Drainage Act 1991 (c. 59)*

Section 45.

*Local Government Finance Act 1992 (c. 14)*

Section 16.

Regulations under section 24.

Paragraph 3 of Schedule 3.

- (3) The jurisdiction transferred by this paragraph is to be exercised as regards all appeals under that jurisdiction, whether made before or after the transfer.
- (4) The existing English tribunals are the valuation tribunals established in relation to England by regulations under this Schedule (prior to its amendment by the Local Government and Public Involvement in Health Act 2007) which are in existence immediately before this paragraph comes into force.
- A3 (1) This paragraph applies as regards any matter which falls within the jurisdiction of the Tribunal.
- (2) The Secretary of State may by regulations provide that, where the persons mentioned in sub-paragraph (3) below agree in writing that the matter is to be referred to arbitration, the matter shall be so referred.
- (3) The persons are the persons who, if the matter were to be the subject of an appeal to the Tribunal, would be the parties to the appeal.

#### *Membership*

- A4 The Tribunal is to consist of the following members—
- (a) the President of the Valuation Tribunal for England;
  - (b) one or more Vice-Presidents of the Valuation Tribunal for England;
  - (c) the members of a panel of persons to act as chairmen of the Tribunal;
  - (d) other persons appointed as members of the Tribunal.
- A5 A Vice-President has the functions assigned to him by the President.
- A6 (1) This paragraph applies if—
- (a) the office of President is vacant, or
  - (b) the President is absent or otherwise unable to act.
- (2) The President's functions may be exercised by any Vice-President.
- A7 (1) It is for the Lord Chancellor to appoint the members of the Tribunal.
- (2) It is for the Secretary of State to determine the terms and conditions on which members of the Tribunal are to be appointed.
- (3) Paragraphs A11 to A13 make further provision about determination of remuneration etc.
- A8 (1) It is for the Secretary of State to determine the following matters—

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- (a) how many Vice-Presidents the Tribunal is to have;
  - (b) how many members the panel of chairmen is to have;
  - (c) how many other members the Tribunal is to have.
- (2) A determination under this paragraph may specify, in relation to a class of member—
- (a) a particular number, or
  - (b) a minimum number or a maximum number, or both.
- (3) Before making a determination under this paragraph the Secretary of State must consult both of the following—
- (a) the President;
  - (b) the Valuation Tribunal Service.

#### *Tenure of office*

- A9 (1) A member of the Tribunal shall hold office in accordance with the terms and conditions of his appointment.
- (2) That is subject to the other provisions of this Schedule.
- A10 The Lord Chancellor may remove a member of the Tribunal from office if the Lord Chancellor is satisfied that the member is—
- (a) unable,
  - (b) unwilling, or
  - (c) unfit (whether because of misbehaviour or otherwise),
- to perform his functions as a member of the Tribunal.

#### *Remuneration, allowances & pension*

- A11 It is for the Secretary of State to determine what (if any) remuneration is payable to the President and the Vice-Presidents.
- A12 It is for the Secretary of State to determine what (if any) allowances (including travelling and subsistence allowances) are payable to the members of the Tribunal.
- A13 It is for the Secretary of State to determine—
- (a) what (if any) pension is payable to, or in respect of, a person who has held office as President or Vice-President, and
  - (b) what (if any) amounts are payable towards provision for the payment of a pension to, or in respect of, a person who has held office as President or Vice-President.
- A14 The Valuation Tribunal Service must pay any amount which is payable in accordance with a determination made by the Secretary of State under paragraph A11, A12 or A13.

#### *Organisation & delegation*

- A15 The President may make arrangements for the organisation of the Tribunal (whether in divisions or otherwise).



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- A16(1) The President or a Vice-President may delegate any of his functions to any other member of the Tribunal.
- (2) But where the President or a Vice-President has been selected to deal with an appeal, that person may not delegate any function of deciding that appeal.
- (3) A member of the Tribunal to whom a function is delegated under sub-paragraph (1) may delegate the function to any other member of the Tribunal (unless the delegation under sub-paragraph (1) does not allow such sub-delegation).
- (4) Any delegation under sub-paragraph (1) or (3) must be made in writing.

#### *Dealing with appeals*

- A17(1) The President must make tribunal business arrangements.
- (2) Tribunal business arrangements are arrangements which provide for the selection of the member or members of the Tribunal to deal with any appeal made to the Tribunal.
- (3) Tribunal business arrangements must provide for at least one senior member of the Tribunal to deal with an appeal.
- (4) The senior members of the Tribunal are—
- (a) the President;
  - (b) the Vice-Presidents;
  - (c) the members of the panel of chairmen.
- (5) Tribunal business arrangements must comply with, and are subject to, regulations under paragraph A19.
- A18(1) This paragraph applies if a member of the Tribunal dealing with an appeal becomes unable to act.
- (2) The other members dealing with the appeal may continue to deal with the appeal.
- (3) Or, if the member who becomes unable to act is the only member dealing with the appeal, a further selection must be made in accordance with tribunal business arrangements.

#### *Regulations*

- A19(1) The Secretary of State may, by regulations, make provision in relation to procedure or any other matter relating to the Tribunal.
- (2) Regulations under this paragraph may include provision about any of these matters—
- (a) the circumstances in which persons are disqualified from becoming or continuing to be members of the Tribunal;
  - (b) the circumstances in which members of the Tribunal are to be disqualified from acting;
  - (c) the factors which are not to disqualify persons from becoming or continuing to be members of the Tribunal;

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- (d) the factors which are not to disqualify members of the Tribunal from acting;
  - (e) the functions of the Tribunal relating to an appeal which may be discharged on its behalf by the clerk of the Tribunal or by any other member of the Tribunal's staff.
- (3) Regulations under this paragraph may not make provision in relation to staff, accommodation and equipment.
- (4) Part 3 makes further provision about the kind of regulations that may be made under this paragraph.

### *Interpretation*

A20 In this Part—

- (a) “Tribunal” means the Valuation Tribunal for England;
- (b) “President” means President of the Valuation Tribunal for England;
- (c) “Vice-President” means Vice-President of the Valuation Tribunal for England;
- (d) “panel of chairmen” means the panel of persons to act as chairmen of the Tribunal;
- (e) “Tribunal's staff” means the staff provided to the Tribunal by (or under arrangements made by) the Valuation Tribunal Service.”

