



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 5

CO-OPERATION OF ENGLISH AUTHORITIES WITH LOCAL PARTNERS, ETC

CHAPTER 2

OVERVIEW AND SCRUTINY COMMITTEES

119 Reference of matter by councillor to overview and scrutiny committee

After section 21 of the Local Government Act 2000 (c. 22) insert—

“21A Reference of matters to overview and scrutiny committee etc

- (1) Executive arrangements by a local authority must include provision which—
 - (a) enables any member of an overview and scrutiny committee of the authority to refer to the committee any matter which is relevant to the functions of the committee,
 - (b) enables any member of a sub-committee of such a committee to refer to the sub-committee any matter which is relevant to the functions of the sub-committee, and
 - (c) in the case of a local authority in England, enables any member of the authority to refer to an overview and scrutiny committee of the authority of which he is not a member any local government matter which is relevant to the functions of the committee.
- (2) For the purposes of subsection (1), provision enables a person to refer a matter to a committee or sub-committee if it enables him to ensure that the matter is

Status: This is the original version (as it was originally enacted).

included in the agenda for, and discussed at, a meeting of the committee or sub-committee.

- (3) In considering whether to exercise the power which he has by virtue of subsection (1)(c) in any case, a member of an authority must have regard to any guidance for the time being issued by the Secretary of State.
- (4) Guidance under subsection (3) may make different provision for different cases.
- (5) Subsections (6) to (8) apply where a local government matter is referred to an overview and scrutiny committee by a member of a local authority in accordance with provision made pursuant to subsection (1)(c).
- (6) In considering whether or not to exercise any of its powers under section 21(2) in relation to the matter, the committee may have regard to—
 - (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
 - (b) any representations made by the member as to why it would be appropriate for the committee to exercise any of its powers under section 21(2) in relation to the matter.
- (7) If the committee decides not to exercise any of those powers in relation to the matter, it must notify the member of—
 - (a) its decision, and
 - (b) the reasons for it.
- (8) The committee must provide the member with a copy of any report or recommendations which it makes to the authority or the executive under section 21(2) in relation to the matter.
- (9) Subsection (8) is subject to section 21D.
- (10) In this section “local government matter”, in relation to a member of a local authority, means a matter which—
 - (a) relates to the discharge of any function of the authority,
 - (b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and
 - (c) is not an excluded matter.
- (11) In subsection (10)(c), “excluded matter” means any matter which is—
 - (a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
 - (b) a matter of any description specified in an order made by the Secretary of State for the purposes of this section.”

120 Power of overview and scrutiny committee to question members of authority

- (1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees), in subsection (13), before “and” immediately following paragraph (a) insert—

Status: This is the original version (as it was originally enacted).

“(aa) may require any other member of the authority to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England),”.

- (2) In subsection (14) of that section, for the words following “mentioned in” substitute “paragraph (a) or (aa) of subsection (13) to comply with any requirement mentioned in that paragraph”.

121 Powers to require information from partner authorities

- (1) After section 22 of the Local Government Act 2000 insert—

“22A Overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities

- (1) The Secretary of State may by regulations make provision, in relation to a relevant committee—
- (a) as to information which relevant partner authorities must provide to the relevant committee, and
 - (b) as to information which may not be disclosed by a relevant partner authority to the relevant committee.
- (2) In subsection (1), references to information do not include information in respect of which provision may be made in exercise of the power conferred by—
- (a) section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters), or
 - (b) section 244(2)(d) or (e) of the National Health Service Act 2006 (functions of overview and scrutiny committees).
- (3) For the purposes of subsection (1), “relevant committee” and “relevant partner authority” have the meanings given by section 21C.
- (4) The Secretary of State may also by regulations make provision, in relation to a relevant district council committee—
- (a) as to information which associated authorities must provide to the relevant district council committee, and
 - (b) as to information which may not be disclosed by an associated authority to the relevant district council committee.
- (5) In subsection (4), references to information do not include information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters).
- (6) For the purposes of subsection (4)—
- “relevant district council committee” means—
- (a) an overview and scrutiny committee of a district council which is not a responsible local authority (“the district council”), or
 - (b) a sub-committee of such a committee;

Status: This is the original version (as it was originally enacted).

