



Local Government and Public Involvement in Health Act 2007

CHAPTER 28

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

PART 1

STRUCTURAL AND BOUNDARY CHANGE IN ENGLAND

CHAPTER 1

STRUCTURAL AND BOUNDARY CHANGE

Change from two tiers to single tier of local government

- 1 “Principal authority” and “single tier of local government”
- 2 Invitations and directions for proposals for single tier of local government
- 3 Invitations, directions and proposals: supplementary
- 4 Request for Local Government Boundary Commission's advice
- 5 Local Government Boundary Commission's powers
- 6 Local Government Boundary Commission's procedure
- 7 Implementation of proposals by order

Boundary change

- 8 Review by Local Government Boundary Commission of local government areas
- 9 Local Government Boundary Commission's review: consultation etc
- 10 Implementation of recommendations by order

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Implementation of changes

- 11 Implementation orders: provision that may be included
- 12 Provision relating to membership etc of authorities
- 13 Implementation orders: further provision
- 14 Regulations for supplementing orders
- 15 Incidental etc provision in orders or regulations
- 16 Agreements about incidental matters
- 17 Residuary bodies
- 18 Staff commissions
- 19 Certain county councils to be billing authorities

Supplementary

- 20 Correction of orders
- 21 Pre-commencement invitations etc
- 22 Consequential amendments
- 23 Definitions for purposes of Chapter 1

CHAPTER 2

CONTROL OF DISPOSALS ETC

- 24 Authorities dissolved by orders: control of disposals, contracts and reserves
- 25 Directions: further provision about reserves
- 26 Directions: supplementary
- 27 Consideration to be taken into account for purposes of direction
- 28 Contraventions of direction
- 29 Power to amend
- 30 Definitions for purposes of Chapter 2

PART 2

ELECTORAL ARRANGEMENTS

CHAPTER 1

POWER OF DISTRICT COUNCILS IN ENGLAND TO CHANGE ELECTORAL SCHEME

Introductory

- 31 Schemes for elections
- 31A Minimum period between resolutions to change electoral schemes

Power of district councils to change to whole-council elections

- 32 Resolution for whole-council elections
- 33 Resolution for whole-council elections: requirements
- 34 Scheme for whole-council elections
- 35 Publicity
- 36 Notice to Local Government Boundary Commission for England

Power of district councils to revert to partial-council elections

- 37 Resolution for elections by halves

- 38 Resolution for elections by halves: requirements
- 39 Resolution for elections by thirds
- 40 Resolution for elections by thirds: requirements
- 41 Publicity for resolution
- 42 Notice to Local Government Boundary Commission
- 43 Local Government Boundary Commission to consider whether electoral review is necessary
- 44 Local Government Boundary Commission to make order for new electoral scheme
- 45 Order for elections by halves: years in which elections are to be held
- 46 Orders for elections by halves: councillors to be elected at ordinary elections
- 47 Order for elections by thirds: years in which elections are to be held
- 48 Order for elections by thirds: councillors to be elected at ordinary elections
- 49 Order for elections by halves or elections by thirds: transitional provision
- 50 Power of Local Government Boundary Commission to make incidental etc provision
- 51 Position if Local Government Boundary Commission act under existing powers
- 52 Publicity for order by Local Government Boundary Commission

Power of district councils to alter years of ordinary elections of parish councillors

- 53 Power of council to alter years of ordinary elections of parish councillors

Amendment of existing provisions about schemes for ordinary elections

- 54 Amendment of existing provisions about schemes for ordinary elections

CHAPTER 2

MISCELLANEOUS

Requests for single-member electoral areas in England

- 55 Requests for single-member electoral areas

Electoral Commission and Boundary Committee: reviews and recommendations

- 56 Electoral Commission and Boundary Committee: reviews and recommendations
- 57 Procedure in connection with reviews

Electoral areas in England

- 58 Metropolitan districts: councillors per ward
- 59 Change of name of electoral area

Election dates

- 60 Power to change date of local elections to date of European Parliamentary general election

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CHAPTER 3

CONSEQUENTIAL AMENDMENTS

61 Consequential amendments

PART 3

EXECUTIVE ARRANGEMENTS FOR ENGLAND

- 62 Executive arrangements for England
- 63 Discharge of functions
- 64 Changing governance arrangements
- 65 Referendum following petition
- 66 Elected mayors
- 67 Leader and cabinet executives (England)
- 68 Power to make incidental, consequential provision etc
- 69 Time limit for holding further referendum
- 70 Interpretation
- 71 Larger authorities to cease operating alternative arrangements
- 72 Failure to cease operating alternative arrangements
- 73 Sections 71 and 72: supplementary
- 74 Further amendments & transitional provision