#### **Commencement Information**

**I192** Sch. 15 para. 2 in force at 1.4.2008 for specified purposes by S.I. 2008/917, art. 2(1)(w)(2)

**I193** Sch. 15 para. 2 in force at 12.12.2008 for specified purposes by S.I. 2008/3110, art. 2(j)

**I194** Sch. 15 para. 2 in force at 1.10.2009 in so far as not already in force by S.I. 2008/3110, art. 6(c)(i)

### *Schedule 11 to be divided into Parts*

- 3 (1) The entries in the first column of the following table set out certain provisions of Schedule 11 (as amended in accordance with this Schedule).
- (2) The provisions set out in such an entry become the Part of Schedule 11 set out in the corresponding entry in the second column.
- (3) That Part has the title set out in the corresponding entry in the third column.

<i>Provisions</i>	<i>Part</i>	<i>Title</i>
Paragraphs 1 to 7A	PART 2	VALUATION TRIBUNALS: WALES
Paragraphs 8 to 12A	PART 3	PROCEDURE, ORDERS ETC
Paragraphs 13 to 18	PART 4	MISCELLANEOUS

#### **Commencement Information**

**I195** Sch. 15 para. 3 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

### *Retention of existing arrangements for Wales*

- 4 In paragraph 1 (establishment of tribunals)—
- (a) in sub-paragraph (1) for “of tribunals” insert “, in relation to Wales, of one or more tribunals”;
  - (b) omit sub-paragraph (2)(a);
  - (c) in sub-paragraph (2)(b) omit “so far as relating to Wales.”.

#### **Commencement Information**

**I196** Sch. 15 para. 4 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

- 5 After paragraph 1 insert—
- “1A In this Part, references to a tribunal are references to any tribunal established in relation to Wales by regulations under paragraph 1.”

#### **Commencement Information**

**I197** Sch. 15 para. 5 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

- 6 (1) Omit paragraph 3 (transfer of jurisdiction of local valuation courts).
- (2) The repeal of paragraph 3 does not affect any regulations made under that paragraph before the repeal comes into force.

#### **Commencement Information**

**I198** Sch. 15 para. 6 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

- 7 In paragraph 5(1) (regulations about membership of tribunals), in sub-paragraph (p) after “such” insert “remuneration and”.

#### **Commencement Information**

**I199** Sch. 15 para. 7 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

- 8 In paragraph 6(1) (staff) omit “, so far as relating to Wales.”.

#### **Commencement Information**

**I200** Sch. 15 para. 8 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

- 9 In paragraph 7(1) (accommodation and equipment) omit “, so far as relating to Wales.”.

#### **Commencement Information**

**I201** Sch. 15 para. 9 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

- 10 (1) For the italic heading before paragraph 8 substitute— “Dealing with appeals”

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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) Paragraph 8(1) becomes paragraph 7A of Schedule 11.

**Commencement Information**

**I202** Sch. 15 para. 10 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

*Amendment of provisions relating to England and to Wales*

11 Before paragraph 8(2) insert—

*“Procedure*

8 (1) Regulations under paragraph A19 or paragraph 1 may include provision of any kind specified in this paragraph.”

**Commencement Information**

**I203** Sch. 15 para. 11 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

12 In paragraph 9(2) for “paragraph 1” substitute “ paragraph A19 or paragraph 1 ”.

**Commencement Information**

**I204** Sch. 15 para. 12 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

13 In paragraph 10(2) for “paragraph 1” substitute “ paragraph A19 or paragraph 1 ”.

**Commencement Information**

**I205** Sch. 15 para. 13 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

14 In paragraph 10A(2) for “paragraph 1” substitute “ paragraph A19 or paragraph 1 ”.

**Commencement Information**

**I206** Sch. 15 para. 14 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

15 In paragraph 11(1) for “paragraph 1” substitute “ paragraph A19 or paragraph 1 ”.

**Commencement Information**

**I207** Sch. 15 para. 15 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

16 In paragraph 12(1) for “paragraph 1” substitute “ paragraph A19 or paragraph 1 ”.

**Commencement Information**

**I208** Sch. 15 para. 16 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

17 After paragraph 12 insert—

*“Meaning of tribunal*

12A In this Part references to a tribunal are—

- (a) in relation to England, references to the Valuation Tribunal for England;
- (b) in relation to Wales, references to a tribunal established under paragraph 1 of this Schedule.”

**Commencement Information**

**I209** Sch. 15 para. 17 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

18 (1) For the italic heading before paragraph 13 substitute— “ Finance: Wales ”

(2) In paragraph 13 for “tribunals” substitute “ the tribunals established in relation to Wales by regulations under paragraph 1 ”.

**Commencement Information**

**I210** Sch. 15 para. 18 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

19 In paragraph 15 for “paragraph 4” substitute “ paragraph A3 or paragraph 4 ”.

**Commencement Information**

**I211** Sch. 15 para. 19 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

SCHEDULE 16

Section 220

CONSEQUENTIAL AMENDMENTS RELATING TO THE  
CREATION OF THE VALUATION TRIBUNAL FOR ENGLAND

*House of Commons Disqualification Act 1975 (c. 24)*

1 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), insert at the appropriate place— “ The Valuation Tribunal for England. ”

**Commencement Information**

**I212** Sch. 16 para. 1 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(x)

*Local Government Finance Act 1988 (c. 41)*

2 The Local Government Finance Act 1988 is amended as follows.

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

**Commencement Information**

**I213** Sch. 16 para. 2 in force at 1.10.2009 by S.I. 2008/3110, art. 6(d)(i)

- 3 (1) Section 55 (alteration of lists) is amended in accordance with this paragraph.
- (2) In subsection (5) omit “established under Schedule 11 below”.
- (3) After subsection (7A) insert—
- “(8) In this section “valuation tribunal” means—
- (a) in relation to England: the Valuation Tribunal for England;
- (b) in relation to Wales: a valuation tribunal established under paragraph 1 of Schedule 11.”

**Commencement Information**

**I214** Sch. 16 para. 3 in force at 1.10.2009 by S.I. 2008/3110, art. 6(d)(i)

- 4 (1) Schedule 4A (non-domestic rating: new buildings (completion days)) is amended in accordance with this paragraph.
- (2) In paragraph 4 (appeals against completion notices), after sub-paragraph (2) insert—
- “(3) In this paragraph “valuation tribunal” means—
- (a) in relation to England: the Valuation Tribunal for England;
- (b) in relation to Wales: a valuation tribunal established under paragraph 1 of Schedule 11.”

