

Status: Point in time view as at 22/11/2012.

Changes to legislation: Localism Act 2011, SCHEDULE 3 is up to date with all changes known to be in force on or before 15 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)

SCHEDULES

SCHEDULE 3

Section 22

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND

Local Government Act 1972 (c. 70)

1 The Local Government Act 1972 is amended as follows.

Commencement Information

I1 Sch. 3 para. 1 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

2 In section 2 (constitution of principal councils in England) in subsection (2A) omit “or a mayor and council manager executive”.

Commencement Information

I2 Sch. 3 para. 2 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

3 (1) Section 101 (arrangements for discharge of functions by local authorities) is amended as follows.

(2) In subsection (1C) after “section” insert “ 9EA or ”.

(3) In subsection (5B) after “section” insert “ 9EB or ”.

Commencement Information

I3 Sch. 3 para. 3 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

4 In section 102 (appointment of committees) in subsection (1A)—

(a) for “regulations made under section 18” substitute “ section 9E(2)(b)(iv), (3)(b), (4)(a) or (5)(a) ”, and

(b) after “Act 2000” insert “ or under regulations made under section 18 of that Act ”.

Commencement Information

I4 Sch. 3 para. 4 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

5 In section 245 (status of certain districts, parishes and communities) in subsections (1A) and (4A)(a) omit “or a mayor and council manager executive”.

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Commencement Information

I5 Sch. 3 para. 5 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 6 (1) Section 270(1) (general provisions as to interpretation) is amended as follows.
- (2) In the definition of “elected mayor” after “has” insert “—
- (a) in relation to England, the same meaning as in Part 1A of the Local Government Act 2000, and
 - (b) in relation to Wales,”.
- (3) In the definition of “executive”, “executive arrangements” and “executive leader” after “have” insert “—
- (a) in relation to England, the same meaning as in Part 1A of the Local Government Act 2000, and
 - (b) in relation to Wales,”.
- (4) In the definition of “leader and cabinet executive (England)” for “Part 2” substitute “Part 1A”.
- (5) In the definition of “mayor and cabinet executive” for “have” substitute “has—
- (a) in relation to England, the same meaning as in Part 1A of the Local Government Act 2000, and
 - (b) in relation to Wales,”.

Commencement Information

I6 Sch. 3 para. 6 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

Crime and Disorder Act 1998 (c. 37)

- 7 In section 5 of the Crime and Disorder Act 1998 (authorities responsible for crime and disorder strategies etc) in subsection (1D) in paragraph (d) of the definition of “the relevant provisions” after “section” insert “ 9F, 9FA or ”.

Commencement Information

I7 Sch. 3 para. 7 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

Local Government Act 2000 (c. 22)

- 8 The Local Government Act 2000 is amended as follows.

Commencement Information

I8 Sch. 3 para. 8 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 9 In the heading of Part 2 (arrangements with respect to executives etc) for “ARRANGEMENTS” substitute “ LOCAL AUTHORITIES IN WALES: ARRANGEMENTS ”.

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Commencement Information

I9 Sch. 3 para. 9 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 10 In section 10 (executive arrangements) after “local authority” (in both places) insert “in Wales”.

Commencement Information

I10 Sch. 3 para. 10 in force at 15.1.2012 for specified purposes by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

I11 Sch. 3 para. 10 in force at 4.5.2012 in so far as not already in force by S.I. 2012/1008, art. 4(b)

- 11 (1) Section 11 (forms of local authority executives) is amended as follows.
- (2) In subsection (2) for “In the case of any local authority in England or Wales, the” substitute “The”.
- (3) Omit subsection (2A).
- (4) In subsection (3) for “In the case of any local authority in Wales, the” substitute “The”.
- (5) In subsection (5)—
- (a) for “In the case of a local authority in England or Wales, the” substitute “The”, and
- (b) for “Secretary of State” substitute “Welsh Ministers”.
- (6) In subsection (8) after “leader and cabinet executive” insert “(Wales)”.
- (7) In subsection (9)—
- (a) for “Secretary of State” substitute “Welsh Ministers”, and
- (b) omit “in relation to Wales”.
- (8) Omit subsection (9A).
- (9) In subsection (10) omit “(2A)(a) or”.