PART 4

PARISHES

CHAPTER 1

PARISHES

- 75 Parishes: alternative styles
- 76 Appointed councillors

CHAPTER 2

POWER TO PROMOTE WELL-BEING

- 77 Extension of power to certain parish councils
- 78 Community strategies

CHAPTER 3

REORGANISATION

Key terms used

- 79 Community governance reviews
- 80 Community governance petitions
- 80A Community governance applications
- 81 Terms of reference of review

Undertaking community governance reviews

- 82 Council's power to undertake review

- 83 No review being undertaken: duty to respond to petition or application
- 84 Review being undertaken: duty to respond to petition or application
- 85 Power to respond to petition or application

Reorganisation of community governance

- 86 Reorganisation of community governance

Recommendations of review

- 87 Constitution of new parish
- 88 Existing parishes under review
- 89 New council: consequential recommendations
- 90 Council retained: consequential recommendations
- 91 Grouping or de-grouping parishes
- 92 County, district or London borough: consequential recommendations

Duties of council undertaking review

- 93 Duties when undertaking a review
- 94 Recommendations to create parish councils
- 95 Electoral recommendations: general considerations

Publicising outcome of review

- 96 Publicising outcome

Miscellaneous

- 97 Supplementary regulations
- 98 Orders and regulations under this Chapter
- 99 Agreements about incidental matters
- 100 Guidance
- 101 Consequential amendments
- 102 Interpretation

PART 5

CO-OPERATION OF ENGLISH AUTHORITIES WITH LOCAL PARTNERS, ETC

CHAPTER 1

...COMMUNITY STRATEGIES

- 103 Application of Chapter: responsible local authorities
- 104 Application of Chapter: partner authorities
- 105 “Local improvement targets”: interpretation
- 106 Duty to prepare and submit draft of a local area agreement
- 107 Approval of draft local area agreement by Secretary of State
- 108 Duty to have regard to local improvement targets
- 109 Designated targets
- 110 Revision and addition of targets
- 111 Designated targets: revision proposals
- 112 Approval of revision proposal
- 113 Duty to publish information about local area agreement
- 114 Preparation of community strategy

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- 115 Orders under Part 1 of Local Government Act 2000: Wales
- 116 Health and social care: joint strategic needs assessments
- 116ZA Integrated care partnerships
- 116ZB Integrated care strategies
- 116A Health and social care: joint local health and wellbeing strategies
- 116B Duty to have regard to assessments and strategies
- 116C Sections 116 to 116B: references to functions
- 117 Interpretation of Chapter
- 118 Transitional provision

CHAPTER 2

OVERVIEW AND SCRUTINY COMMITTEES

- 119 Reference of matter by councillor to overview and scrutiny committee
- 120 Power of overview and scrutiny committee to question members of authority
- 121 Powers to require information from partner authorities
- 122 Overview and scrutiny committees: reports and recommendations
- 123 Joint overview and scrutiny committees
- 124 Overview and scrutiny committees of district councils: local improvement targets
- 125 Guidance
- 126 Reference of local crime and disorder matters to crime and disorder committees etc
- 127 Overview and scrutiny committees: consequential amendments
- 128 Transitional provision

PART 6

BYELAWS

- 129 Alternative procedure for byelaws
- 130 Fixed penalties for breach of byelaws
- 131 Use of fixed penalty receipts
- 132 Guidance
- 133 Community support officers etc
- 134 Revocation of byelaws
- 135 Further amendments relating to byelaws

PART 7

BEST VALUE

Best value authorities

- 136 Parish councils and community councils etc not to be best value authorities

Duties of best value authorities

- 137 Guidance about general best value duty
- 138 Involvement of local representatives
- 139 Abolition of performance indicators etc except for Welsh authorities
- 140 Abolition of best value performance reviews

Powers to modify enactments etc

- 141 Consultation with and consent of Welsh Ministers
- 142 Power of Welsh Ministers to modify enactments obstructing best value etc

Other

- 143 Grants to promote or facilitate exercise of functions by best value authorities
- 144 Best value: minor and consequential amendments

PART 8

LOCAL SERVICES: INSPECTION AND AUDIT

CHAPTER 1

CONSTITUTION OF THE AUDIT COMMISSION

- 145 Membership
- 146 Change of name

CHAPTER 2

AUDIT COMMISSION AND AUDITORS: FUNCTIONS AND PROCEDURE

Benefits inspections

- 147 Powers of the Audit Commission relating to benefits
- 148 Benefit Fraud Inspectorate: transfers to the Audit Commission