**Commencement Information**

**I215** Sch. 16 para. 4 in force at 1.10.2009 by S.I. 2008/3110, art. 6(d)(i)

- 5 (1) Schedule 9 (non-domestic rating: administration) is amended in accordance with this paragraph.
- (2) In paragraph 5C (non-compliance with information notice: appeals against penalties), after sub-paragraph (6) insert—
- “(7) In this paragraph “valuation tribunal” means—
- (a) in relation to England: the Valuation Tribunal for England;
- (b) in relation to Wales: a valuation tribunal established under paragraph 1 of Schedule 11.”

**Commencement Information**

**I216** Sch. 16 para. 5 in force at 1.10.2009 by S.I. 2008/3110, art. 6(d)(i)

*Land Drainage Act 1991 (c. 59)*

- 6 (1) Section 45 of the Land Drainage Act 1991 (appeals against determinations of annual value) is amended in accordance with this paragraph.

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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) In subsection (7)(a) omit “, in accordance with regulations under Schedule 11 to the Local Government Finance Act 1988,”.
- (3) After subsection (7) insert—
- “(8) For the purposes of subsection (7)—
- (a) “valuation tribunal” means—
- (i) the Valuation Tribunal for England, or
- (ii) a valuation tribunal established under paragraph 1 of Schedule 11 to the Local Government Finance Act 1988;
- (b) England is to be treated as the area for which the Valuation Tribunal for England is established.”

**Commencement Information**

I217 Sch. 16 para. 6 in force at 1.10.2009 by S.I. 2008/3110, art. 6(d)(i)

*Local Government Finance Act 1992 (c. 14)*

- 7 (1) Section 69 of the Local Government Finance Act 1992 (interpretation etc of Part 1) is amended in accordance with this paragraph.
- (2) In subsection (1), for the definition of “valuation tribunal” substitute—
- ““valuation tribunal” means—
- (a) in relation to England: the Valuation Tribunal for England;
- (b) in relation to Wales: a valuation tribunal established under paragraph 1 of Schedule 11 to the 1988 Act.”

**Commencement Information**

I218 Sch. 16 para. 7 in force at 1.10.2009 by S.I. 2008/3110, art. 6(d)(i)

*Tribunals and Inquiries Act 1992 (c. 53)*

- 8 (1) Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of Council on Tribunals) is amended in accordance with this paragraph.
- (2) In entry 28, for “Valuation tribunals established” substitute “ The Valuation Tribunal for England and the valuation tribunals established in relation to Wales ”.

**Commencement Information**

I219 Sch. 16 para. 8 in force at 1.10.2009 by S.I. 2008/3110, art. 6(d)(i)

*Finance Act 2003 (c. 14)*

- 9 (1) Section 78A of the Finance Act 2003 (disclosure of information contained in land transaction returns) is amended in accordance with this paragraph.

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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) In subsection (1)(b), omit “established under Schedule 11 to the Local Government Finance Act 1988”.

(3) After subsection (3) insert—

“(4) In this section “valuation tribunal” means—

- (a) in relation to England: the Valuation Tribunal for England;
- (b) in relation to Wales: a valuation tribunal established under paragraph 1 of Schedule 11 to the Local Government Finance Act 1988.”

**Commencement Information**

**I220** Sch. 16 para. 9 in force at 1.10.2009 by [S.I. 2008/3110](#), [art. 6\(d\)\(i\)](#)

*Local Government Act 2003 (c. 26)*

10 The Local Government Act 2003 is amended as follows.

**Commencement Information**

**I221** Sch. 16 para. 10 in force at 1.4.2008 for specified purposes by [S.I. 2008/917](#), [art. 2\(1\)\(y\)](#)

**I222** Sch. 16 para. 10 in force at 1.10.2009 in so far as not already in force by [S.I. 2008/3110](#), [art. 6\(d\)\(ii\)](#)

11 (1) Section 105 (the Valuation Tribunal Service) is amended in accordance with this paragraph.

(2) In subsection (2)—

- (a) for “valuation tribunals in England” substitute “ the Valuation Tribunal for England (referred to in this section and Schedule 4 as “the Tribunal”) ”;
- (b) in paragraph (a) for “tribunals” substitute “ the Tribunal ”;
- (c) in paragraph (a)(ii) for “clerks to tribunals” substitute “ the clerk of the Tribunal ”;
- (d) in paragraph (a)(v) for “(including clerks to) tribunals” substitute “ the Tribunal (including the clerk of the Tribunal) ”;
- (e) after paragraph (a) insert—
  - “(aa) making payments in accordance with paragraph A14 of Schedule 11 to the Local Government Finance Act 1988;”;
- (f) in paragraph (b) for “tribunals” substitute “ the Tribunal ”.

(3) In subsection (5)—

- (a) for “valuation tribunals” substitute “ the Tribunal ”;
- (b) for “their” substitute “ its ”.

(4) In subsection (6)—

- (a) for “valuation tribunals” substitute “ the Tribunal ”;
- (b) for “the Tribunals concerned” substitute “ the President of the Tribunal ”.

**Commencement Information**

**I223** Sch. 16 para. 11(1) in force at 1.4.2008 for specified purposes by [S.I. 2008/917](#), [art. 2\(1\)\(z\)](#)



*Status: Point in time view as at 22/11/2012.*

**Changes to legislation:** Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)

- I224** Sch. 16 para. 11(1) in force at 1.10.2009 in so far as not already in force by [S.I. 2008/3110](#), [art. 6\(d\)\(ii\)](#)  
**I225** Sch. 16 para. 11(2)(a)-(d)(f)(3)(4) in force at 1.10.2009 by [S.I. 2008/3110](#), [art. 6\(d\)\(ii\)](#)  
**I226** Sch. 16 para. 11(2)(e) in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(aa\)](#)

12 In section 124 (general interpretation), omit the definition of “valuation tribunal”.

#### Commencement Information

- I227** Sch. 16 para. 12 in force at 1.10.2009 by [S.I. 2008/3110](#), [art. 6\(d\)\(iii\)](#)