Commencement Information

I12 Sch. 3 para. 11 in force at 15.1.2012 for specified purposes by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

I13 Sch. 3 para. 11 in force at 4.5.2012 in so far as not already in force by S.I. 2012/1008, art. 4(b)

- 12 (1) Section 12 (additional forms of executive) is amended as follows.
- (2) In subsection (1)—
- (a) for “Secretary of State” substitute “Welsh Ministers”,
- (b) in paragraph (a) for “him” substitute “them”, and
- (c) in paragraphs (b) and (d) for “he considers” substitute “they consider”.
- (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (3)(a) for “Secretary of State” substitute “Welsh Ministers”.

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Commencement Information

I14 Sch. 3 para. 12 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 13 (1) Section 13 (functions which are the responsibility of an executive) is amended as follows.
- (2) In subsection (3) for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In subsection (6) for “Secretary of State” substitute “ Welsh Ministers ”.
- (4) In subsection (9)(b) omit the words from “or section 236” to “England)”.
- (5) In subsection (12) for “Secretary of State” substitute “ Welsh Ministers ”.

Commencement Information

I15 Sch. 3 para. 13 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 14 (1) Section 14 (discharge of functions: general) is amended as follows.
- (2) In the heading for “general” substitute “ mayor and cabinet executive ”.
- (3) In subsection (1) for the words from “of” to the end substitute “ of a mayor and cabinet executive are to be discharged in accordance with this section ”.
- (4) In subsections (2) to (5) for “senior executive member” (in each place that it appears) substitute “ elected mayor ”.
- (5) In subsection (6)—
- (a) for “a senior executive member” substitute “ an elected mayor ”, and
- (b) for “the senior executive member” substitute “ the elected mayor ”.
- (6) Omit subsection (7).

Commencement Information

I16 Sch. 3 para. 14 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 15 In section 17 (discharge of functions: section 11(5) executive) in subsection (1) for “Secretary of State” substitute “ Welsh Ministers ”.

Commencement Information

I17 Sch. 3 para. 15 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 16 (1) Section 18 (discharge of functions by area committees) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In subsection (3) in the definition of “area committee” for the words from “means —” to “in Wales,” substitute “ means ”.
- (4) Omit subsections (4) and (5).

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(5) In subsection (6) omit “in Wales”.

Commencement Information

I18 Sch. 3 para. 16 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

17 (1) Section 19 (discharge of functions of and by another local authority) is amended as follows.

(2) In subsection (1)—

- (a) for “Secretary of State” substitute “ Welsh Ministers ”,
- (b) omit the words “(within the meaning of this Part)” in the first place they appear,
- (c) for paragraph (a) substitute—
 - “(a) by a relevant authority (other than the local authority), or”,
 - and
- (d) in paragraph (b) for “an executive of another local authority (within the meaning of this Part)” substitute “ a relevant executive (other than an executive of the local authority) ”.

(3) In subsection (2)—

- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
- (b) for “local authority (within the meaning of section 101 of that Act)” substitute “ relevant authority in Wales ”, and
- (c) for “an executive of another local authority (within the meaning of this Part)” substitute “ a relevant executive (other than an executive of the relevant authority) ”.

(4) In subsection (3) for “local authority” substitute “ relevant authority in Wales ”.

(5) In subsection (4)—

- (a) in paragraph (a)—
 - (i) for “an executive of a local authority” substitute “ a relevant executive ”, and
 - (ii) after “the authority” insert “ of which the executive is part ”,
- (b) in paragraph (b) for “local authority” substitute “ relevant authority ”, and
- (c) in paragraph (c) for “an executive of a local authority” substitute “ a relevant executive ”.

(6) In subsection (8) for “ “specified”” substitute “—

relevant authority” means a local authority within the meaning of section 101 of the Local Government Act 1972;

“relevant executive” means an executive of a local authority under either this Part or Part 1A;

“specified”.

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Commencement Information

I19 Sch. 3 para. 17 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 18 In section 20 (joint exercise of functions) in subsection (1) for “Secretary of State” substitute “ Welsh Ministers ”.