Interaction with other authorities

- 149 Interaction of the Audit Commission with other authorities
- 150 Interaction of benefits inspectors with the Audit Commission

Inspections and audit

- 151 Powers of auditors and inspectors to obtain information
- 152 Inspections of best value authorities

Studies and reports etc

- 153 National studies
- 154 Studies at request of particular bodies
- 155 Registered social landlords
- 156 Information about performance standards of local authorities etc
- 157 Reports on English local authorities
- 158 Reports categorising English local authorities

Miscellaneous

- 159 Appointment of auditors
- 160 Inspection and disclosure of personal information
- 161 Right to make objections at audit
- 162 Appointment of auditor to carry out agreed audits

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- 163 Consent for the purposes of agreed audit
- 164 Disclosure of information obtained by the Audit Commission or an auditor
- 165 Publication of information by the Audit Commission

CHAPTER 3

AUDITOR GENERAL FOR WALES AND AUDITORS

- 166 Registered social landlords in Wales
- 167 Disclosure of information obtained by the Auditor General for Wales or an auditor

PART 9

THE COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

- 168 Appointment and removal of Commissioners
- 169 Responsibilities of Commissioners
- 170 Annual reports
- 171 Power to investigate
- 172 Authorities subject to investigation
- 173 Matters subject to investigation
- 174 Complaints and matters coming to Commissioners' attention
- 175 Reports and statements of reasons
- 176 Power of Commissioners to make recommendations etc
- 177 Publication of reports etc by Commissioners
- 178 Making complaints etc electronically
- 179 Disqualifications
- 180 Expenses of the Commission
- 181 Delegation
- 182 Minor and consequential amendments

PART 10

ETHICAL STANDARDS

CHAPTER 1

CONDUCT OF LOCAL AUTHORITY MEMBERS

Codes of conduct

- 183 Conduct that may be covered by code
- 184 Certain references to code of conduct to include default code

Conduct of members of authorities in England: assessment of allegations

- 185 Assessment of allegations
- 186 Information to be provided to Standards Board by relevant authority

Conduct of local authority members: miscellaneous amendments

- 187 Chairmen of standards committees
- 188 Sub-committees of standards committees
- 189 Joint committees of relevant authorities in England

- 190 Standards Board for England: functions
- 191 Ethical standards officers: investigations and findings
- 192 Ethical standards officers: reports etc
- 193 Disclosure by monitoring officers of ethical standards officers' reports
- 194 Matters referred to monitoring officers
- 195 References to Adjudication Panel for action in respect of misconduct
- 196 Consultation with ombudsmen
- 197 Interim case tribunals
- 198 Case tribunals: England
- 199 Case tribunals: Wales
- 200 Exemption from Data Protection Act 1998
- 201 Supplementary and consequential provision

CHAPTER 2

EMPLOYEES

- 202 Politically restricted posts: grant and supervision of exemptions
- 203 Politically restricted posts: consequential amendments
- 204 Political assistants' pay

PART 11

JOINT WASTE AUTHORITIES

- 205 Proposals for joint waste authorities in England
- 206 Consultation
- 207 Implementation of proposals by order
- 208 Membership of joint waste authorities
- 209 Consequential amendments
- 210 Joint waste authorities in Wales
- 211 Interpretation

PART 12

ENTITIES CONTROLLED ETC BY LOCAL AUTHORITIES

- 212 Entities controlled etc by local authorities
- 213 Trusts
- 214 Further provision about orders
- 215 Exemptions from orders
- 216 Consequential amendments
- 217 Definition of certain terms in amended enactments: England
- 218 Definition of certain terms in amended enactments: Wales

PART 13

THE VALUATION TRIBUNAL FOR ENGLAND

- 219 Establishment of the Tribunal
- 220 Consequential and transitional provision etc

PART 14

PATIENT AND PUBLIC INVOLVEMENT IN HEALTH AND SOCIAL CARE

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Local arrangements

- 221 Health services and social services...
- 222 Local Healthwatch organisations
- 222A Local authority arrangements: conflicts of interest
- 223 Arrangements: power to make further provision
- 223A Independent advocacy services
- 224 Duties of responsible persons to respond to Local Healthwatch organisations or contractors
- 225 Duties of services-providers to allow entry by Local Healthwatch organisations or contractors
- 226 Referrals of social care matters
- 227 Local Healthwatch organisations: annual reports
- 228 Transitional arrangements
- 229 Sections 221 to 228: interpretation and supplementary