- 13 (1) Schedule 4 (the Valuation Tribunal Service) is amended in accordance with this paragraph.
- (2) In paragraph 1 (membership)—
- (a) after sub-paragraph (1) insert—
- “(1A) The Secretary of State must appoint the person who is for the time being President of the Tribunal as one of the members of the Service (unless that person is already a member of the Service).”;
- (b) for sub-paragraph (3)(a) substitute—
- “(a) a majority are senior members of the Tribunal, and”.
- (3) In paragraph 3 (tenure of office)—
- (a) after sub-paragraph (1) insert—
- “(1A) The person who is for the time being President of the Tribunal shall hold office as a member of the Service for as long as he remains President of the Tribunal.”;
- (b) in sub-paragraph (2) after “A person” insert “ other than the President of the Tribunal ”.
- (4) In paragraph 4 (cessation of membership), for sub-paragraph (1)(b) substitute—
- “(b) he ceases to be President of the Tribunal (whether or not he was appointed to the Service by virtue of being President),
- (ba) having been a Vice-President of the Tribunal, or a member of the panel of chairmen of the Tribunal, at the time of his appointment, he ceases to hold that office without being appointed to another of the senior offices of the Tribunal, or”.
- (5) For paragraph 9 substitute—
- “9 The Service shall not appoint an employee to be the clerk of the Tribunal without the consent of the President of the Tribunal.”
- (6) In paragraph 27 (interpretation), after the definition of “financial year” insert—
- ““senior member of the Tribunal” means a person holding one of the senior offices of the Tribunal;
- “senior offices of the Tribunal” means any of these offices—
- (a) President of the Tribunal;
- (b) Vice-President of the Tribunal;
- (c) member of the panel of chairmen of the Tribunal.”

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

**Commencement Information**

- I228** Sch. 16 para. 13(1) in force at 1.4.2008 for specified purposes by [S.I. 2008/917](#), [art. 2\(1\)\(bb\)](#)  
**I229** Sch. 16 para. 13(1) in force at 1.10.2009 in so far as not already in force by [S.I. 2008/3110](#), [art. 6\(d\)\(iv\)](#)  
**I230** Sch. 16 para. 13(2)(a)(3) in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(cc\)](#)  
**I231** Sch. 16 para. 13(2)(b)(4)-(6) in force at 1.10.2009 by [S.I. 2008/3110](#), [art. 6\(d\)\(iv\)](#)

*Constitutional Reform Act 2005 (c. 4)*

14 The Constitutional Reform Act 2005 is amended as follows.

**Commencement Information**

- I232** [Sch. 16 para. 14](#) in force at 1.4.2008 for specified purposes by [S.I. 2008/917](#), [art. 2\(1\)\(dd\)](#)  
**I233** [Sch. 16 para. 14](#) in force at 1.10.2009 in so far as not already in force by [S.I. 2008/3110](#), [art. 6\(d\)\(iv\)](#)

- 15 (1) Schedule 7 (protected functions of the Lord Chancellor) is amended in accordance with this paragraph.  
 (2) In Part A of that Schedule (general), insert at the appropriate place—

*“Local Government Finance Act 1988*  
*Schedule 11, paragraph A7”*

**Commencement Information**

- I234** [Sch. 16 para. 15](#) in force at 1.4.2008 for specified purposes by [S.I. 2008/917](#), [art. 2\(1\)\(dd\)](#)  
**I235** [Sch. 16 para. 15](#) in force at 1.10.2009 in so far as not already in force by [S.I. 2008/3110](#), [art. 6\(d\)\(iv\)](#)

- 16 (1) Schedule 14 (Judicial Appointments Commission: relevant offices and enactments) is amended in accordance with this paragraph.  
 (2) In Part 3 of the Schedule, insert at the appropriate place—

“President of the Valuation Tribunal for England	Paragraph A7 of Schedule 11 to the Local Government Finance Act 1988
Vice-President of the Valuation Tribunal for England	Paragraph A7 of Schedule 11 to the Local Government Finance Act 1988
Member of the panel of chairmen of the Valuation Tribunal for England	Paragraph A7 of Schedule 11 to the Local Government Finance Act 1988
Other member of the Valuation Tribunal for England	Paragraph A7 of Schedule 11 to the Local Government Finance Act 1988”

**Commencement Information**

- I236** [Sch. 16 para. 16](#) in force at 1.4.2008 for specified purposes by [S.I. 2008/917](#), [art. 2\(1\)\(dd\)](#)  
**I237** [Sch. 16 para. 16](#) in force at 1.10.2009 in so far as not already in force by [S.I. 2008/3110](#), [art. 6\(d\)\(iv\)](#)

*Status: Point in time view as at 22/11/2012.*

**Changes to legislation:** Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)

## SCHEDULE 17

Section 235

### POWERS OF NATIONAL ASSEMBLY FOR WALES

- 1 Schedule 5 to the Government of Wales Act 2006 (c. 32) (Assembly measures) is amended in accordance with this Schedule.

#### Commencement Information

**I238** Sch. 17 para. 1 in force at 30.12.2007, see s. 245(2)

- 2 In Part 1, after the heading “*Field 12: local government*” insert—

#### *Matter 12.1*

Provision for and in connection with—

- (a) the constitution of new principal areas and the abolition or alteration of existing principal areas, and
- (b) the establishment of councils for new principal areas and the abolition of existing principal councils.

“Principal area” means a county borough or a county in Wales, and “principal council” means a council for a principal area.

#### *Matter 12.2*

Provision for and in connection with—

- (a) the procedure for the making and coming into force of byelaws, and
- (b) the enforcement of byelaws.

“Byelaws” means those of a class which may be confirmed by the Welsh Ministers (but the provision which may be made includes provision to remove a requirement of confirmation).

#### *Matter 12.3*

Any of the following—

- (a) the principles which are to govern the conduct of members of relevant authorities,
- (b) codes of conduct for such members,
- (c) the conferral on any person of functions relating to the promotion or maintenance of high standards of conduct of such members (including the establishment of bodies to have such functions),
- (d) the making or handling of allegations that members (or former members) of relevant authorities have breached standards of conduct, including in particular—
  - (i) the investigation and adjudication of such allegations and reports on the outcome of investigations,
  - (ii) the action that may be taken where breaches are found to have occurred,
- (e) codes of conduct for employees of relevant authorities.

