



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 5 **E+W**

CO-OPERATION OF ENGLISH AUTHORITIES WITH LOCAL PARTNERS, ETC

CHAPTER 1 **E+W**

^{F1}...COMMUNITY STRATEGIES

104 **Application of Chapter: partner authorities** **E+W**

- (1) For the purposes of this Chapter, each of the following is a partner authority in relation to a responsible local authority—
- (a) any person mentioned in subsection (2) who acts or is established for an area which, or any part of which, coincides with or falls within the responsible local authority's area;
 - (b) any person mentioned in subsection (3) who provides services at or from a hospital or other establishment or facility which falls within the responsible local authority's area; and
 - (c) any person mentioned in subsection (4).
- (2) The persons referred to in subsection (1)(a) are—
- (a) any district council which is not a responsible local authority;
 - (b) a fire and rescue authority;
 - (c) a National Park authority;
 - (d) the Broads Authority;
 - ^{F1}(e) a local policing body;
 - (f) a chief officer of police;
 - ^{F2}(g)

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- (h) a waste disposal authority established under section 10 of the Local Government Act 1985 (c. 51);
 - [^{F3}(i) an Integrated Transport Authority for an integrated transport area in England;]
 - [^{F4}(ia) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
 - (ib) a combined authority established under section 103 of that Act;]
 - (j) Transport for London;
 - [^{F5}(ja) a clinical commissioning group;
 - (jb) the National Health Service Commissioning Board;]
 - ^{F6}(k)
 - ^{F7}(l)
 - (m) a local probation board established by section 4 of the Criminal Justice and Court Services Act 2000 (c. 43);
 - (n) a youth offending team established under section 39 of the Crime and Disorder Act 1998 (c. 37).
- (3) The persons referred to in subsection (1)(b) are—
- (a) a National Health Service trust;
 - (b) an NHS foundation trust.
- (4) The persons referred to in subsection (1)(c) are—
- (a) the Arts Council of England;
 - (b) the English Sports Council;
 - (c) the Environment Agency;
 - (d) the Health and Safety Executive;
 - [^{F8}(da) the Office for Nuclear Regulation;]
 - (e) the Historic Buildings and Monuments Commission;
 - [^{F9}(ea) the Homes and Communities Agency;]
 - ^{F10}(f)
 - ^{F11}(fa)
 - (g) the Museums, Libraries and Archives Council;
 - (h) Natural England;
 - (i) the Secretary of State, but only in relation to—
 - (i) his functions under section 2 of the Employment and Training Act 1973 (c. 50) (arrangements with respect to obtaining etc employment or employees);
 - (ii) functions which he has as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66),^{F12} ...
 - (iii) functions which he has as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).
 - [^{F13}(iv) his functions under sections 2 and 3 of the Offender Management Act 2007 (responsibility for ensuring the provision of probation services throughout England and Wales).]
- (5) In this section, “fire and rescue authority” means—
- (a) a fire and rescue authority constituted by—
 - (i) a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21); or

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- (ii) a scheme to which section 4 of that Act applies;
- [^{F14}(aa) a fire and rescue authority created by an order under section 4A of that Act;]
(b) a metropolitan county fire and rescue authority; or
[^{F15}(c) the London Fire Commissioner.]
- [^{F16}(5A) The Secretary of State's functions under this Chapter as a partner authority of a local authority in relation to the functions referred to in subsection (4)(i)(iv) are functions to which section 2(1)(c) of the Offender Management Act 2007 (functions to be performed through arrangements under section 3 of that Act) applies.]
- (6) In subsection (1)(a), references to the area for which a person acts or is established are references—
- (a) in the case of the Commissioner of Police of the Metropolis, to the metropolitan police district (within the meaning of the Police Act 1996 (c. 16));
- (b) in the case of the Commissioner of the City of London Police, to the City of London police area (within the meaning of that Act);
- (c) in the case of any other chief officer of police, to the police area listed in Schedule 1 to that Act for which his police force is maintained;
- (d) in the case of Transport for London, Greater London.
- (7) The Secretary of State may by order—
- (a) amend subsection (2), (3) or (4) by—
- (i) adding to it any person who has functions of a public nature;
- (ii) removing from it any person for the time being mentioned in it; or
- (iii) adding to subsection (4)(i) any function of the Secretary of State or removing from it any function for the time being mentioned in it; and
- (b) make such other amendments of this section as appear to him to be necessary or expedient in consequence of provision made under paragraph (a).
- (8) Before making an order under subsection (7) the Secretary of State must consult such representatives of local government and such other persons (if any) as he considers appropriate.

Textual Amendments

- F1** S. 104(2)(e) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 367**; S.I. 2011/3019, art. 3, Sch. 1
- F2** S. 104(2)(g) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 13 para. 6(34)(a)**; S.I. 2015/994, art. 6(g)
- F3** S. 104(2)(i) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 4 para. 68(2)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F4** S. 104(2)(ia)(ib) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), **Sch. 6 para. 121(3)**; S.I. 2009/3318, art. 2(c)
- F5** S. 104(2)(ja)(jb) inserted (1.4.2013) by [The Health and Social Care Act 2012 \(Consequential Amendments\) Order 2013 \(S.I. 2013/594\)](#), arts. 1(2), **6(a)**
- F6** S. 104(2)(k) omitted (1.4.2013) by virtue of [The Health and Social Care Act 2012 \(Consequential Amendments\) Order 2013 \(S.I. 2013/594\)](#), arts. 1(2), **6(b)**
- F7** S. 104(2)(l) repealed (1.7.2012 at 0.02 a.m.) by [Public Bodies Act 2011 \(c. 24\)](#), s. 38(3), **Sch. 6** (with Note 1); S.I. 2012/1662, art. 2(2)(b)

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- F8** S. 104(4)(da) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 2 para. 24](#) (with Sch. 4)
- F9** S. 104(4)(ea) inserted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 8 para. 83](#); S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F10** S. 104(4)(f) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 59](#)
- F11** S. 104(4)(fa) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 16 para. 39](#); S.I. 2012/924, art. 2
- F12** Word in s. 104(4)(i) omitted (1.4.2008) by virtue of the [Offender Management Act 2007 \(c. 21\)](#), s. 41, [Sch. 3 para. 5\(2\)\(a\)](#), Sch. 5 Pt. 1; S.I. 2008/504, [art. 3\(l\)\(n\)](#)
- F13** S. 104(4)(i)(iv) and semi-colon inserted (1.4.2008) by the [Offender Management Act 2007 \(c. 21\)](#), s. 41, [Sch. 3 para. 5\(2\)\(b\)](#); S.I. 2008/504, [art. 3\(l\)](#)
- F14** S. 104(5)(aa) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 1 para. 84](#); S.I. 2017/399, reg. 2, Sch. para. 38
- F15** S. 104(5)(c) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 2 para. 114](#); S.I. 2018/227, [reg. 4\(c\)](#)
- F16** S. 104(5A) inserted (1.4.2008) by the [Offender Management Act 2007 \(c. 21\)](#), s. 41, [Sch. 3 para. 5\(3\)](#); S.I. 2008/504, [art. 3\(l\)](#)

Commencement Information

- II** S. 104 in force at 30.12.2007, see s. 245(2)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Section 104.