Abolition of Patients' Forums etc

- 230 Abolition of functions of Patients' Forums
- 231 Abolition of Patients' Forums
- 232 Abolition of Commission for Patient and Public Involvement in Health

Consultation about health services

- 233 Duty to involve users of health services
- 234 Reports on consultation

PART 15

POWERS OF NATIONAL ASSEMBLY FOR WALES

- 235 Powers of National Assembly for Wales

PART 16

MISCELLANEOUS

Exercise of functions by members of local authorities in England

- 236 Exercise of functions by local councillors in England
- 237 Exercise of functions under section 236: records

Accounting

- 238 Amendments relating to capital finance and accounting practices

Contracting out

- 239 Contracting out

PART 17

FINAL PROVISIONS

- 240 Orders, regulations and guidance
- 241 Repeals
- 242 Financial provisions
- 243 Power to make further amendments and repeals
- 244 Extent

- 245 Commencement
246 Short title

SCHEDULES

SCHEDULE 1 — 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...
- 2 In section 13 (reviews and recommendations), omit the following—
- 3 In section 14 (changes that may be recommended), omit the...
- 4 In section 15 (procedure on a review), omit subsection (7A)(a)....
- 5 Omit section 16.
- 6 In section 17 (implementation of recommendations by order), omit the...
- 7 Omit section 18.
- 8 In section 19 (regulations for supplementing orders), omit subsection (2)....
- 9 Omit sections 20 to 22.
- 10 In section 26 (orders, regulations and directions), omit the following

—...

Part 2 — OTHER AMENDMENTS

Local Government Act 1972 (c. 70)

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

Race Relations Act 1976 (c. 74)

- 12 In Schedule 1A to the Race Relations Act 1976 (bodies...

Rent Act 1977 (c. 42)

- 13 In section 62(1) of the Rent Act 1977 (registration areas),...

Interpretation Act 1978 (c. 30)

- 14 In Schedule 1 to the Interpretation Act 1978 (words and...

Coroners Act 1988 (c. 13)

- 15 In section 1 of the Coroners Act 1988 (appointment of...

Local Government Finance Act 1988 (c. 41)

- 16 (1) The Local Government Finance Act 1988 is amended as...

Food Safety Act 1990 (c. 16)

- 17 In section 27(5) of the Food Safety Act 1990 (appointment...

Environment Act 1995 (c. 25)

- 18 (1) The Environment Act 1995 is amended as follows.

Police Act 1996 (c. 16)

- 19 (1) The Police Act 1996 is amended as follows.

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Freedom of Information Act 2000 (c. 36)

20 In Schedule 1 to the Freedom of Information Act 2000...

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

21

Fire and Rescue Services Act 2004 (c. 21)

22 (1) The Fire and Rescue Services Act 2004 is amended...

SCHEDULE 2 — Electoral arrangements: consequential amendments

Local Government and Housing Act 1989 (c. 42)

1 Section 9 of the Local Government and Housing Act 1989...

2 In subsection (11), in paragraph (a) of the definition of...

SCHEDULE 3 — Executives: further amendments

Local Government Act 1972 (c. 70)

1 The Local Government Act 1972 is amended as follows.

2 (1) Section 2 (constitution of principal councils in England) is...

3 (1) Section 3 (chairman) is amended as follows.

4 (1) Section 21 (constitution of principal councils in Wales) is...

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

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

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

8 (1) Section 100J (application of Part 5A to new authorities,...

9 (1) Section 249 (honorary aldermen and freemen) is amended as...

10 (1) Section 270 (general provisions as to interpretation) is amended...

11 (1) Schedule 2 (constitution and membership of London borough councils)...

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

Local Government Act 1974 (c. 7)

13 The Local Government Act 1974 is amended as follows.

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

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

Representation of the People Act 1983 (c. 2)

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

17 In section 24 (returning officers: England and Wales) in subsection...

Local Government Act 1985 (c. 51)

18 The Local Government Act 1985 is amended as follows.

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

Local Government Finance Act 1988 (c. 41)

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

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

Local Government Act 2000 (c. 22)

22 The Local Government Act 2000 is amended as follows.

23

24

25

26 In section 83 (interpretation of Part 3) in the definition...

27 In section 105 (orders and regulations), in subsection (6) after...

28

29 (1) For the heading before paragraph 2 of Schedule 1...

SCHEDULE 4 — New arrangements for executives: transitional provision

Part 1 — OLD-STYLE LEADER AND CABINET EXECUTIVE

Application of Part

1 This Part applies to a local authority in England if,...

Continued operation of existing executive

2 (1) The coming into force of section 62(5) does not...