Commencement Information

I20 Sch. 3 para. 18 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 19 (1) Section 21 (overview and scrutiny committees) is amended as follows.
- (2) In subsection (2)(f)—
- (a) omit “section 244 of the National Health Service Act 2006 or”,
 - (b) for “either of those sections” substitute “ that section ”, and
 - (c) for “the Act concerned, and as extended by the section concerned” substitute “ that Act, as extended by that section ”.
- (3) In subsection (2ZA) omit “in Wales”.
- (4) In subsection (2A)—
- (a) omit paragraphs (a) and (b), and
 - (b) in paragraph (e) for the words from “committee—” to “a joint overview and scrutiny committee” substitute “ committee ”.
- (5) In subsection (4)—
- (a) for “21A to 21C” substitute “ 21A and 21B ”, and
 - (b) omit the words from “or any functions” to the end.
- (6) In subsection (10)—
- (a) for “paragraphs 7 to” substitute “ paragraph 8 or ”, and
 - (b) omit “, unless permitted to do so under paragraph 12 of that Schedule”.
- (7) In subsection (10A) omit “in Wales”.
- (8) In subsection (13)—
- (a) in paragraph (aa) omit the words from “by virtue of” to “England) or”, and
 - (b) in paragraph (c) omit the words from the beginning to “in Wales”.
- (9) In subsection (16)—
- (a) omit paragraph (a), and
 - (b) in paragraph (b) omit “in Wales”.

Commencement Information

I21 Sch. 3 para. 19 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 20 Omit section 21ZA (scrutiny officers).

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Commencement Information

I22 Sch. 3 para. 20 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 21 (1) Section 21A (reference of matters to overview and scrutiny committees) is amended as follows.
- (2) In subsection (3) omit the words from “(in the case of a local authority in England” to “Wales”.
- (3) In subsection (6)(a) omit the words from “section 236” to “2007 or”.
- (4) Omit subsections (10) and (11).
- (5) In subsection (12) omit “in Wales”.

Commencement Information

I23 Sch. 3 para. 21 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 22 Omit section 21C (reports and recommendations of overview and scrutiny committees: duties of certain partner authorities).

Commencement Information

I24 Sch. 3 para. 22 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 23 (1) Section 21D (publication etc of reports, recommendations and responses: confidential and exempt information) is amended as follows.
- (2) In subsection (1)(b) omit sub-paragraph (ii).
- (3) In subsection (2) omit “or providing a copy of the document to a relevant partner authority”.
- (4) In subsection (6)—
- (a) in the definition of “exempt information”—
- (i) omit “section 246 of the National Health Service Act 2006 or”, and
- (ii) at the end insert “ and ”, and
- (b) omit the definition of “relevant partner authority”.

Commencement Information

I25 Sch. 3 para. 23 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 24 Omit section 21E (overview and scrutiny committees of certain district councils: functions with respect to partner authorities).

Commencement Information

I26 Sch. 3 para. 24 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

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- 25 (1) Section 21F (as inserted by the Local Government (Wales) Measure 2011 (nawm 4)) (Wales: notifying designated body of report or recommendations) is amended as follows.
- (2) In the title for “Wales: notifying” substitute “ Notifying ”.
- (3) In subsection (1) omit “in Wales”.

Commencement Information

I27 Sch. 3 para. 25 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 26 Omit section 21F (as inserted by the Flood and Water Management Act 2010) (overview and scrutiny committees: flood risk management).

Commencement Information

I28 Sch. 3 para. 26 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 27 In the title of section 21G (Wales: designated persons) for “Wales: designated” substitute “ Designated ”.

Commencement Information

I29 Sch. 3 para. 27 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 28 (1) Section 22 (access to information) is amended as follows.
- (2) In subsections (6), (8) to (10), (12) and (13) for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In subsection (12A)—
- (a) for the words from “Secretary” to “Wales),” substitute “ Welsh Ministers ”, and
- (b) in paragraph (a) omit the words from “, or under” to “section 21B,”.

Commencement Information

I30 Sch. 3 para. 28 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 29 Omit section 22A (overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities).

