



# Local Government Act 2003

## 2003 CHAPTER 26

### PART 8

#### MISCELLANEOUS AND GENERAL

### CHAPTER 2

#### GENERAL

#### **123 Orders and regulations**

- (1) Any power to make orders or regulations under this Act includes power—
  - (a) to make different provision for different cases or areas, and
  - (b) to make incidental, supplementary, consequential or transitional provision or savings (including provision amending or repealing any enactment or instrument made under any enactment).
- (2) The power under subsection (1)(a) includes, in particular, power to make different provision for different local authorities or descriptions of local authority (including descriptions framed by reference to authorities in particular areas).
- (3) The generality of the power under subsection (1)(a) shall not be taken to be prejudiced by any specific provision of this Act authorising differential provision.
- (4) No—
  - (a) order under this Act which, in exercise of the power under subsection (1)(b) to make incidental or supplementary provision, amends or repeals any enactment contained in an Act, or
  - (b) regulations under this Act which, in exercise of that power to make incidental or supplementary provision, amend or repeal any such enactment,shall be made by the Secretary of State unless a draft of the statutory instrument containing the order or regulations (whether containing the order, or regulations, alone

or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.

- (5) Any power to make orders or regulations under this Act is exercisable by statutory instrument.
- (6) A statutory instrument that—
- (a) contains an order or regulations under this Act, and
  - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Subsection (6) does not apply to a statutory instrument containing an order or regulations made by the National Assembly for Wales.
- (8) This section does not apply to orders under section 128.

## 124 General interpretation

In this Act—

“appropriate person” means—

- (a) in relation to England, the Secretary of State, and
- (b) in relation to Wales, the National Assembly for Wales;

“best value authority” means an authority or body which is a best value authority for the purposes of Part 1 of the [Local Government Act 1999 \(c. 27\)](#);

“financial year” means a period of 12 months beginning with 1st April;

“valuation tribunal” means a tribunal established under Schedule 11 to the [Local Government Finance Act 1988 \(c. 41\)](#).

## 125 Application to Isles of Scilly

Part 1 and sections 25 to 28 apply to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order provide.

## 126 Financial provisions

- (1) There shall be paid out of money provided by Parliament—
- (a) any expenditure under this Act of a Minister of the Crown or government department, and
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) Any sums received under this Act by a Minister of the Crown shall be paid into the Consolidated Fund.
- (3) There shall be paid out of or into the Consolidated Fund any increase attributable to this Act in the sums payable out of or into that Fund under any other enactment.

## 127 Minor and consequential amendments and repeals

- (1) Schedule 7 (minor and consequential amendments) has effect.

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- (2) The enactments and instruments specified in Schedule 8 are hereby repealed or revoked to the extent specified there.
- (3) The Secretary of State may by order make provision consequential on this Act amending, repealing or revoking (with or without savings) any provision of an Act passed before or in the same session as this Act, or of an instrument made under an Act before the passing of this Act.
- (4) In this section, “Act” includes a private or local Act.

## **128 Commencement**

- (1) The following provisions shall come into force on the day on which this Act is passed—
  - (a) this section and sections 30, 34, 35, 72, 73, 103, 104, 110, 114, 121, 123, 124 and 129;
  - (b) paragraphs 7, 9(1), 24(1), (2) and (5), 25(1), 28, 33(1), 34, 35, 40, 51(1), 55 and 60 of Schedule 7, and section 127(1) so far as relating thereto;
  - (c) Schedule 8, so far as relating to—
    - (i) the [Fire Services Act 1947 \(c. 41\)](#),
    - (ii) the [Fire Services Act 1959 \(c. 44\)](#),
    - (iii) Schedule 9 to the [Local Government Finance Act 1988 \(c. 41\)](#), and
    - (iv) paragraph 80(1) of Schedule 13 to the [Local Government Finance Act 1992 \(c. 14\)](#),and section 127(2) so far as relating thereto.
- (2) The following provisions shall come into force at the end of the period of two months beginning with the day on which this Act is passed—
  - (a) Chapter 1 of Part 3;
  - (b) sections 38 and 39, so far as relating to England;
  - (c) Part 6, except sections 75(2) to (5) and 83;
  - (d) sections 87, 88, 91, 93 to 98, 113, 116 and 122;
  - (e) paragraphs 41 to 48, 49(a), 50(a), 52 to 54 and 81 of Schedule 7, and section 127(1) so far as relating thereto;
  - (f) Schedule 8, so far as relating to—
    - (i) section 2A of the [Local Government Act 1986 \(c. 10\)](#),
    - (ii) section 28 of the [Local Government Act 1988 \(c. 9\)](#),
    - (iii) Part 4 of Schedule 4 to the [Local Government and Housing Act 1989 \(c. 42\)](#),
    - (iv) section 25 of the [Local Government Finance Act 1992](#),
    - (v) paragraphs 96 and 97 of Schedule 16 to the [Local Government \(Wales\) Act 1994 \(c. 19\)](#),
    - (vi) paragraph 5 of Schedule 1 to the [Education Act 1996 \(c. 56\)](#),
    - (vii) paragraph 13 of Schedule 30 to the [School Standards and Framework Act 1998 \(c. 31\)](#),
    - (viii) section 31 of the [Local Government Act 1999 \(c. 27\)](#) and section 136(1) of the [Greater London Authority Act 1999 \(c. 29\)](#), and
    - (ix) section 104 of the [Local Government Act 2000 \(c. 22\)](#),and section 127(2) so far as relating thereto.