“associated authority”, in relation to a relevant district council committee, means—

- (a) the county council which is the responsible local authority in relation to the district council, or
- (b) any person (other than the district council) which is a partner authority in relation to that county council, other than—
 - (i) a police authority, or
 - (ii) a chief officer of police;

and for this purpose, “responsible local authority” and “partner authority” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007.

(7) Regulations under this section may make different provision in relation to different persons or committees or descriptions of person or committee.

(8) The power conferred by subsection (7) does not affect the power conferred by section 105(2)(b).”

(2) In section 20 of the Police and Justice Act 2006 (c. 48) (guidance and regulations regarding crime and disorder matters), after subsection (6) insert—

“(6A) In subsection (5)(c) and (d), references to information are, in relation to any crime and disorder committee, to information relating to—

- (a) the discharge, or decisions made or other action taken in connection with the discharge, by the responsible authorities of their crime and disorder functions; or
- (b) local crime and disorder matters in relation to which the committee has functions under or by virtue of section 19.”

(3) In subsection (7) of that section, for “and “co-operating persons and bodies”” substitute “, “co-operating persons and bodies”, “crime and disorder functions” and “local crime and disorder matters””.

(4) In section 244 of the National Health Service Act 2006 (c. 41) (functions of overview and scrutiny committees), after subsection (2) insert—

“(2A) In subsection (2)(d) and (e), references to information are to information relating to matters relating to the health service in the authority’s area.”

122 Overview and scrutiny committees: reports and recommendations

(1) After section 21A of the Local Government Act 2000 (c. 22) (inserted by section 119) insert—

“21B Duty of authority or executive to respond to overview and scrutiny committee

(1) This section applies where an overview and scrutiny committee of a local authority in England makes a report or recommendations to the authority or the executive, otherwise than—

- (a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
- (b) by virtue of subsection (3)(a) of that section.

Status: This is the original version (as it was originally enacted).

- (2) The overview and scrutiny committee may publish the report or recommendations.
- (3) The overview and scrutiny committee must by notice in writing require the authority or executive—
 - (a) to consider the report or recommendations,
 - (b) to respond to the overview and scrutiny committee indicating what (if any) action the authority propose, or the executive proposes, to take,
 - (c) if the overview and scrutiny committee has published the report or recommendations under subsection (2), to publish the response,
 - (d) if the overview and scrutiny committee provided a copy of the report or recommendations to a member of the authority under section 21A(8), to provide the member with a copy of the response, and to do so within two months beginning with the date on which the authority or executive received the report or recommendations or (if later) the notice.
- (4) It is the duty of an authority or executive to which a notice is given under subsection (3) to comply with the requirements specified in the notice.
- (5) Subsections (2) and (4) are subject to section 21D and to any provision made under section 22(12A).
- (6) In this section—
 - (a) references to an overview and scrutiny committee include references to a sub-committee of such a committee; and
 - (b) references to “the authority” or “the executive”, in relation to an overview and scrutiny committee, or a sub-committee of such a committee, are to the authority by which the overview and scrutiny committee is established or to the executive of that authority.

21C Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities

- (1) This section applies where—
 - (a) a relevant committee makes a report or recommendations to the authority or the executive, otherwise than—
 - (i) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
 - (ii) by virtue of subsection (3)(a) of that section, and
 - (b) the report or any of the recommendations relates to a local improvement target which—
 - (i) relates to a relevant partner authority, and
 - (ii) is specified in a local area agreement of the authority.
- (2) The relevant committee may by notice in writing to the relevant partner authority require the relevant partner authority to have regard to the report or recommendation in question in exercising their functions.
- (3) A notice under subsection (2) must be accompanied by a copy of the report or recommendations.

