



# Local Government Act 2000

## 2000 CHAPTER 22

### PART I

#### PROMOTION OF ECONOMIC, SOCIAL OR ENVIRONMENTAL WELL-BEING ETC

##### *Modification of certain enactments*

#### **6 Power to modify enactments concerning plans etc.**

- (1) Subject to subsection (3), the Secretary of State may by order amend, repeal, revoke or disapply any enactment (whenever passed or made) which requires a local authority to prepare, produce or publish any plan or strategy relating to any particular matter [<sup>F1</sup>so far as that enactment has effect in relation to a local authority in England].
- (2) The power under subsection (1) may be exercised in relation to—
  - (a) all local authorities [<sup>F2</sup>in England],
  - (b) particular local authorities [<sup>F3</sup>in England], or
  - (c) particular descriptions of local authority [<sup>F4</sup>in England].
- (3) The power under subsection (1) may be exercised in relation to a local authority only if the Secretary of State considers—
  - (a) that it is not appropriate for any such enactment as is mentioned in that subsection to apply to the authority, or
  - (b) that any such enactment should be amended so that it operates more effectively in relation to the authority.
- (4) The power under subsection (1) to amend or disapply an enactment includes a power to amend or disapply an enactment for a particular period.

<sup>F5</sup>(5) .....

<sup>F6</sup>(6) .....

**Changes to legislation:** Local Government Act 2000, Cross Heading: Modification of certain enactments is up to date with all changes known to be in force on or before 10 April 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) View outstanding changes

- (7) An order under this section which would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument shall proceed in that House as if it were not such an instrument.
- (8) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

**Textual Amendments**

- F1** Words in s. 6(1) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 115\(5\)\(a\)](#), 245(2)
- F2** Words in s. 6(2)(a) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 115\(5\)\(b\)](#), 245(2)
- F3** Words in s. 6(2)(b) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 115\(5\)\(b\)](#), 245(2)
- F4** Words in s. 6(2)(c) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 115\(5\)\(c\)](#), 245(2)
- F5** S. 6(5) repealed (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 115\(5\)\(d\)](#), 245(2), [Sch. 18 Pt. 5](#)
- F6** S. 6(6) repealed (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 115\(5\)\(d\)](#), 245(2), [Sch. 18 Pt. 5](#)

**Commencement Information**

- I1** S. 6 wholly in force at 9.4.2001; s. 6 not in force at Royal Assent see s. 108(4); s. 6 in force (E.) at 18.10.2000 by [S.I. 2000/2836](#), [arts. 1\(3\)](#), 2(a); s. 6(6) in force (W.) at 1.11.2000 by [S.I. 2000/2948](#), [art. 2](#); s. 6(1)-(5)(7)(8) in force (W.) at 9.4.2001 by [S.I. 2001/1471](#), [art. 2](#)

**7 Power to modify enactments concerning plans etc: Wales.**

- (1) Subject to [<sup>F7</sup>subsection (4)], [<sup>F8</sup>the Welsh Ministers] may by order amend, repeal, revoke or disapply any enactment [<sup>F9</sup>(whenever passed or made) which requires a local authority to prepare, produce or publish any plan or strategy relating to any particular matter] so far as that enactment has effect in relation to a local authority in Wales.

<sup>F10</sup>(2) .....

- (3) The power under subsection (1) may be exercised in relation to—
  - (a) all local authorities in Wales,
  - (b) particular local authorities in Wales, or
  - (c) particular descriptions of local authority in Wales.
- (4) The power under subsection (1) may be exercised in relation to a local authority only if [<sup>F11</sup>the Welsh Ministers consider]—
  - (a) that it is not appropriate for any such enactment as is mentioned in that subsection to apply to the authority, or
  - (b) that any such enactment should be amended so that it operates more effectively in relation to the authority.

- (5) The power under subsection (1) to amend or disapply an enactment includes a power to amend or disapply an enactment for a particular period.

<sup>F12</sup>(6) .....

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- (7) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the <sup>M1</sup>Interpretation Act 1978).
- [<sup>F13</sup>(8) An order under this section may not make a provision which, if it were a provision of [<sup>F14</sup>an Act] of the National Assembly for Wales, would be outside the Assembly’s legislative competence.
- (9) For the purposes of subsection (8), [<sup>F15</sup>section 108A of the Government of Wales Act 2006 (legislative competence) has effect as if subsection (2)(c) of that section and paragraph 1 of Schedule 7B to that Act 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.]

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#### Textual Amendments

- F7** Words in s. 7(1) substituted (1.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 3 para. 1(5)**; S.I. 2021/231, art. 4(c)
- F8** Words in s. 7(1) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 115(6)(a)(i), 245(2)**
- F9** Words in s. 7(1) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 115(6)(a)(ii), 245(2)**
- F10** S. 7(2) repealed (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 115(6)(b), 245(2), Sch. 18 Pt. 5**
- F11** Words in s. 7(4) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 115(6)(c), 245(2)**
- F12** S. 7(6) repealed (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 115(6)(d), 245(2), Sch. 18 Pt. 5**
- F13** S. 7(8)-(11) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 115(7), 245(2)**
- F14** Words in s. 7(8) substituted (5.5.2011) by The Government of Wales Act 2006 (Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications) Order 2011 (S.I. 2011/1011), arts. 2, **6(2)**
- F15** Words in s. 7(9) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 57** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

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#### Commencement Information

- I2** S. 7 wholly in force at 1.11.2000; s. 7 not in force at Royal Assent see s. 108(4); s. 7 in force (E.) at 18.10.2000 by S.I. 2000/2836, **arts. 1(3), 2(a)**; s. 7 in force (W.) at 1.11.2000 by S.I. 2000/2948, **art. 2**

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#### Marginal Citations

- M1** 1978 c. 30.

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## 8 Modification of section 137 of the 1972 Act.

In section 137 of the <sup>M2</sup>Local Government Act 1972 (power of local authorities to incur expenditure for certain purposes not otherwise authorised), for subsection (9) there is substituted—

“(9) Subject to subsection (10) below, in this section “local authority” means a parish or community council.

(10) In subsection (3) above “local authority” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Common Council or a parish council,
- (b) in relation to Wales, a county council, a county borough council or a community council.”

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### Commencement Information

**I3** S. 8 wholly in force at 9.4.2001; s. 8 not in force at Royal Assent see s. 108(4); s. 8 in force (E.) at 18.10.2000 by [S.I. 2000/2836](#), [arts. 1\(3\)](#), 2(a); s. 8 in force (W.) at 9.4.2001 by [S.I. 2001/1471](#), [art. 2](#)

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### Marginal Citations

**M2** 1972 c. 70.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(2ZA) inserted by [2011 nawm 4 s. 59\(3\)](#)
- s. 21(13)(c) inserted by [2011 nawm 4 s. 59\(5\)\(b\)](#)
- s. 21(15A) inserted by [2011 nawm 4 s. 59\(6\)](#)
- s. 21(18) inserted by [2011 nawm 4 s. 59\(7\)](#)
- s. 21C(6)(aa)(ab) inserted by [2012 c. 7 Sch. 5 para. 97\(a\)](#)