Change in form of executive

3 (1) The local authority must make a change in governance...

Failure to change form of executive: automatic change

4 (1) This paragraph applies if the local authority does not...

Interpretation

5 (1) In this Part— “LGA 2000” means the Local Government...

Part 2 — MAYOR AND COUNCIL MANAGER EXECUTIVE

Application of Part

6 This Part applies to a local authority in England if,...

Continued operation of existing executive

7 (1) The coming into force of section 62(6) does not...

Change in form of executive

8 (1) The local authority must make a change in governance...

9 (1) This paragraph applies if the proposals drawn up in...

10 (1) This paragraph applies if the proposals drawn up in...

Failure to change form of executive: automatic change

11 (1) This paragraph applies if the local authority does not...

Interpretation

12 (1) In this Part— “LGA 2000” means the Local Government...

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Part 3 — OTHER TRANSITIONAL PROVISION

- 13 (1) The Secretary of State may by order make transitional,...

SCHEDULE 5 — Parishes: further amendments

- 1 The Local Government Act 1972 (c. 70) is amended in...
- 2 (1) Section 9 (parish meetings and councils) is amended as...
- 3 (1) Section 10 (power to dissolve parish councils in small...
- 4 (1) Section 11 (orders for grouping parishes etc) is amended...
- 5 (1) Section 12 (provision supplementary to sections 9 to 11)...
- 6 (1) Section 16 (parish councillors) is amended as follows.
- 7 (1) Section 137 (power of local authorities to incur expenditure...
- 8 (1) Section 245 (status of certain districts, parishes and communities)...
- 9 (1) Schedule 3 (establishment of new authorities in England) is...
- 10 (1) The Local Government and Rating Act 1997 (c. 29)...

SCHEDULE 6 — Byelaws: further amendments

Public Health Acts Amendment Act 1907 (c. 53)

- 1 In subsection (4) of section 82 of the Public Health...

Public Health Act 1936 (c. 49)

- 2 In section 231(1) of the Public Health Act 1936 (byelaws...

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

- 3 Omit subsections (2) and (3) of section 56 of the...

Police Reform Act 2002 (c. 30)

- 4 (1) In paragraph 1(3)(a) of Schedule 4 to the Police...

SCHEDULE 7 — 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...

Local Government Act 1999 (c. 27)

- 2 (1) The Local Government Act 1999 is amended as follows....

Local Government Act 2003 (c. 26)

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

SCHEDULE 8 — 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)...
- 2 (1) Section 1 (best value authorities) is amended as follows....
- 3 (1) Section 2 (power to extend or disapply) is amended...
- 4 (1) Section 2A (power of National Assembly for Wales to...
- 5 For the heading immediately preceding section 3 substitute “ Duties:...
- 6 (1) Section 4 (performance indicators and standards) is amended as...

- 7 In section 6 (best value performance plans), in subsections (2),...
- 8 In the heading immediately before section 7, at the end...
- 9 (1) Section 7 (audit of best value performance plans) is...
- 10 Omit section 8 (Audit Commission's code of practice and fees)....
- 11 In section 8A(5)— (a) in paragraph (a), for “Assembly” substitute...
- 12 In section 8B (auditor's duty in relation to codes) omit—...
- 13 In section 9 (response to audit)— (a) in subsections (1)...
- 14 (1) Section 10 (best value inspections by Audit Commission) is...
- 15 (1) Section 10A (best value inspections by Auditor General for...
- 16 In section 11 (inspectors' powers and duties), in subsection (4)(b)...
- 17 In section 12A(4)(b) (consultation about fees for inspections by Auditor...
- 18 In section 13 (reports by Audit Commission) omit subsection (5)...
- 19 In section 13A (reports by Auditor General for Wales), in...
- 20 In section 15(2) (Secretary of State's powers)—
- 21 (1) Section 23 (accounts) is amended as follows.
- 22 (1) Section 29 (modification for Wales) is amended as follows....

Part 2 — OTHER MINOR AND CONSEQUENTIAL AMENDMENTS

Housing Associations Act 1985 (c. 69)

23

Railways and Transport Safety Act 2003 (c. 20)

24 In section 54 of the Railways and Transport Safety Act...

Local Government Act 2003 (c. 26)

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

Fire and Rescue Services Act 2004 (c. 21)

26 (1) Section 24 of the Fire and Rescue Services Act...

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

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

SCHEDULE 9 — 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...