Status: This is the original version (as it was originally enacted).

- (4) It is the duty of a relevant partner authority to which a notice is given under subsection (2) to comply with the requirement specified in the notice.
- (5) Subsection (2) does not apply if—
- (a) the relevant partner authority is a health service body, and
 - (b) by virtue of section 244 of the National Health Service Act 2006, the report was, or the recommendations were, made to the health service body (as well as to the authority or the executive).
- (6) In subsection (5), “health service body” means—
- (a) a National Health Service trust,
 - (b) an NHS foundation trust, or
 - (c) a Primary Care Trust.
- (7) Subsections (2) and (3) are subject to section 21D.
- (8) In this section—
- “the authority”, in relation to a relevant committee, means—
- (a) in the case of an overview and scrutiny committee, the local authority by which it is established, and
 - (b) in the case of a sub-committee of an overview and scrutiny committee, the local authority by which the overview and scrutiny committee is established,
- “the executive”, in relation to a relevant committee, means the executive of the authority,
- “local improvement target” and “local area agreement” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007 (local area agreements),
- “relevant committee” means—
- (a) any overview and scrutiny committee of—
 - (i) a county council in England,
 - (ii) a district council in England, other than a council for a district in a county for which there is a county council, or
 - (iii) a London borough council, or
 - (b) a sub-committee of an overview and scrutiny committee within paragraph (a), and
- “relevant partner authority”, in relation to a relevant committee, means any person who is a partner authority in relation to the authority for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, other than—
- (a) a police authority, or
 - (b) a chief officer of police;
- and references to a target relating to a relevant partner authority are to be construed in accordance with section 105(3) of the Local Government and Public Involvement in Health Act 2007.

Status: This is the original version (as it was originally enacted).

21D Publication etc of reports, recommendations and responses: confidential and exempt information

- (1) This section applies to—
 - (a) the publication under section 21B of any document comprising—
 - (i) a report or recommendations of an overview and scrutiny committee, or
 - (ii) a response of a local authority to any such report or recommendations, and
 - (b) the provision of a copy of such a document—
 - (i) to a member of a local authority under section 21A(8) or section 21B, or
 - (ii) to a relevant partner authority under section 21C,by an overview and scrutiny committee or a local authority.
- (2) The overview and scrutiny committee or the local authority, in publishing the document or providing a copy of the document to a relevant partner authority—
 - (a) must exclude any confidential information, and
 - (b) may exclude any relevant exempt information.
- (3) The overview and scrutiny committee or the local authority, in providing a copy of the document to a member of the local authority, may exclude any confidential information or relevant exempt information.
- (4) Where information is excluded under subsection (2) or (3), the overview and scrutiny committee or the local authority, in publishing, or providing a copy of, the document—
 - (a) may replace so much of the document as discloses the information with a summary which does not disclose that information, and
 - (b) must do so if, in consequence of excluding the information, the document published, or copy provided, would be misleading or not reasonably comprehensible.
- (5) If by virtue of subsection (2), (3) or (4) an overview and scrutiny committee, in publishing or providing a copy of a report or recommendations—
 - (a) excludes information, or
 - (b) replaces part of the report or recommendations with a summary,it is nevertheless to be taken for the purposes of section 21B(3)(c) or (d) to have published or provided a copy of the report or recommendations.
- (6) In this section—

“confidential information” has the meaning given by section 100A(3) of the Local Government Act 1972 (admission to meetings of principal councils),

“exempt information” has the meaning given by section 100I of that Act, and, in relation to—

 - (a) any report or recommendations of an overview and scrutiny committee which has functions under section 21(2)(f), or
 - (b) any response to such a report or recommendations,

Status: This is the original version (as it was originally enacted).

also includes information which is exempt information under section 246 of the National Health Service Act 2006,

“relevant exempt information” means—

- (a) in relation to a report or recommendations of an overview and scrutiny committee, exempt information of a description specified in a resolution of the overview and scrutiny committee under section 100A(4) of the Local Government Act 1972 which applied to the proceedings, or part of the proceedings, at any meeting of the overview and scrutiny committee at which the report was, or recommendations were, considered, and
- (b) in relation to a response of the authority, exempt information of a description specified in such a resolution of the authority which applied to the proceedings, or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered, and

“relevant partner authority”, in relation to an overview and scrutiny committee which is a relevant committee within the meaning of section 21C, has the same meaning as in that section.