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- (3) The following provisions shall come into force on such day as the Secretary of State may by order appoint—
- (a) sections 62(2) and (11), 65, 70(4) to (6), 83, 92(1), 99, 100(1), (2) and (4) to (8), 105 to 108, 109(3) and (4), 111, 112, 115 and 125;
  - (b) section 101, so far as relating to England and so far as relating to a best value authority in Wales mentioned in subsection (7) of that section;
  - (c) section 109(1), so far as relating to registered social landlords for which the Housing Corporation is the Relevant Authority for the purposes of Part 1 of the [Housing Act 1996 \(c. 52\)](#);
  - (d) Schedules 4 and 5;
  - (e) paragraphs 1, 10, 11, 20, 21, 24(3), 25(4) to (6), 26(3), 27, 31, 33(2) and (4), 36 to 39, 65, 68 to 78 and 80 of Schedule 7, and section 127(1) so far as relating thereto;
  - (f) Schedule 8, so far as consequential on any of the provisions mentioned in paragraphs (a) to (e), and section 127(2) so far as relating thereto.
- (4) The following provisions shall come into force on such day as the National Assembly for Wales may by order appoint—
- (a) sections 38 and 39, so far as relating to Wales;
  - (b) sections 40, 61(6) and (7), 63, 70(7) to (9), 75(2) to (5) and 92(2);
  - (c) section 101, so far as relating to a best value authority in Wales, other than one mentioned in subsection (7) of that section;
  - (d) section 109(1), so far as relating to registered social landlords for which the Assembly is the Relevant Authority for the purposes of Part 1 of the [Housing Act 1996 \(c. 52\)](#), and section 109(2);
  - (e) Schedule 2;
  - (f) paragraphs 5, 9(2), 12 to 17, 22, 24(4), 25(2) and (3), 49(b), 50(b), 51(2), 56 to 58, 66(2), 67 and 79 of Schedule 7, and section 127(1) so far as relating thereto;
  - (g) Schedule 8 so far as—
    - (i) relating to section 137(4C) of the [Local Government Act 1972 \(c. 70\)](#) and paragraph 30 of Schedule 15 to the [Local Government \(Wales\) Act 1994 \(c. 19\)](#), or
    - (ii) consequential on any of the provisions mentioned in paragraphs (a) to (f),
 and section 127(2) so far as relating thereto.
- (5) So far as relating to Scotland, sections 101 and 102 shall come into force on such day as the Scottish Ministers may by order appoint.
- (6) The remaining provisions of this Act—
- (a) so far as relating to England, shall come into force on such day as the Secretary of State may by order appoint, and
  - (b) so far as relating to Wales, shall come into force on such day as the National Assembly for Wales may by order appoint.
- (7) Power to make orders under this section is exercisable by statutory instrument.
- (8) Orders under this section may make different provision for different purposes.

- (9) A person who has power under this section to appoint a day for the coming into force of a provision may by order make in connection with the coming into force of that provision such transitional provision or saving as the person considers necessary or expedient.

## **129 Short title and extent**

- (1) This Act may be cited as the Local Government Act 2003.
- (2) Subject to the following provisions, this Act extends to England and Wales only.
- (3) Sections 83(2), 101 and 102 extend also to Scotland.
- (4) The following provisions extend also to Scotland, Northern Ireland and Gibraltar—
- (a) sections 103, 104 and 128,
  - (b) this section, and
  - (c) paragraph 7(2) of Schedule 7, and section 127(1) so far as relating thereto.
- (5) Section 114 extends also—
- (a) to Scotland, but only so far as (within the meaning of the [Scotland Act 1998 \(c. 46\)](#)) it confers or removes functions exercisable otherwise than in or as regards Scotland, and
  - (b) to Northern Ireland.
- (6) Each of sections 123 and 124, so far as relating to any other provision of this Act, has the same extent as that other provision.
- (7) Except as provided by subsection (8), any amendment, repeal or revocation made by this Act has the same extent as the enactment or instrument to which it relates.
- (8) Subsection (7) does not apply to—
- (a) sections 85, 113(3), 114 and 121(a),
  - (b) paragraphs 8 and 53 of Schedule 7, and
  - (c) the entries in Schedule 8 relating to—
    - (i) the [Fire Services Act 1947 \(c. 41\)](#),
    - (ii) section 7(1) of the [Fire Services Act 1959 \(c. 44\)](#), and
    - (iii) section 33 of the [Local Government Act 1988 \(c. 9\)](#).