For the purposes of this matter—

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

“relevant authority” has the same meaning as in Part 3 of the Local Government Act 2000, except that other than in paragraph (d) it does not include a police authority,  
 “member” includes a co-opted member within the meaning of that Part.

*Matter 12.4*

Provision for and in connection with strategies of county councils and county borough councils for promoting or improving the economic, social or environmental well-being of their areas or contributing to the achievement of sustainable development in the United Kingdom, including provision imposing requirements in connection with such strategies on other persons with functions of a public nature.

*Matter 12.5*

Provision for and in connection with—

- (a) the making of arrangements by relevant Welsh authorities to secure improvement in the way in which their functions are exercised,
- (b) the making of arrangements by relevant Welsh authorities for the involvement in the exercise of their functions of people who are likely to be affected by, or interested in, the exercise of the functions, and
- (c) the assessment and inspection of the performance of relevant Welsh authorities in exercising their functions.

The following are “relevant Welsh authorities”—

- (a) a county council, county borough council or community council in Wales,
- (b) a National Park authority for a National Park in Wales,
- (c) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (d) a levying body within the meaning of section 74(1) of the Local Government Finance Act 1988 in respect of which the county council or charging authority referred to in section 74(1)(b) of that Act was a council or authority for an area in Wales,
- (e) a body to which section 75 of that Act applies (special levies) and which as regards the financial year beginning in 1989 had power to levy a rate by reference to property in Wales.”

**Commencement Information**

**I239** Sch. 17 para. 2 in force at 30.12.2007, see s. 245(2)

3 In Part 2, after paragraph 2 insert—

*“Police areas*

2A A provision of an Assembly Measure cannot make any alteration in police areas.”

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)*

**Commencement Information**

**I240** Sch. 17 para. 3 in force at 30.12.2007, see s. 245(2)

4 In Part 3, after paragraph 7 insert—

*“Police areas*

7A Part 2 does not prevent a provision of an Assembly Measure making an alteration to the boundary of a police area in Wales if the Secretary of State consents to the provision.”

**Commencement Information**

**I241** Sch. 17 para. 4 in force at 30.12.2007, see s. 245(2)

SCHEDULE 18

Section 241

REPEALS

PART 1

STRUCTURAL AND BOUNDARY CHANGE

**Commencement Information**

**I242** Sch. 18 Pt. 1 in force at 1.11.2007 for E. by S.I. 2007/3136, art. 2(c) (with art. 3)

***Short title and chapter***

***Extent of repeal***

Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 1, paragraph 33.
Local Government Finance Act 1988 (c. 41)	In section 91(3B), the words “(in this section referred to as “the reorganisation date”)”.
Food Safety Act 1990 (c. 16)	In section 27(5), the words “pursuant to a structural change”.
Local Government Act 1992 (c. 19)	In section 13— (a) subsections (1) and (2); (b) subsection (7)(a). In section 14— (a) in subsection (1), paragraphs (a) and (b), in paragraph (c) the words from “whether” to the end of the paragraph, and the words after paragraph (c); (b) subsections (2), (3), (5), (6) and (7). Section 15(7A)(a). Section 16.

*Status: Point in time view as at 22/11/2012.*

**Changes to legislation:** Local Government and Public Involvement in Health Act 2007 is up to date with all changes known to be in force on or before 09 June 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)

	<p>In section 17—</p> <ul style="list-style-type: none"> <li>(a) subsection (1);</li> <li>(b) subsection (2)(a);</li> <li>(c) in subsection (3), the words “Subject to subsection (3A) below,”, the words “Electoral Commission or of the”, paragraphs (a), (b), (c), (ea), (g) and (h), and, in paragraph (f), the words from the beginning to “district councillors,” and the words “and the order of retirement” and “for any parish situated in the district”;</li> <li>(d) subsections (3A) and (3B);</li> <li>(e) in subsection (4), the words “or in an agreement under section 20 below”;</li> <li>(f) subsections (5) and (6).</li> </ul> <p>Section 18. Section 19(2). Sections 20 to 22.</p> <p>In section 26—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1), paragraphs (a) and (b) and, in paragraph (c), the words “or relates only to parishes”;</li> <li>(b) subsection (2);</li> <li>(c) in subsection (3), the words “orders or” in the first place where they occur;</li> <li>(d) in subsection (4) the words “order or”;</li> <li>(e) subsection (5);</li> <li>(f) in subsection (6), the words “the Secretary of State is or”, the words “he or”, and the words “he thinks or”.</li> </ul>
Environment Act 1995 (c. 25)	In section 79(1), in the definition of “public authority”, the words “or residuary body”.

PROSPECTIVE

## PART 2

### ELECTORAL ARRANGEMENTS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Local Government Act 1972 (c. 70)	Section 7(4) to (6). Section 8(2) and (3).
Local Government Act 1992 (c. 19)	In section 15— <ul style="list-style-type: none"> <li>(a) subsection (1)(c) and the word “and” immediately preceding it;</li> <li>(b) subsection (2);</li> <li>(c) subsection (3)(a) and (c);</li> </ul>

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(d) in subsection (6)(a), the words “a further report under subsection (4) containing”;  
(e) subsection (8).  
Section 15A.  
In section 17(2), the words “or the submission of a report”.

PROSPECTIVE

### PART 3

#### EXECUTIVE ARRANGEMENTS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Local Government Act 1972 (c. 70)	In section 3(4A) the words “or a mayor and council manager executive”. In section 79(1) the words “, or be qualified to be elected and to be an elected mayor.”. In section 80(1), in the words before paragraph (a), the words “, and be disqualified for being elected or being an elected mayor.”. In section 270(4A) the words “or a mayor and council manager executive”. In Schedule 2, in paragraph 5B, the words “or a mayor and council manager executive”. In Schedule 12— (a) paragraph 1(2)(aa); (b) in paragraph 5(5), the words “or a mayor and council manager executive”.
Local Government Act 1974 (c. 7)	In section 30(2AB), the words “or mayor and council manager executive”.
Representation of the People Act 1983 (c. 2)	In section 24(1)(dd) the words “or a mayor and council manager executive”.
Local Government Finance Act 1988 (c. 41)	In section 111(3A), the words “leader and cabinet executive.”.
The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 (S.I. 2001/2237)	Articles 4 and 5(a).

