



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 5

CO-OPERATION OF ENGLISH AUTHORITIES WITH LOCAL PARTNERS, ETC

CHAPTER 1

LOCAL AREA AGREEMENTS AND COMMUNITY STRATEGIES

115 Orders under Part 1 of Local Government Act 2000: Wales

- (1) Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc) is amended as follows.
- (2) In section 3(7) (limits on power to promote well-being) and section 4(5) (strategies for promoting well-being), for “the National Assembly for Wales” substitute “ the Welsh Ministers ”.
- (3) In section 5 (power to amend or repeal enactments relating to power to promote well-being), for subsection (4) substitute—
 - “(4) In exercising the power under subsection (1), the Secretary of State must not make any provision which has effect in relation to Wales unless he has consulted the Welsh Ministers.
- (4A) In exercising the power under subsection (1), the Secretary of State—
 - (a) must not make any provision amending, repealing or disapplying any Measure or Act of the National Assembly for Wales without the consent of the National Assembly for Wales, and
 - (b) must not make any provision amending, revoking or disapplying subordinate legislation made by the Welsh Ministers (or the National

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Assembly for Wales established under the Government of Wales Act 1998) without the consent of the Welsh Ministers.

- (4B) Subsection (4A) does not apply to the extent that the Secretary of State is making incidental or consequential provision.”
- (4) In subsection (5) of that section, for “The National Assembly for Wales” substitute “The Welsh Ministers”.
- (5) In section 6 (power to modify enactments concerning plans etc)—
- (a) in subsection (1), at the end insert “so far as that enactment has effect in relation to a local authority in England”;
 - (b) in subsection (2)(a) and (b), after “authorities” insert “ in England ”;
 - (c) in subsection (2)(c), after “authority” insert “ in England ”; and
 - (d) omit subsections (5) and (6).
- (6) In section 7 (power to modify enactments concerning plans etc: Wales)—
- (a) in subsection (1)—
 - (i) for “the National Assembly for Wales” substitute “ the Welsh Ministers ”; and
 - (ii) for “to which subsection (2) applies” substitute “ (whenever passed or made) which requires a local authority to prepare, produce or publish any plan or strategy relating to any particular matter ”;
 - (b) omit subsection (2);
 - (c) in subsection (4), for “the National Assembly for Wales considers” substitute “ the Welsh Ministers consider ”; and
 - (d) omit subsection (6).
- (7) At the end of that section insert—
- “(8) An order under this section may not make a provision which, if it were a provision of a Measure of the National Assembly for Wales, would be outside the Assembly's legislative competence.
- (9) For the purposes of subsection (8), section 94(4) of the Government of Wales Act 2006 has effect as if paragraph (a) (matters within legislative competence) were omitted.
- (10) Subject to subsection (11), a statutory instrument which contains an order under this section is not to be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.
- (11) A statutory instrument containing an order under this section which is made only for the purpose of amending an earlier such order—
- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description,
- is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”.
- (8) In section 9 (procedure for orders under section 5 or 6)—

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- (a) in subsection (2), for “the National Assembly for Wales” substitute “ the Welsh Ministers ”; and
 - (b) in subsection (3)(d), for “the National Assembly for Wales” substitute “ the Welsh Ministers ”.
- (9) After section 9 insert—

“9A Procedure for orders under section 7

- (1) Before the Welsh Ministers make an order under section 7 they must consult—
 - (a) such local authorities in Wales,
 - (b) such representatives of local government in Wales, and
 - (c) such other persons (if any),as appear to them to be likely to be affected by their proposals.
- (2) If, following consultation under subsection (1), the Welsh Ministers propose to make an order under section 7 they must lay before the National Assembly for Wales a document which—
 - (a) explains their proposals,
 - (b) sets them out in the form of a draft order, and
 - (c) gives details of consultation under subsection (1).
- (3) Where a document relating to proposals is laid before the National Assembly for Wales under subsection (2), no draft of an order under section 7 to give effect to the proposals (with or without modifications) is to be laid before the National Assembly for Wales until after the expiry of the period of sixty days beginning with the day on which the document was laid.
- (4) In calculating the period mentioned in subsection (3) no account is to be taken of any time during which the National Assembly is dissolved or is in recess for more than four days.
- (5) In preparing a draft order under section 7 the Welsh Ministers must consider any representations made during the period mentioned in subsection (3).
- (6) A draft order under section 7 which is laid before the National Assembly for Wales must be accompanied by a statement of the Welsh Ministers giving details of—
 - (a) any representations considered in accordance with subsection (5), and
 - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (2).
- (7) Nothing in this section applies to an order under section 7 which is made only for the purpose of amending an earlier order under that section—
 - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description.”

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Commencement Information

II S. 115 in force at 30.12.2007, see s. 245(2)

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