Amendment of references to the old name of the Commission

2 (1) In the provisions listed in sub-paragraph (2), in the...

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...

SCHEDULE 10 — Benefit Fraud Inspectorate: transfer schemes

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Transfer of staff

- 1 Paragraphs 2 to 4 apply where the rights and liabilities...
- 2 (1) The individual's contract of employment— (a) is not terminated...
- 3 (1) A transfer scheme may make provision with respect to...
- 4 In paragraphs 2 and 3, “pension scheme” includes a scheme...

Property, rights and liabilities etc.

- 5 (1) A transfer scheme may provide for the transfer of...

SCHEDULE 11 — Schedule to be inserted in Audit Commission Act 1998

SCHEDULE 12 — 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)...
- 2 In section 23(12) (three-yearly reviews by the Commission), for “complaints”...
- 3 (1) Section 26 (matters subject to investigation) is amended as...
- 4 (1) Section 28 (payments to complainants and persons assisting with...
- 5 (1) Section 29 (further provisions about investigations) is amended as...
- 6 (1) Section 31A (consideration of adverse reports) is amended as...
- 7 (1) Section 32 (law of defamation and disclosure of information)...
- 8 (1) Section 33 (consultation with other Commissioners etc) is amended...
- 9 (1) Section 33ZA (collaborative working between Local Commissioners and other...
- 10 In section 34(1) (interpretation of Part)— (a) in the definition...
- 11 (1) Schedule 4 (the Commission) is amended as follows.
- 12 In Schedule 5 (matters not subject to investigation), in paragraphs...

Part 2 — OTHER AMENDMENTS

Parliamentary Commissioner Act 1967 (c. 13)

- 13 (1) The Parliamentary Commissioner Act 1967 is amended as follows....

Local Government and Housing Act 1989 (c. 42)

- 14 (1) The Local Government and Housing Act 1989 is amended...

Health Service Commissioners Act 1993 (c. 46)

- 15 (1) The Health Service Commissioners Act 1993 is amended as...

Greater London Authority Act 1999 (c. 29)

- 16 In section 73(6) of the Greater London Authority Act 1999...

Local Government Act 2000 (c. 22)

- 17

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

- 18 In section 114 of the Health and Social Care (Community...

SCHEDULE 13 — 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...
- 2 In section 70 (restriction on promotion of Bills for changing...
- 3 In section 80(2) (disqualifications for election and holding office as...
- 4 In section 85(4) (vacation of office by failure to attend...
- 5 In section 86(2) (declaration by local authority of vacancy in...
- 6 In section 92 (proceedings for disqualification), after subsection (7) insert—...
- 7 In section 98(1A) (interpretation), after “joint authority,” insert “ a...
- 8 In section 100J (application to new authorities)—
- 9 In section 101(13) (arrangements for discharge of functions by local...
- 10 In section 146A(1) (joint authorities etc), after “joint authority,” insert...
- 11 In section 175(3B) (allowances for attending conferences and meetings), after...
- 12 In section 176(3) (payment of expenses of official visits), after...
- 13 In section 223(2) (appearance of local authorities in legal proceedings),...
- 14 In section 224(2) (arrangements by principal councils for custody of...
- 15 In section 225(3) (deposit of documents with proper officer of...
- 16 In section 228 (inspection of documents), after subsection (7A) insert —...
- 17 In section 229(8) (photographic copies of documents), after “joint authority”...
- 18 In section 230(2) (reports and returns), at the end insert...
- 19 In section 231(4) (service of notices on local authorities), after...
- 20 In section 232(1A) (public notices), after “joint authority” insert “...
- 21 In section 233(11) (service of notices by local authorities), after...
- 22 In section 234(4) (authentication of documents), after “joint authority” insert...
- 23 In section 239(4A) (power to promote or oppose local or...
- 24 In section 270(1) (general provisions as to interpretation), after the...

Part 2 — OTHER AMENDMENTS

Landlord and Tenant Act 1954 (c. 56)

- 25 In section 69(1) of the Landlord and Tenant Act 1954...

Trustee Investments Act 1961 (c. 62)

- 26 In section 11(4)(a) of the Trustee Investments Act 1961 (local...

Leasehold Reform Act 1967 (c. 88)

- 27 In section 28(5)(a) of the Leasehold Reform Act 1967 (retention...

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

- 28 In section 3(2)(b) of the Employers' Liability (Compulsory Insurance) Act...

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

- 29 In section 1(4) of the Local Authorities (Goods and Services)...

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Employment Agencies Act 1973 (c. 35)

- 30 In section 13(7) of the Employment Agencies Act 1973 (interpretation),...