*Status: Point in time view as at 22/11/2012.*

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## PART 4

### PARISHES

#### Commencement Information

**I243** Sch. 18 Pt. 4 in force at 13.2.2008 by S.I. 2008/337, art. 2(d) (with Sch.)

#### *Short title and chapter*

Local Government and Rating Act 1997  
(c. 29)

#### *Extent of repeal*

Part 2.

## PART 5

### COMMUNITY STRATEGIES

#### Commencement Information

**I244** Sch. 18 Pt. 5 in force at 30.12.2007, see s. 245(2)

#### *Short title and chapter*

Local Government Act 2000 (c. 22)

#### *Extent of repeal*

Section 6(5) and (6).  
Section 7(2) and (6).

## PART 6

### OVERVIEW AND SCRUTINY COMMITTEES

#### Commencement Information

**I245** Sch. 18 Pt. 6 in force at 30.4.2009 for specified purposes for E. by S.I. 2009/959, art. 2(b)

**I246** Sch. 18 Pt. 6 in force at 1.10.2009 for specified purposes for W. by S.I. 2009/2539, art. 2(b)

#### *Short title and chapter*

Local Government Act 2000 (c. 22)

National Health Service (Consequential Provisions) Act 2006 (c. 43)

Police and Justice Act 2006 (c. 48)

#### *Extent of repeal*

Section 21(8).

In Schedule 1, paragraph 206.

Section 20(5)(f) and (g)(i) to (iii).



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PROSPECTIVE

## PART 7

### BYELAWS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Public Health Acts Amendment Act 1907 (c. 53)	In subsection (4) of section 82, the words from “Provided” to the end of the subsection.
Public Health Act 1936 (c. 49)	In section 231(1)— (a) in paragraph (b), the words “bathing-machines may be stationed, or”; (b) in paragraph (c), the words “bathing-machines,”; (c) paragraph (d).
Public Health (Control of Disease) Act 1984 (c. 22)	Section 56(2) and (3).

## PART 8

### BEST VALUE

#### Commencement Information

**I247** Sch. 18 Pt. 8 in force at 30.12.2007 for specified purposes, see s. 245(2)

**I248** Sch. 18 Pt. 8 in force at 1.4.2008 for specified purposes by [S.I. 2008/917](#), [art. 2\(1\)\(v\)\(i\)](#)

**I249** Sch. 18 Pt. 8 in force at 1.4.2008 for W. save in relation to a police authority for a police area in Wales, for specified purposes by [S.I. 2008/591](#), [art. 2\(d\)](#)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Housing Associations Act 1985 (c. 69)	In section 75(1B), the words from “, except” to the end.
Local Government Act 1999 (c. 27)	In section 1— (a) in subsection (1)(d), the words “(subject to subsection (8))”; (b) subsection (3); (c) subsection (5); (d) subsection (6)(c); (e) subsection (8). In section 2— (a) subsection (2)(a); (b) subsection (3). Section 4(6).

*Status: Point in time view as at 22/11/2012.*

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	Section 5.
	Section 6(2)(c), (d) and (l).
	Section 7(3).
	In section 7(3A), the words “If an authority's auditor is appointed by the Auditor General for Wales,”.
	In section 7(4)—
	(a) paragraph (e);
	(b) in paragraph (ea), the words “if the auditor is appointed by the Auditor General for Wales,”.
	In section 7(5)—
	(a) paragraph (b);
	(b) in paragraph (ba), the words “if the auditor is appointed by the Auditor General for Wales,”.
	In section 7(7), the word “, (3)”.
	In section 7(8)—
	(a) paragraph (a);
	(b) in paragraph (aa), the words “if he was appointed by the Auditor General for Wales,”;
	(c) in the words following paragraph (b), the word “, (3)”.
	In section 7(8A)—
	(a) in paragraph (a), the words “, if the authority is a best value authority in Wales,”;
	(b) paragraph (b).
	Section 7(9).
	Section 8.
	Section 8B(1), (3) and (4).
	In section 10(4), paragraph (a) and the word “and” following that paragraph.
	In section 11(4)(b), the word “must”.
	Section 13(5).
	Section 21.
	Section 22(8).
	In section 23(6), the words “(within the meaning of section 7)”.
	In section 26(2)(a), the words “best value”.
	In section 28(2), the word “5,”.
	In section 29—
	(a) subsection (3);
	(b) in subsection (4), the words “to Wales”.
Local Government Act 2000 (c. 22)	In section 21—
	(a) in subsection (4), the words “Subject to subsection (5),”;
	(b) subsection (5).
Local Government Act 2003 (c. 26)	Sections 34 and 35.
	In section 95(7), the definition of “best value authority”.

*Status: Point in time view as at 22/11/2012.*

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	In section 100(2)(b), the words “4 to 6,”.
	In section 101(8), in the definition of “appropriate person”, the words “, in relation to Scotland,”.
	In section 102(8)—
	(a) in the definition of “appropriate person”, the words “in relation to Scotland,”;
	(b) in the definition of “local authority”, paragraph (a) and, in paragraph (b), the words “in relation to Scotland,”.
Public Audit (Wales) Act 2004 (c. 23)	Section 59(4). In Schedule 1—
	(a) paragraph 4;
	(b) paragraph 5(2), (4), (6), (9) and (13).
Police and Justice Act 2006 (c. 48)	Section 4.
Local Government and Public Involvement in Health Act 2007 (c. 28)	Section 136(1)(b).

## PART 9

### CHANGE OF NAME OF THE AUDIT COMMISSION

#### Commencement Information

**I250** Sch. 18 Pt. 9 in force at 1.4.2008 by S.I. 2008/172, art. 4(n)(i)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Prison Act 1952 (c. 52)	In Schedule A1, in paragraphs 2(2)(h), 3(2)(e) and 4(h), the words “and Wales”.
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 3, in the entry relating to any member of the Audit Commission in receipt of remuneration, the words “and Wales”.
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 2, in the entry relating to the Audit Commission, the words “and Wales”.
Housing Associations Act 1985 (c. 69)	In section 75(1A), the words “and Wales”.
Airports Act 1986 (c. 31)	In section 22(5)(b), the words “and Wales”.
Education Reform Act 1988 (c. 40)	In section 124B(5), the words “and Wales”.
Local Government Finance Act 1988 (c. 41)	In Schedule 8, in paragraph 5(6)(c)(i), the words “and Wales”.
Social Security Administration Act 1992 (c. 5)	In section 123(8)(ja), the words “and Wales”.

