



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

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Status: Point in time view as at 31/01/2008.

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245 Commencement

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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.

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- 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.

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 (1) In the Regional Assemblies (Preparations) Act 2003, after section...

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

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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 In section 29 (operation of and publicity for executive arrangements),...
- 24 In section 30 (operation of different executive arrangements), in subsection...
- 25 In section 33 (operation of alternative arrangements), before subsection (1)...
- 26 In section 83 (interpretation of Part 3) in the definition...
- 27 In section 105 (orders and regulations), in subsection (6) after...

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- 28 After paragraph 1 of Schedule 1 (executive arrangements: further provision)...
- 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...
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)...

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- 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...

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- 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 In section 75(1B) of the Housing Associations Act 1985 (functions...

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

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...

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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 (1) The Local Government Act 2000 is amended as follows....

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...

Status: Point in time view as at 31/01/2008.

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- 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)...

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...

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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...

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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...

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

Status: Point in time view as at 31/01/2008.

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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...

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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
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

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Part 19 — CONTRACTING OUT

Status:

Point in time view as at 31/01/2008.

Changes to legislation:

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