- (7) In this section, references to an overview and scrutiny committee include references to a sub-committee of such a committee.”

- (2) In section 22 of that Act (access to information etc), after subsection (12) insert—

“(12A) The Secretary of State may by regulations make provision, in relation to—

- (a) the publication by executives of local authorities in England under section 21B, or under any provision of regulations under section 21E which applies or reproduces (with or without modifications) any provision of section 21B, of responses to reports or recommendations of overview and scrutiny committees and sub-committees of such committees, or
- (b) the provision by such executives under that section of copies of such responses,

which applies or reproduces (with or without modifications) any provisions of section 21D.”

123 Joint overview and scrutiny committees: local improvement targets

- (1) For the purposes of this section, “group of partner authorities” means—
 - (a) a county council in England; and
 - (b) one or more district councils which are partner authorities of it.
- (2) The Secretary of State may by regulations make provision under which a group of partner authorities may—
 - (a) appoint a joint committee (a “joint overview and scrutiny committee”); and
 - (b) arrange for any functions of making reports and recommendations falling within subsection (3) to be exercisable by the committee.
- (3) A report or recommendation falls within this subsection if—
 - (a) it concerns a matter which—
 - (i) relates to the attainment of any local improvement target specified for the time being in a relevant local area agreement; and

Status: This is the original version (as it was originally enacted).

- (ii) is not an excluded matter; and
 - (b) it is made to—
 - (i) the county council, or
 - (ii) the county council and one or more district councils,in the group of partner authorities.
- (4) In subsection (3)—
- (a) “excluded matter” means any matter with respect to which a crime and disorder committee could make a report or recommendations—
 - (i) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (c. 48) (local authority scrutiny crime and disorder matters); or
 - (ii) by virtue of subsection (3)(a) of that section;
 - (b) the reference to a report or recommendations being made to a county council or district council is, in the case of a local authority operating executive arrangements under Part 2 of the Local Government Act 2000 (c. 22), to be read as a reference to a report or recommendations being made to the local authority or its executive.
- (5) Regulations under subsection (2) may in particular—
- (a) provide for arrangements to be made only in circumstances, or subject to conditions or limitations, specified by the regulations;
 - (b) in relation to joint overview and scrutiny committees, make provision applying, or corresponding to, any provision of—
 - (i) section 21(4) and (6) to (12) of the Local Government Act 2000 (c. 22),
 - (ii) sections 21A to 21D of that Act, or
 - (iii) section 246 of, and Schedule 17 to, the National Health Service Act 2006 (c. 41),with or without modifications;
 - (c) make provision—
 - (i) as to relevant information which associated authorities must provide to a joint overview and scrutiny committee (or, if the regulations make provision for the appointment of sub-committees of such a committee, to such a sub-committee); and
 - (ii) as to information which may not be disclosed by an associated authority to a joint overview and scrutiny committee (or, if the regulations make provision for the appointment of sub-committees of such a committee, to such a sub-committee).
- (6) For the purposes of subsection (5)(c), in relation to a joint overview and scrutiny committee—
- “associated authority” means—
- (a) the county council in the group of partner authorities which appointed the joint overview and scrutiny committee; or
 - (b) any person which is a partner authority in relation to that council other than—
 - (i) a police authority; or
 - (ii) a chief officer of police;

Status: This is the original version (as it was originally enacted).

“relevant information”, in relation to an associated authority, means information which is relevant to a local improvement target in a relevant local area agreement which relates to the associated authority;

and section 105(2) or (3) applies for the purpose of determining whether a local improvement target relates to an associated authority.