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Charities Act 1993 (c. 10)	In section 43A(7), in the definition of “Audit Commission”, the words “and Wales”.
Police Act 1996 (c. 16)	In Schedule 4A, in paragraphs 2(2)(h), 3(2)(e) and 4(h), the words “and Wales”.
Audit Commission Act 1998 (c. 18)	In section 1(1), the words “and Wales”. In section 53(1), in the definition of “the Commission”, the words “and Wales”. In Schedule 4, paragraph 8.
School Standards and Framework Act 1998 (c. 31)	In section 53(1), the words “and Wales”.
Local Government Act 1999 (c. 27)	In section 22(1), the words “and Wales”.
Greater London Authority Act 1999 (c. 29)	In section 125(2)(b), the words “and Wales”.
Crown Prosecution Service Inspectorate Act 2000 (c. 10)	In the Schedule, in paragraphs 2(2)(h) and 4(h), the words “and Wales”.
Local Government Act 2000 (c. 22)	In section 83(1), in the definition of “the Audit Commission”, the words “and Wales”.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 6, in the entry relating to the Audit Commission, the words “and Wales”.
Criminal Justice and Court Services Act 2000 (c. 43)	In Schedule 1A, in paragraphs 2(2)(h), 3(2)(e) and 4(h), the words “and Wales”.
Local Government Act 2003 (c. 26)	In section 99(7), in the definition of “the Audit Commission”, the words “and Wales”. In section 110(4), the words “and Wales”.
Courts Act 2003 (c. 39)	In Schedule 3A, in paragraphs 2(2)(h), 3(2)(a) and 4(h), the words “and Wales”.
Health and Social Care (Community Health and Standards) Act 2003 (c. 43)	In section 148, in the definition of “Audit Commission”, the words “and Wales”.
Public Audit (Wales) Act 2004 (c. 23)	In section 71, in the definition of “the Audit Commission”, the words “and Wales”.
Children Act 2004 (c. 31)	In section 20(4)(e), the words “and Wales”.
Education and Inspections Act 2006 (c. 40)	In Schedule 13, in paragraph 1(2)(h), the words “and Wales”.
National Health Service Act 2006 (c. 41)	In Schedule 7, in paragraph 23(7), the words “and Wales”. In Schedule 15, in paragraph 4(4), the words “and Wales”.

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## PART 10

### INTERACTION OF THE AUDIT COMMISSION WITH OTHER AUTHORITIES

#### Commencement Information

**I251** Sch. 18 Pt. 10 in force at 31.1.2008 by S.I. 2008/172, art. 2(1)(u)(i)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Audit Commission Act 1998 (c. 18)	Section 37. In Schedule 1, paragraph 8(2)(a).
Health and Social Care (Community Health and Standards) Act 2003 (c. 43)	In Schedule 9, paragraph 12(9).
Education and Inspections Act 2006 (c. 40)	In Schedule 14, paragraph 29.
Police and Justice Act 2006 (c. 48)	In Schedule 14, paragraph 35.

## PART 11

### STUDIES AND REPORTS ETC OF THE AUDIT COMMISSION

#### Commencement Information

**I252** Sch. 18 Pt. 11 in force at 31.1.2008 by S.I. 2008/172, art. 2(1)(u)(i)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Town and Country Planning Act 1990 (c. 8)	In section 2(6B)(a), the words “, 44 to 47”.
Audit Commission Act 1998 (c. 18)	In section 5(1), paragraph (f) and the word “and” immediately preceding it. Section 33(2). In section 33(6)— (a) the words “, other than a study within paragraph (a) or (b) of subsection (2),”; (b) in paragraph (c), the words “the Secretary of State,”; (c) the word “and” immediately preceding paragraph (e). Sections 35 and 35A. In section 40(1), the words “(other than registered social landlords in Wales)”. Section 41A(1A). Section 42. Sections 44 to 47. In Schedule 1, paragraph 8(2)(d).
Government of Wales Act 1998 (c. 38)	In Schedule 16, paragraphs 101 and 102.
Greater London Authority Act 1999 (c. 29)	In Schedule 8, paragraphs 9 and 10.

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Health and Social Care (Community Health and Standards) Act 2003 (c. 43)	In Schedule 9, paragraph 12(8).
Public Audit (Wales) Act 2004 (c. 23)	In section 70— (a) in subsection (3), “or 35”; (b) in subsection (4), “or, as the case may be, 35”. In Schedule 2, paragraphs 27(2)(b), 29(2) and 31.

## PART 12

### AUDIT COMMISSION AND AUDITORS: MISCELLANEOUS

#### Commencement Information

**I253** Sch. 18 Pt. 12 in force at 31.1.2008 by S.I. 2008/172, art. 2(1)(u)(i)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Audit Commission Act 1998 (c. 18)	Section 49(1A). In section 49(3)(a), the words “to imprisonment for a term not exceeding six months or” and the words “or to both; or”. Section 49(3)(b). Section 49A.

## PART 13

### AUDITOR GENERAL FOR WALES AND AUDITORS

#### Commencement Information

**I254** Sch. 18 Pt. 13 in force at 31.1.2008 by S.I. 2008/172, art. 2(1)(u)(i)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Public Audit (Wales) Act 2004 (c. 23)	Section 54(2A). In section 54(4)(a), the words “to imprisonment for a term not exceeding six months or” and the words “or to both;”. Section 54(4)(b). Section 54A.

