



Local Government Act 1999

1999 CHAPTER 27

PART I

BEST VALUE

Best value inspections

15 Secretary of State's powers.

- (1) This section applies in relation to a best value authority if the Secretary of State is satisfied that it is failing to comply with the requirements of this Part.
- (2) Where this section applies in relation to an authority the Secretary of State may^{F1} [^{F2}(aa)]
 - (c) [^{F3}in the case of any best value authority, direct it] to carry out a review of its exercise of specified functions.
- (3) Where this section applies in relation to an authority the Secretary of State may direct a local inquiry to be held into the exercise by the authority of specified functions.
- (4) Subsections (2) to (5) of section 250 of the^{M1}Local Government Act 1972 (inquiries) shall apply in relation to an inquiry which the Secretary of State directs to be held under this section as they apply in relation to an inquiry which a Minister causes to be held under that section.
- (5) Where this section applies in relation to an authority the Secretary of State may direct the authority to take any action which he considers necessary or expedient to secure its compliance with the requirements of this Part.
- (6) Where this section applies in relation to an authority the Secretary of State may direct—
 - (a) that a specified function of the authority shall be exercised by the Secretary of State or a person nominated by him for a period specified in the direction or for so long as the Secretary of State considers appropriate, and

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1999, Section 15. (See end of Document for details)

(b) that the authority shall comply with any instructions of the Secretary of State or his nominee in relation to the exercise of that function and shall provide such assistance as the Secretary of State or his nominee may require for the purpose of exercising the function.

[^{F4}(6A) So far as is appropriate in consequence of a direction given under subsection (6)(a), a reference (however expressed) in an enactment, instrument or other document to a best value authority is to be read as a reference to the person by whom the function is exercisable.

(6B) Subsection (6C) applies if a direction given under subsection (6)(a) expires or is revoked without being replaced.

(6C) So far as is appropriate in consequence of the expiry or revocation, a reference (however expressed) in an instrument or other document to the person by whom the function was exercisable is to be read as a reference to the best value authority to which the direction was given.]

(7) The Secretary of State may by regulations make provision which—

- (a) relates to an enactment which confers a function on him in respect of a function of a best value authority, and
- (b) he considers necessary or expedient for the purposes of cases in which he makes a direction under subsection (6)(a).

(8) Regulations under subsection (7) may, in relation to the cases mentioned in subsection (7)(b)—

- (a) disapply or modify an enactment of the kind mentioned in subsection (7)(a);
- (b) have an effect similar to the effect of an enactment of that kind.

(9) Subject to subsection (11), before giving a direction under this section the Secretary of State shall give the authority concerned an opportunity to make representations about—

- (a) the report (if any) as a result of which the direction is proposed, and
- (b) the direction proposed.

^{F5}(10)

(11) The Secretary of State may give a direction without complying with subsection (9) ^{F6}... if he considers the direction sufficiently urgent.

(12) Where the Secretary of State gives a direction without complying with subsection (9) ^{F6}... he shall inform—

- (a) the authority concerned, and
- (b) such persons appearing to him to represent best value authorities as he considers appropriate,

of the direction and of the reason why it was given without complying with subsection (9) or (10).

(13) A direction given under this section shall be enforceable by order of mandamus on the application of the Secretary of State.

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Textual Amendments

- F1** S. 15(2)(aa) repealed (1.4.2010) by [Local Government \(Wales\) Measure 2009 \(nawm 2\)](#), s. 53(2), [Sch. 1 para. 16](#), [Sch. 4](#); [S.I. 2009/3272](#), [art. 3\(1\)](#), [Sch. 2](#) (with [art. 3\(2\)-\(5\)](#)) (as amended (8.9.2010) by [S.I. 2010/2237](#), [art. 2](#))
- F2** S. 15(2)(aa) substituted for s. 15(2)(a)(b) and words (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 20\(a\)](#); [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)
- F3** Words in s. 15(2)(c) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 20\(b\)](#); [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)
- F4** [S. 15\(6A\)-\(6C\)](#) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 101\(3\)](#), 139(4)
- F5** S. 15(10) omitted (4.4.2014) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 10 para. 6\(a\)](#); [S.I. 2014/900](#), [art. 2\(c\)](#)
- F6** Words in s. 15(11)(12) omitted (4.4.2014) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 10 para. 6\(b\)](#); [S.I. 2014/900](#), [art. 2\(c\)](#)

Commencement Information

- I1** S. 15 wholly in force at 1.4.2000; s. 15 not in force at Royal Assent see s. 27; s. 15(7)(8) in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by [S.I. 1999/2169](#), [art. 3\(2\)](#), [Sch. 2](#); s. 15(1)-(6) (9)-(13) in force (E.) at 1.4.2000 and (W.) for certain purposes at 1.4.2000 by [S.I. 1999/2169](#), [art. 4\(2\)](#), [Sch. 3](#); s. 15 in force (W.) at 1.4.2000 by [S.I. 1999/2815](#), [art. 3](#)

Marginal Citations

- M1** 1972 c.70.

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