Commencement Information

I31 Sch. 3 para. 29 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 30 In section 25 (proposals) in subsections (1)(b), (5), (6)(a), (7) and (8) for “Secretary of State” substitute “ Welsh Ministers ”.

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Commencement Information

I32 Sch. 3 para. 30 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

- 31 (1) Section 27 (referendum in case of proposals involving elected mayor) is amended as follows.
- (2) In subsections (1)(b), (5), (6), (8)(c), (9) and (10) for “Secretary of State” substitute “Welsh Ministers”.
- (3) In subsection (5) for “him” substitute “them”.

Commencement Information

I33 Sch. 3 para. 31 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

- 32 (1) Section 28 (approval of outline fall-back proposals) is amended as follows.
- (2) In subsections (1) and (2) for “Secretary of State” substitute “Welsh Ministers”.
- (3) In subsection (3) for “Secretary of State approves” substitute “Welsh Ministers approve”.

Commencement Information

I34 Sch. 3 para. 32 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

- 33 Omit section 31 (alternative arrangements).

Commencement Information

I35 Sch. 3 para. 33 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 34 Omit section 32 (alternative arrangements).

Commencement Information

I36 Sch. 3 para. 34 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 35 (1) Section 33ZA (Wales: changing governance arrangements) is amended as follows.
- (2) In the heading for “Wales: changing” substitute “Changing”.
- (3) Omit “in Wales.”.

Commencement Information

I37 Sch. 3 para. 35 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

- 36 Omit section 33A (executive arrangements).

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Commencement Information

I38 Sch. 3 para. 36 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

37 Omit section 33B (executive arrangements: other variations of arrangements).

Commencement Information

I39 Sch. 3 para. 37 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

38 Omit section 33C (alternative arrangements: move to executive arrangements).

Commencement Information

I40 Sch. 3 para. 38 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

39 Omit section 33D (alternative arrangements: variation of arrangements).

Commencement Information

I41 Sch. 3 para. 39 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

40 Omit section 33E (proposals by local authority).

Commencement Information

I42 Sch. 3 para. 40 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

41 Omit section 33F (resolution of local authority).

Commencement Information

I43 Sch. 3 para. 41 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

42 Omit section 33G (implementation: new executive or move to executive arrangements).

Commencement Information

I44 Sch. 3 para. 42 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

43 Omit section 33H (implementation: other change in governance arrangements).

Commencement Information

I45 Sch. 3 para. 43 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

44 Omit section 33I (general).

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Commencement Information

I46 Sch. 3 para. 44 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

- 45 Omit section 33J (new form of executive or move to executive: general requirements) and the italic heading immediately before it (further requirements for certain changes).

Commencement Information

I47 Sch. 3 para. 45 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

- 46 Omit section 33K (changes subject to approval in referendum: additional requirements).

Commencement Information

I48 Sch. 3 para. 46 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

- 47 Omit section 33L (change not subject to approval in a referendum: additional requirements).

Commencement Information

I49 Sch. 3 para. 47 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

- 48 Omit section 33M (cases in which change is subject to approval in referendum).

Commencement Information

I50 Sch. 3 para. 48 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

- 49 Omit section 33N (variation of mayoral executive).

Commencement Information

I51 Sch. 3 para. 49 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

- 50 Omit section 33O (interpretation) and the italic heading immediately before it (miscellaneous).

Commencement Information

I52 Sch. 3 para. 50 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

- 51 (1) Section 34 (referendum following petition) is amended as follows.
(2) In subsections (1) and (2)(k) for “Secretary of State” substitute “Welsh Ministers”.
(3) In subsection (1A) for the words from “means—” to “Wales,” substitute “means”.

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(4) In subsection (3) omit “or of any of sections 33A to 33O”.

Commencement Information

I53 Sch. 3 para. 51 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

52 (1) Section 35 (referendum following direction) is amended as follows.

(2) In subsection (1)—

- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
- (b) for “him” substitute “ them ”.

(3) In subsection (2)(d) for “Secretary of State” substitute “ Welsh Ministers ”.

(4) In subsection (3) omit “or of any of sections 33A to 33O”.