- (7) Regulations under this section may not make provision of a kind mentioned in subsection (5)(c) with respect to information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (c. 48) (guidance and regulations regarding crime and disorder matters).
- (8) In this section—
- (a) “relevant local area agreement”, in relation to a joint overview and scrutiny committee, means a local area agreement of the county council in the group of partner authorities which appointed the committee; and
 - (b) “local area agreement”, “local improvement target” and “partner authority” have the same meanings as in Chapter 1 of this Part.
- (9) Any group of partner authorities and any joint overview and scrutiny committee must, in exercising or deciding whether to exercise any functions conferred on it by or by virtue of regulations under this section, have regard to any guidance issued by the Secretary of State.

124 Overview and scrutiny committees of district councils: local improvement targets

After section 21D of the Local Government Act 2000 (c. 22) (inserted by section 122) insert—

“21E Overview and scrutiny committees of certain district councils: functions with respect to partner authorities

- (1) This section applies to any district council which is a partner authority in relation to a county council (“the related county council”).
- (2) The Secretary of State may by regulations make provision under which a district council to which this section applies may confer on their overview and scrutiny committee, or any of their overview and scrutiny committees, power to make reports and recommendations to the related county council, or that council’s executive, which relate to any local improvement target which—
- (a) relates to a relevant partner authority, and
 - (b) is specified in a local area agreement of the county council.
- (3) Regulations under subsection (2) may make provision applying or reproducing any provision of section 21B, 21C or 21D (with or without modifications).
- (4) For the purposes of this section—
- (a) “relevant partner authority”, in relation to a district council, means—
 - (i) the related county council, or
 - (ii) any other authority which are a partner authority in relation to that county council, other than—
 - (a) a police authority, or

Status: This is the original version (as it was originally enacted).

- (b) a chief officer of police,
- (b) “local area agreement”, “local improvement target” and “partner authority” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, and
- (c) section 105(2) or (3) of that Act applies for the purpose of determining whether a local improvement target relates to a relevant partner authority.”

125 Guidance

In section 21 of the Local Government Act 2000 (overview and scrutiny committees: authorities operating executive arrangements), at the end insert—

- “(16) In exercising, or deciding whether to exercise, any of its functions—
- (a) an overview and scrutiny committee of a local authority in England, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Secretary of State; and
 - (b) an overview and scrutiny committee of a local authority in Wales, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Welsh Ministers.
- (17) Guidance under subsection (16) may make different provision for different cases or for different descriptions of committee or sub-committee.”

126 Reference of local crime and disorder matters to crime and disorder committees etc

- (1) The Police and Justice Act 2006 (c. 48) is amended as follows.
- (2) In section 19 (local authority scrutiny of crime and disorder matters), for subsections (3) to (8) substitute—

“(3) A local authority must—

 - (a) ensure that its crime and disorder committee has power (whether by virtue of section 21(2) of the Local Government Act 2000 or regulations made under section 32(3) of that Act or otherwise) to make a report or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and
 - (b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.

(4) For the purposes of subsection (3)(b), arrangements enable a person to refer a matter to a committee if they enable him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee.

(5) Subsections (6) and (7) apply where a local crime and disorder matter is referred to a crime and disorder committee by a member of a local authority in accordance with arrangements made under subsection (3)(b).

(6) In considering whether or not to make a report or recommendations to the local authority in relation to the matter, the committee may have regard to—

Status: This is the original version (as it was originally enacted).

