

## SCHEDULES

### SCHEDULE 3

Section 100

#### AMENDMENT OF POWERS EXERCISABLE IN RELATION TO LOCAL AUTHORITIES

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

- 1 The Local Government and Housing Act 1989 is amended as follows.
- 2 In section 67 (orders under Part 5), at the end there is inserted—
  - “(5) The power under subsection (4) above to make differential provision includes, in particular, power to make different provision for different local authorities or descriptions of local authority.”
- 3 In section 70 (requirements for companies under control or subject to influence of local authorities), at the end there is inserted—
  - “(6) An order under subsection (1) may be made in relation to—
    - (a) all local authorities,
    - (b) particular local authorities, or
    - (c) particular descriptions of local authority.”

##### *Local Government Act 1999 (c. 27)*

- 4 The Local Government Act 1999 is amended as follows.
- 5 In section 4(2)(b) (different performance indicators or standards may be specified for different authorities), after “different authorities” there is inserted “or descriptions of authority”.
- 6 (1) Section 5 (best value reviews) is amended as follows.
  - (2) In subsection (2)(b) (orders specifying periods within which authorities are to conduct best value reviews may make different provision for different authorities), after “different authorities” there is inserted “or descriptions of authority”.
  - (3) After subsection (4) there is inserted—
    - “(4A) An order under subsection (4) may—
      - (a) apply to one authority or more;
      - (b) make different provision in relation to different authorities or descriptions of authority.”
- 7 In section 6 (best value performance plans), after subsection (4) there is inserted—
  - “(5) An order under this section may make different provision in relation to different authorities or descriptions of authority.”
- 8 (1) Section 16 (power to modify enactments and confer new powers) is amended as follows.

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- (2) In subsection (1) (power to modify or exclude application of enactments in relation to best value authorities), for “in relation to those authorities” there is substituted “in relation to—
- (a) all best value authorities,
  - (b) particular best value authorities, or
  - (c) particular descriptions of best value authority.”
- (3) In subsection (2) (power to confer powers on best value authorities), for “conferring on best value authorities any power” there is substituted “conferring on—
- (a) all best value authorities,
  - (b) particular best value authorities, or
  - (c) particular descriptions of best value authority,
- any power”.
- (4) After subsection (3) there is inserted—
- “(3A) The power under subsection (3)(d) includes, in particular, power to make different provision in relation to different authorities or descriptions of authority.”
- (5) At the beginning of subsection (4) (order subject to affirmative resolution procedure) there is inserted “Subject to subsection (4A),”.
- (6) After subsection (4) there is inserted—
- “(4A) An order under this section which is made only for the purpose of amending an earlier order under this 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,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- 9 In section 17 (orders under section 16: procedure), after subsection (6) there is inserted—
- “(7) Nothing in this section applies to an order under section 16 which is made only for the purpose mentioned in section 16(4A).”
- 10 (1) Section 19 (contracts: exclusion of non-commercial considerations) is amended as follows.
- (2) In subsection (1) (power to provide for matters to cease to be non-commercial matters in relation to best value authorities), for “in relation to best value authorities, for” there is substituted “in relation to—
- (a) all best value authorities,
  - (b) particular best value authorities, or
  - (c) particular descriptions of best value authority,
- for”.

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- (3) After subsection (2) there is inserted—
- “(2A) The power under subsection (2)(c) includes, in particular, power to make different provision for different authorities or descriptions of authority.”
- (4) At the beginning of subsection (3) (order subject to affirmative resolution procedure) there is inserted “Subject to subsection (3A),”.
- (5) After subsection (3) there is inserted—
- “(3A) An order under this section which is made only for the purpose of amending an earlier order under this 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,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

*Local Government Act 2000 (c. 22)*

- 11 The Local Government Act 2000 is amended as follows.
- 12 (1) Section 3 (limits on power to promote well-being) is amended as follows.
- (2) After subsection (3) there is inserted—
- “(3A) The power under subsection (3) may be exercised in relation to—
- (a) all local authorities,
- (b) particular local authorities, or
- (c) particular descriptions of local authority.”
- (3) At the beginning of subsection (4) (duty to consult) there is inserted “Subject to subsection (4A),”.
- (4) After that subsection there is inserted—
- “(4A) Subsection (4) does not apply to an order under this section which is made only for the purpose of amending an earlier order under this 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.”
- 13 In section 9 (procedures for orders under section 5 or 6), after subsection (7) there is inserted—
- “(8) Nothing in this section applies to an order under section 5 or 6 which is made only for the purpose of amending an earlier order under that section—

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- (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.”
- 14 (1) Section 105 (orders and regulations) is amended as follows.
- (2) At the beginning of subsection (6) (certain instruments subject to affirmative resolution procedure) there is inserted “Subject to subsection (6A),”.
- (3) After subsection (6) there is inserted—
  - “(6A) Subsection (6) does not apply to a statutory instrument which contains an order under section 3(3), 5 or 6 if the order 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.”