Commencement Information

I54 Sch. 3 para. 52 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

53 (1) Section 36 (referendum following order) is amended as follows.

(2) In subsections (1) and (2)(d) for “Secretary of State” substitute “ Welsh Ministers ”.

(3) In subsection (3) omit “or of any of sections 33A to 33O”.

Commencement Information

I55 Sch. 3 para. 53 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

54 In section 37 (local authority constitution) in subsection (1)(a) for “Secretary of State” substitute “ Welsh Ministers ”.

Commencement Information

I56 Sch. 3 para. 54 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

55 In section 38 (guidance) in subsection (1) for “Secretary of State” substitute “ Welsh Ministers ”.

Commencement Information

I57 Sch. 3 para. 55 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

56 (1) Section 39 (elected mayors etc) is amended as follows.

(2) Omit subsection (2).

(3) In subsection (3) omit “in Wales”.

(4) In subsection (5B)(a) for “Secretary of State” substitute “ Welsh Ministers ”.

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(5) In subsection (5C) for the words from the beginning to “1972 are” substitute “Section 21(1A) of the Local Government Act 1972 is”.

(6) After subsection (5C) insert—

“(5D) A statutory instrument containing regulations made under subsection (5B)(a) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

(7) Omit subsection (6).

Commencement Information

I58 Sch. 3 para. 56 in force at 9.3.2012 by S.I. 2012/628, art. 2(b)(i)

57 In section 41 (time of elections etc) for “Secretary of State” substitute “ Welsh Ministers”.

Commencement Information

I59 Sch. 3 para. 57 in force at 9.3.2012 by S.I. 2012/628, art. 2(b)(i)

58 Omit section 44A (election of leader: whole-council elections) and the italic heading immediately before it (leader and cabinet executives (England)).

Commencement Information

I60 Sch. 3 para. 58 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

59 Omit section 44B (election of leader: partial-council elections).

Commencement Information

I61 Sch. 3 para. 59 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

60 Omit section 44C (removal of leader).

Commencement Information

I62 Sch. 3 para. 60 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

61 Omit section 44D (term of office of leader: whole-council elections).

Commencement Information

I63 Sch. 3 para. 61 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

62 Omit section 44E (term of office of leader: partial council elections).

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

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Commencement Information

I64 Sch. 3 para. 62 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

63 Omit section 44F (leader to continue to hold office as councillor).

Commencement Information

I65 Sch. 3 para. 63 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

64 Omit section 44G (no other means of electing or removing leader).

Commencement Information

I66 Sch. 3 para. 64 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

65 Omit section 44H (regulations).

Commencement Information

I67 Sch. 3 para. 65 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 66 (1) Section 45 (provisions with respect to referendums) is amended as follows.
- (2) In subsection (1) for the words from “authority—” to “in Wales” substitute “ authority ”.
- (3) In subsections (5), (6) and (8A) for “Secretary of State” substitute “ Welsh Ministers ”.
- (4) In subsection (8B)—
- (a) in paragraph (a)—
 - (i) for “Parliament in accordance with section 105(6)” substitute “ the National Assembly for Wales ”, and
 - (ii) for “Secretary of State” substitute “ Welsh Ministers ”, and
 - (b) in paragraph (b)—
 - (i) for “Secretary of State” substitute “ Welsh Ministers ”, and
 - (ii) for “each House” substitute “ the National Assembly for Wales ”.
- (5) In subsection (8D)—
- (a) in paragraph (a)—
 - (i) for “Parliament in accordance with section 105(6)” substitute “ the National Assembly for Wales ”, and
 - (ii) for “Secretary of State” substitute “ Welsh Ministers ”, and
 - (b) in paragraph (b)—
 - (i) for “Parliament” substitute “ the National Assembly for Wales ”,
 - (ii) for “Secretary of State” substitute “ Welsh Ministers ”,
 - (iii) for “each House” substitute “ the Assembly ”, and
 - (iv) for “his” substitute “ their ”.

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

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(6) In subsection (9) omit “or 33K”.