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## PART 14

### THE COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

#### Commencement Information

**I255** Sch. 18 Pt. 14 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(v)(ii)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Parliamentary Commissioner Act 1967 (c. 13)	In section 11ZAA(5), the words “of a complaint”.
Local Government Act 1974 (c. 7)	In section 23— (a) in subsection (4), the words from “after consultation” to the end; (b) in subsection (6), the words from “, and shall in any case vacate office” to the end. Section 23A(4) and (5). In section 25— (a) in subsection (4A), paragraphs (b) and (c); (b) subsection (4B). In section 26— (a) subsections (2) to (4); (b) subsection (10); (c) subsection (11)(b) (together with the word “and” immediately preceding it); (d) subsections (12) and (13). Section 27(2). In section 28(3), the words following paragraph (b). In section 29(6), the words “with the approval of the Minister for the Civil Service”. In section 31A— (a) subsection (5A); (b) subsection (6); (c) in subsection (7), the words “Where the authority concerned is the Greater London Authority.”. In section 33ZA(4), the words “of a complaint”. In section 34(1), in the definition of “member”, paragraphs (b) and (c). In Schedule 4— (a) in paragraph 1(1)(b), the words “or is a member (by co-option) of a committee of any of those authorities”; (b) in paragraph 3(1), the words “, with the approval of the Minister for the Civil Service.”;

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	(c) in paragraph 3(2), the words “, with the consent of the Minister for the Civil Service,”;
	(d) paragraph 4(5) and (6).
Local Government Act 1988 (c. 9)	In Schedule 3, paragraph 5(2), (3), (6) and (7).
Local Government and Housing Act 1989 (c. 42)	In section 5(2)(b), the words “Part III of the Local Government Act 1974 (Local Commissioners) or”. Section 24(1). In Schedule 11, paragraph 37.
Health Service Commissioners Act 1993 (c. 46)	In section 18ZA(4), the words “of a complaint”.
Environment Act 1995 (c. 25)	In Schedule 7, paragraph 18(3).
Greater London Authority Act 1999 (c. 29)	In Schedule 18, paragraph 16(3).
Local Government Act 2003 (c. 26)	In Schedule 7, paragraph 5(2) and (4).
Public Services Ombudsman (Wales) Act 2005 (c. 10)	In Schedule 6— (a) paragraph 9(5); (b) paragraph 13(2), (3) and (4); (c) paragraph 18(11).

## PART 15

### ETHICAL STANDARDS

#### Commencement Information

**I256** Sch. 18 Pt. 15 in force at 31.1.2008 for specified purposes by S.I. 2008/172, art. 2(1)(u)(ii) (with art. 2(2))

**I257** Sch. 18 Pt. 15 in force at 31.1.2008 for specified purposes for W. by S.I. 2008/172, art. 2(1)(u)(iii)

**I258** Sch. 18 Pt. 15 in force at 1.4.2008 for specified purposes by S.I. 2008/172, art. 4(n)(ii)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Local Government and Housing Act 1989 (c. 42)	Section 3(8)(a).
Local Government Act 2000 (c. 22)	In section 52, in each of subsections (1) to (4), the words “in performing his functions”. In section 54A(2), the words “55 or”. In section 55— (a) in the sidenote, the words “or sub-committees”; (b) subsection (3); (c) in subsection (8), the words from the beginning to “section, and”; (d) subsections (9) and (10); (e) in subsection (11), the words “or in relation to”, in both places where



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they occur, and the words after paragraph (b).  
In section 62(1), the words “relating to a relevant authority” and the words from “in relation to” to the end.  
In Schedule 4, in paragraph 2(1), the word “or” following paragraph (b).

PROSPECTIVE

## PART 16

### ENTITIES CONTROLLED ETC BY LOCAL AUTHORITIES

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Prevention of Corruption Act 1916 (c. 64)	In section 4(2), the words from “and companies” to “local authorities”.
Local Government and Housing Act 1989 (c. 42)	Part 5.
Local Government Act 2003 (c. 26)	In section 95(4), the words from “within” to the end.

PROSPECTIVE

## PART 17

### VALUATION TRIBUNALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Local Government Finance Act 1988 (c. 41)	In section 55(5), the words “established under Schedule 11 below”. In Schedule 11— (a) paragraph 1(2)(a); (b) in paragraph 1(2)(b) the words “so far as relating to Wales,”; (c) paragraph 3; (d) in paragraph 6(1) the words “, so far as relating to Wales,”; (e) in paragraph 7(1) the words “, so far as relating to Wales,”.
Land Drainage Act 1991 (c. 59)	In section 45(7)(a), the words “, in accordance with regulations under

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Finance Act 2003 (c. 14)	Schedule 11 to the Local Government Finance Act 1988.” In section 78A(1)(b), the words “established under Schedule 11 to the Local Government Finance Act 1988”.
Local Government Act 2003 (c. 26)	In section 124, the definition of “valuation tribunal”. In Schedule 7, paragraph 27(b) and (c).

## PART 18

### PATIENT AND PUBLIC INVOLVEMENT IN HEALTH

#### Commencement Information

**1259** Sch. 18 Pt. 18 in force at 1.4.2008 for specified purposes by S.I. 2008/461, art. 2(3), Sch.

**1260** Sch. 18 Pt. 18 in force at 30.6.2008 in so far as not already in force by S.I. 2008/461, art. 2(4)(c)

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entry in respect of the Commission for Patient and Public Involvement in Health.
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 2— (a) the entry in respect of the Commission for Patient and Public Involvement in Health, and (b) the entry in respect of Patients' Forums established under section 237 of the National Health Service Act 2006.
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 3, the entry in respect of the Commission for Patient and Public Involvement in Health.
Mental Health Act 1983 (c. 20)	In section 134(3)(e), the words “, a Patients' Forum”.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 3, paragraphs 41A and 45B.
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	Section 19(6) and (7). In Schedule 6, paragraphs 17 to 19.
National Health Service Reform and Health Care Professions Act 2002 (Commencement No. 6) Order 2003 (S.I. 2003/2246)	Article 3.
Health Act 2006 (c. 28)	In Schedule 5, the entry in respect of the Commission for Patient and Public Involvement in Health.

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National Health Service Act 2006 (c. 41)	In section 35(5), paragraph (a). In section 38(2), paragraph (b). In section 56(8), paragraph (a). Sections 237 to 241. Section 243. Section 248(7) and (8). In section 271(3), paragraphs (e) and (f). Schedule 16.
National Health Service (Consequential Provisions) Act 2006 (c. 43)	In Schedule 1, paragraphs 53 and 211(h).

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PROSPECTIVE

**PART 19**

## CONTRACTING OUT

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
Deregulation and Contracting Out Act 1994 (c. 40)	Section 79(2).
Environment Act 1995 (c. 25)	In Schedule 8, paragraph 13.

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**Status:**

Point in time view as at 22/11/2012.

**Changes to legislation:**

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