Local Government Act 1974 (c. 7)

- 31 (1) Part 3 of the Local Government Act 1974 (Commission...

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

- 32 In section 28(6) of the Health and Safety at Work...

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

- 33 In section 44(1) of the Local Government (Miscellaneous Provisions) Act...

Rent (Agriculture) Act 1976 (c. 80)

- 34 In section 5(3) of the Rent (Agriculture) Act 1976 (no...

Rent Act 1977 (c. 42)

- 35 In section 14 of the Rent Act 1977 (landlord's interest...

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

- 36 (1) The Local Government, Planning and Land Act 1980 is...

Acquisition of Land Act 1981 (c. 67)

- 37 In section 17(4) of the Acquisition of Land Act 1981...

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

- 38 (1) The Local Government (Miscellaneous Provisions) Act 1982 is amended...

Stock Transfer Act 1982 (c. 41)

- 39 In paragraph 7(2)(a) of Schedule 1 to the Stock Transfer...

County Courts Act 1984 (c. 28)

- 40 In section 60(3) of the County Courts Act 1984 (right...

Housing Act 1985 (c. 68)

- 41 (1) Section 4 of the Housing Act 1985 (descriptions of...

Landlord and Tenant Act 1985 (c. 70)

- 42 In section 38 of the Landlord and Tenant Act 1985...

Local Government Act 1988 (c. 9)

- 43 In Schedule 2 to the Local Government Act 1988 (public...

Housing Act 1988 (c. 50)

- 44 In Schedule 1 to the Housing Act 1988 (tenancies that...

Road Traffic Act 1988 (c. 52)

- 45 In section 144(2)(a)(i) of the Road Traffic Act 1988 (exceptions...

Local Government and Housing Act 1989 (c. 42)

- 46 The Local Government and Housing Act 1989 is amended as...
47 In section 21(1) (interpretation of Part 1), after paragraph (g)...
48 In section 152(2) (interpretation of sections 150 and 151), after...

Environmental Protection Act 1990 (c. 43)

- 49 In section 52(1A) of the Environmental Protection Act 1990
(payments...

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

- 50 In section 1(10) of the Local Government (Overseas Assistance) Act...

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

- 51 In section 3(2) of the Housing Grants, Construction and Regeneration...

Audit Commission Act 1998 (c. 18)

- 52 In Schedule 2 to the Audit Commission Act 1998 (accounts...

Local Government Act 1999 (c. 27)

- 53 In section 1(1) of the Local Government Act 1999 (best...

Freedom of Information Act 2000 (c. 36)

- 54 In Schedule 1 to the Freedom of Information Act 2000...

Local Government Act 2003 (c. 26)

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

SCHEDULE 14 — Consequential amendments relating to entities controlled etc by local authorities

Prevention of Corruption Act 1916 (c. 64)

- 1 (1) Section 4 of the Prevention of Corruption Act 1916...

Local Government Act 1972 (c. 70)

- 2 (1) Section 80 of the Local Government Act 1972 (disqualifications...

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

- 3 (1) The Local Government, Planning and Land Act 1980 is...

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Environment Act 1995 (c. 25)

- 4 (1) Paragraph 7 of Schedule 7 to the Environment Act...

Local Government Act 2003 (c. 26)

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

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

- 6 (1) Section 48 of the Public Audit (Wales) Act 2004...

SCHEDULE 15 — The Valuation Tribunal for England

Introduction

- 1 Schedule 11 to the Local Government Finance Act 1988 (c....

Establishment of the Tribunal

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

Schedule 11 to be divided into Parts

- 3 (1) The entries in the first column of the following...

Retention of existing arrangements for Wales

- 4 In paragraph 1 (establishment of tribunals)— (a) in sub-paragraph (1)...
 5 After paragraph 1 insert— In this Part, references to a tribunal are
 references to...
 6 (1) Omit paragraph 3 (transfer of jurisdiction of local valuation...
 7 In paragraph 5(1) (regulations about membership of tribunals), in sub-
 paragraph...
 8 In paragraph 6(1) (staff) omit “, so far as relating...
 9 In paragraph 7(1) (accommodation and equipment) omit “, so far...
 10 (1) For the italic heading before paragraph 8 substitute— “...