Commencement Information

I68 Sch. 3 para. 66 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

67 (1) Section 47 (power to make incidental, consequential provision etc) is amended as follows.

(2) In subsection (1)—

- (a) for “Secretary of State” substitute “ Welsh Ministers ”,
- (b) for “he considers” substitute “ they consider ”.

(3) In subsection (4) omit “(including changes of the kinds set out in sections 33A to 33D)”.

(4) In subsection (6) omit paragraph (b).

Commencement Information

I69 Sch. 3 para. 67 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(c) (with arts. 6, 7, arts. 9-11)

68 (1) Section 48 (interpretation of Part 2) is amended as follows.

(2) In subsection (1)—

- (a) in the definition of “executive leader” for “section 11(2A)(a) or (3)(a)” substitute “ section 11(3)(a) ”,
- (b) in the definition of “local authority” for the words from “means—” to “Wales, a county council” substitute “ means a county council in Wales ”, and
- (c) omit the definition of “ordinary day of election”.

(3) Omit subsection (1A).

(4) In subsection (2) omit paragraph (b).

(5) In subsection (3) omit paragraph (b).

(6) In subsection (7)—

- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
- (b) for “him” substitute “ them ”.

Commencement Information

I70 Sch. 3 para. 68(1)(2)(a)(4)-(6) in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

I71 Sch. 3 para. 68(2)(b) in force at 9.3.2012 for specified purposes by S.I. 2012/628, art. 2(b)(ii)

I72 Sch. 3 para. 68(2)(b) in force at 4.5.2012 in so far as not already in force by S.I. 2012/1008, art. 4(b)

I73 Sch. 3 para. 68(2)(c)(3) in force at 9.3.2012 by S.I. 2012/628, art. 2(b)(iii)

69 In section 48A (functions of the Lord President of the Council) for “sections 44 and 45” substitute “ section 44 ”.

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Commencement Information

I74 Sch. 3 para. 69 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 70 (1) Section 105 (orders and regulations) is amended as follows.
- (2) In subsection (6)—
- (a) after “6,” insert “ 9N, ”, and
 - (b) for “section 11(5), 31(1)(b), 32, 33O(6), 44 or 45” substitute “ section 9BA, 9HE, 9MG or 44 ”.
- (3) After subsection (7) insert—
- “(7A) If a draft of a statutory instrument containing an order under section 9N would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.”

Commencement Information

I75 Sch. 3 para. 70 in force at 3.12.2011 by S.I. 2011/2896, art. 2(h)

- 71 In section 106 (Wales) in subsection (1) omit paragraph (a).

Commencement Information

I76 Sch. 3 para. 71 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 72 (1) Schedule 1 (executive arrangements: further provision) is amended as follows.
- (2) In the heading of the Schedule (executive arrangements: further provision) after “ARRANGEMENTS” insert “ IN WALES ”.
- (3) In paragraph 1(9) for “In the case of a local authority in Wales, the” substitute “ The ”.
- (4) Omit paragraph 1A and the heading immediately before it.
- (5) In paragraph 6(1) for “Secretary of State” substitute “ Welsh Ministers ”.
- (6) Omit paragraph 7.
- (7) In paragraph 8—
- (a) in sub-paragraph (1) omit—
 - (i) “Welsh”, and
 - (ii) “in Wales”,
 - (b) in sub-paragraphs (2), (3) and (7) omit “Welsh”, and
 - (c) in sub-paragraphs (4) and (7) for “National Assembly for Wales” substitute “ Welsh Ministers ”.
- (8) In paragraph 9—
- (a) in sub-paragraph (4) for “Secretary of State” substitute “ Welsh Ministers ”,
 - (b) in sub-paragraph (5)(f) for “Secretary of State considers” substitute “ Welsh Ministers consider ”,

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- (c) in sub-paragraph (6)(a)—
 - (i) for “Secretary of State” substitute “ Welsh Ministers ”, and
 - (ii) for “he considers” substitute “ they consider ”, and
 - (d) in sub-paragraph (6)(b) for “Secretary of State makes” substitute “ Welsh Ministers make ”.
- (9) In paragraph 10 omit “7,”.
- (10) In paragraph 11 for “7” substitute “ 8 ”.
- (11) In paragraph 11A for “7 to” substitute “ 8 and ”.
- (12) Omit paragraphs 12 to 14 and the italic heading immediately before paragraph 12 (overview and scrutiny committees: voting rights of co-opted members).

Commencement Information

I77 Sch. 3 para. 72 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

National Health Service Act 2006 (c. 41)

73 The National Health Service Act 2006 is amended as follows.

Commencement Information

I78 Sch. 3 para. 73 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

74 In section 244 (functions of overview and scrutiny committees) after subsection (4) insert—

“(5) In this section, section 245 and section 246 references to an overview and scrutiny committee include references to—

- (a) an overview and scrutiny committee of a local authority operating executive arrangements under Part 1A of the Local Government Act 2000 (executive arrangements in England), and
- (b) an overview and scrutiny committee appointed by a local authority under section 9JA of that Act (appointment of overview and scrutiny committees by committee system local authorities).”

Commencement Information

I79 Sch. 3 para. 74 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

75 (1) Section 245 (joint overview and scrutiny committees etc) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a)—
 - (i) for “Part 2” substitute “ Part 1A ”, and
 - (ii) for “section 21(2)(f)” substitute “ section 9F(2)(f) ”, and
- (b) for paragraph (b) and the words from that paragraph to the end of the subsection substitute—

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“(b) in relation to a local authority operating a committee system under that Part, are any corresponding functions which are or, but for regulations under this section, would be, exercisable by an overview and scrutiny committee of the authority appointed under section 9JA of that Act.”

(3) In subsection (3)(b)—

- (a) in sub-paragraph (i) for “section 21(4) and (6) to (17)” substitute “ sections 9F(5), 9FA, 9FC to 9FG and 9FI ”, and
- (b) omit sub-paragraphs (ia) and (ib).

(4) In subsection (7) for “Section 21(4)” substitute “ Section 9F(5) ”.

(5) In subsection (8) for “Section 21(10)” substitute “ Section 9FA(5) ”.

Commencement Information

180 Sch. 3 para. 75 in force at 4.5.2012 by [S.I. 2012/1008](#), [art. 4\(b\)](#)

76 In section 246 (overview and scrutiny committees: exempt information) in subsection (1)—

- (a) after “relating to” insert “—
 (a)”,
- (b) for “section 21(2)(f)” substitute “ section 9F(2)(f) ”, and
- (c) after “(c. 22)” insert “, or
 (b) corresponding functions of an overview and scrutiny committee appointed under section 9JA of that Act”.

Commencement Information

181 Sch. 3 para. 76 in force at 4.5.2012 by [S.I. 2012/1008](#), [art. 4\(b\)](#)

77 (1) Section 247 (application to the City of London) is amended as follows.

(2) In subsection (1) for “section 21(2)(f)” substitute “ section 9F(2)(f) ”.

(3) In subsection (3)—

- (a) for “Section 21” substitute “ Section 9F ”,
- (b) in paragraph (a) for “(3), (5) and (9)” substitute “ (4) ”, and
- (c) omit paragraphs (b) to (d).

(4) After subsection (3) insert—

“(3A) Section 9FA of the Local Government Act 2000 applies as if such a committee were an overview and scrutiny committee and as if the Common Council were a local authority, but with the omission—

- (a) of subsection (3),
- (b) in subsection (6), of paragraph (b), and
- (c) in subsection (8)(a), of the reference to members of the executive.”

(5) In subsection (4)—

- (a) for “and (3)” substitute “ to (3A) ”, and

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(b) for “section 21(2)” substitute “ section 9F(2) ”.