Amendment of provisions relating to England and to Wales

- 11 Before paragraph 8(2) insert— Procedure (1) Regulations under
 paragraph A19 or paragraph 1 may include...
 12 In paragraph 9(2) for “paragraph 1” substitute “ paragraph A19...
 13 In paragraph 10(2) for “paragraph 1” substitute “ paragraph A19...
 14 In paragraph 10A(2) for “paragraph 1” substitute “ paragraph A19...
 15 In paragraph 11(1) for “paragraph 1” substitute “ paragraph A19...
 16 In paragraph 12(1) for “paragraph 1” substitute “ paragraph A19...
 17 After paragraph 12 insert— Meaning of tribunal In this Part references
 to a tribunal are—
 18 (1) For the italic heading before paragraph 13 substitute— “...
 19 In paragraph 15 for “paragraph 4” substitute “ paragraph A3...

SCHEDULE 16 — 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...

Local Government Finance Act 1988 (c. 41)

- 2 The Local Government Finance Act 1988 is amended as follows....
 3 (1) Section 55 (alteration of lists) is amended in accordance...
 4 (1) Schedule 4A (non-domestic rating: new buildings (completion days)) is...
 5 (1) Schedule 9 (non-domestic rating: administration) is amended in accordance...

Land Drainage Act 1991 (c. 59)

- 6 (1) Section 45 of the Land Drainage Act 1991 (appeals...

Local Government Finance Act 1992 (c. 14)

- 7 (1) Section 69 of the Local Government Finance Act 1992...

Tribunals and Inquiries Act 1992 (c. 53)

- 8 (1) Schedule 1 to the Tribunals and Inquiries Act 1992...

Finance Act 2003 (c. 14)

- 9 (1) Section 78A of the Finance Act 2003 (disclosure of...

Local Government Act 2003 (c. 26)

- 10 The Local Government Act 2003 is amended as follows.
 11 (1) Section 105 (the Valuation Tribunal Service) is amended in...
 12 In section 124 (general interpretation), omit the definition of “valuation...
 13 (1) Schedule 4 (the Valuation Tribunal Service) is amended in...

Constitutional Reform Act 2005 (c. 4)

- 14 The Constitutional Reform Act 2005 is amended as follows.
 15 (1) Schedule 7 (protected functions of the Lord Chancellor) is...
 16 (1) Schedule 14 (Judicial Appointments Commission: relevant offices and enactments)...

SCHEDULE 17 — Powers of National Assembly for Wales

- 1 Schedule 5 to the Government of Wales Act 2006 (c....
 2 In Part 1, after the heading “Field 12: local government”...
 3 In Part 2, after paragraph 2 insert— Police areas A provision of an Assembly Measure cannot make any alteration...
 4 In Part 3, after paragraph 7 insert— Police areas Part 2 does not prevent a provision of an Assembly...

SCHEDULE 18 — Repeals

- Part 1 — STRUCTURAL AND BOUNDARY CHANGE
 Part 2 — ELECTORAL ARRANGEMENTS
 Part 3 — EXECUTIVE ARRANGEMENTS
 Part 4 — PARISHES

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- Part 5 — COMMUNITY STRATEGIES
- Part 6 — OVERVIEW AND SCRUTINY COMMITTEES
- Part 7 — BYELAWS
- Part 8 — BEST VALUE
- Part 9 — CHANGE OF NAME OF THE AUDIT COMMISSION
- Part 10 — INTERACTION OF THE AUDIT COMMISSION WITH OTHER
AUTHORITIES
- Part 11 — STUDIES AND REPORTS ETC OF THE AUDIT COMMISSION
- Part 12 — AUDIT COMMISSION AND AUDITORS: MISCELLANEOUS
- Part 13 — AUDITOR GENERAL FOR WALES AND AUDITORS
- Part 14 — THE COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND
- Part 15 — ETHICAL STANDARDS
- Part 16 — ENTITIES CONTROLLED ETC BY LOCAL AUTHORITIES
- Part 17 — VALUATION TRIBUNALS
- Part 18 — PATIENT AND PUBLIC INVOLVEMENT IN HEALTH
- Part 19 — CONTRACTING OUT

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 106(2)(c)(i) omitted by 2015 c. 20 s. 100(2)(d)
- s. 111(4)(c)(i) omitted by 2015 c. 20 s. 100(2)(d)
- s. 222(3)(b) omitted by 2012 c. 7 Sch. 14 para. 104(a)
- s. 222(4)(d) omitted by 2012 c. 7 Sch. 14 para. 104(b)
- s. 224(2)(a) omitted by 2012 c. 7 Sch. 14 para. 105
- s. 225(7)(a) omitted by 2012 c. 7 Sch. 14 para. 106
- Sch. 1 para. 15 repealed by 2009 c. 25 Sch. 23 Pt. 1