Commencement Information

I82 Sch. 3 para. 77 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

78 After section 247 (application to the City of London) insert—

“247A Application to certain other local authorities without overview and scrutiny committees

- (1) This section applies to a local authority (“Authority A”) that—
- (a) is—
 - (i) a county council in England,
 - (ii) a London borough council, or
 - (iii) a district council for an area for which there is no county council,
 - (b) does not operate executive arrangements, and
 - (c) has not appointed an overview and scrutiny committee under section 9JA of the Local Government Act 2000 (“the 2000 Act”).
- (2) Authority A must establish a committee which has, in relation to Authority A's area, the functions which under section 9F(2)(f) of the 2000 Act the overview and scrutiny committee of a local authority operating executive arrangements (“Authority B”) has in relation to Authority B's area.
- (3) In relation to the committee established by Authority A under subsection (2)—
- (a) sections 244(2) to (4), 245 and 246 (and Schedule 17 to this Act and Schedule 11 to the National Health Service (Wales) Act 2006) apply as if the committee were an overview and scrutiny committee,
 - (b) section 9F of the 2000 Act applies as if—
 - (i) the committee were an overview and scrutiny committee,
 - (ii) subsections (1) to (4) were omitted, and
 - (iii) in subsection (5) for paragraphs (a) and (b) there were substituted “ its functions under section 247A(2) of the National Health Service Act 2006 ”,
 - (c) section 9FA of the 2000 Act applies as if—
 - (i) the committee were an overview and scrutiny committee,
 - (ii) subsection (3) were omitted, and
 - (iii) in subsection (8)(a) the reference to members of the executive were a reference to members of the authority, and
 - (d) paragraphs 11 to 13 of Schedule A1 to the 2000 Act apply as if the committee were an overview and scrutiny committee.
- (4) In the provisions as applied by subsection (3) references to functions under any provision of section 9F(2) of the 2000 Act are, in the case of a committee established by Authority A under subsection (2), references to the committee's functions under subsection (2).

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

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(5) In this section “executive arrangements” means executive arrangements under Part 1A of the 2000 Act.”

Commencement Information

I83 Sch. 3 para. 78 in force at 4.5.2012 by [S.I. 2012/1008](#), [art. 4\(b\)](#)

Police and Justice Act 2006 (c. 48)

79 The Police and Justice Act 2006 is amended as follows.

Commencement Information

I84 Sch. 3 para. 79 in force at 4.5.2012 by [S.I. 2012/1008](#), [art. 4\(b\)](#)

80 (1) Section 19 (local authority scrutiny of crime and disorder matters) is amended as follows.

(2) In subsection (3)(a)—

(a) after the first “section” insert “ 9F(2) or ”, and

(b) after the second “section” insert “ 9JA(2) or ”.

(3) In subsection (9) omit “(within the meaning of Part 2 of the Local Government Act 2000 (c. 22))”.

(4) After subsection (9) insert—

“(9A) In subsection (9) “overview and scrutiny committee” means—

(a) in relation to England, an overview and scrutiny committee within the meaning of Chapter 2 of Part 1A of the Local Government Act 2000 (see section 9F of that Act), and

(b) in relation to Wales, an overview and scrutiny committee within the meaning of Part 2 of that Act (see section 21 of that Act).

(9B) In the case of a local authority that operates a committee system and has appointed one or more overview and scrutiny committees under section 9JA of the Local Government Act 2000, the crime and disorder committee is to be one of those committees.”

(5) In subsection (10) for the words from “not” to “Act 2000” substitute “ in cases that are not within subsection (9) or (9B) ”.

(6) In subsection (11)—

(a) before the definition of “crime and disorder functions” insert—

““committee system” has the same meaning as in Part 1A of the Local Government Act 2000 (see section 9B(4) of that Act);”

(b) in the definition of “executive arrangements” for the words from the second “executive” to the end substitute “—

(a) in relation to England, executive arrangements under Part 1A of the Local Government Act 2000, and

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- (b) in relation to Wales, executive arrangements under Part 2 of that Act.”.

Commencement Information

I85 Sch. 3 para. 80 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

- 81 In Schedule 8 (further provision about crime and disorder committees of certain local authorities) in paragraph 1(1)—
- (a) after “authority” insert “—
(a)”,
- (b) after “Part” insert “ 1A or ”, and
- (c) after “(c. 22)” insert “, and
(b) that has not appointed an overview and scrutiny committee under section 9JA of that Act”.

Commencement Information

I86 Sch. 3 para. 81 in force at 4.5.2012 by S.I. 2012/1008, art. 4(b)

Status:

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

Changes to legislation:

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