- (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
 - (b) any representations made by the member as to why it would be appropriate for the committee to exercise any power which it has by virtue of subsection (3)(a) in relation to the matter.
- (7) If the committee decides not to make a report or recommendations to the local authority in relation to the matter, it must notify the member of—
- (a) its decision, and
 - (b) the reasons for it.
- (8) Where a crime and disorder committee of a local authority makes a report or recommendations to the authority by virtue of subsection (3)(a), it must—
- (a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and disorder matter in question to the committee in accordance with arrangements made under subsection (3)(b), and
 - (b) provide a copy of the report or recommendations to such of—
 - (i) the responsible authorities, and
 - (ii) the co-operating persons and bodies,
 as it thinks appropriate.
- (8A) Subsection (8B) applies where the crime and disorder committee of a local authority—
- (a) makes a report or recommendations to the authority by virtue of subsection (3)(a), or
 - (b) provides a copy of a report or recommendations under subsection (2) or (8)(b).
- (8B) Where this subsection applies—
- (a) the crime and disorder committee must notify the authority, body or person to whom it makes the report or recommendations or provides the copy that paragraph (b) applies, and
 - (b) the authority, body or person must—
 - (i) consider the report or recommendations;
 - (ii) respond to the committee indicating what (if any) action it proposes to take;
 - (iii) have regard to the report or recommendations in exercising its functions.”
- (3) In subsection (9)(b), for “subsection (1)(b) or (6)” substitute “this section”.
- (4) In subsection (11)—
- (a) after the definition of “crime and disorder functions” insert—
 - “electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983;”, and
 - (b) for the definition of “local crime and disorder matter” substitute—

Status: This is the original version (as it was originally enacted).

“local crime and disorder matter”, in relation to a member of a local authority, means a matter concerning—

- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
- (b) the misuse of drugs, alcohol and other substances,

which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.”

- (5) Section 20 (guidance and regulations regarding crime and disorder matters) is amended as follows.
- (6) In subsections (1) and (2), after “under” insert “or by virtue of”.
- (7) In subsection (5), omit—
 - (a) paragraph (f); and
 - (b) sub-paragraphs (i) to (iii) of paragraph (g).

127 Overview and scrutiny committees: consequential amendments

- (1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees)—
 - (a) in subsection (2), after “their overview and scrutiny committees” insert “, and any joint overview and scrutiny committees,”;
 - (b) after that subsection insert—
 - “(2A) In subsection (2), “joint overview and scrutiny committee”, in relation to a local authority (“the authority concerned”), means—
 - (a) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 245 of the National Health Service Act 2006 appointed by the authority concerned and one or more other local authorities,
 - (b) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section,
 - (c) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 185 of the National Health Service (Wales) Act 2006 appointed by the authority concerned and one or more other local authorities,
 - (d) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section, or
 - (e) a joint overview and scrutiny committee within the meaning of section 123 of the Local Government and Public Involvement in Health Act 2007 (joint overview and scrutiny

Status: This is the original version (as it was originally enacted).

committees: local improvement targets) appointed by a group of partner authorities (within the meaning of that section) which includes the authority concerned.”;

- (c) in subsection (4)—
 - (i) after “this section” insert “, sections 21A to 21C”; and
 - (ii) at the end insert “or any functions which may be conferred on it by virtue of regulations under section 21E”; and
 - (d) omit subsection (8).
- (2) For section 32(3) of that Act (alternative arrangements) substitute—
- “(3) Regulations under this section may make provision with respect to committees or sub-committees falling within subsection (1)(b), including—
- (a) in the case of regulations made by the Secretary of State, provision which applies or reproduces (with or without modifications)—
 - (i) any provision of sections 21 to 21D or paragraphs 7 and 9 to 11 of Schedule 1,
 - (ii) any provision made under section 21E or 22A,
 - (iii) any provision of section 246 of, or Schedule 17 to, the National Health Service Act 2006, or
 - (iv) any provision made under section 244 of that Act, and
 - (b) in the case of regulations made by the Welsh Ministers, provision which applies or reproduces (with or without modifications)—
 - (i) any provision of section 21 or 21A(1)(a) or (b) or (2) or paragraphs 8 to 11 of Schedule 1,
 - (ii) any provision of Schedule 17 to the National Health Service Act 2006,
 - (iii) any provision of section 186 of, or Schedule 11 to, the National Health Service (Wales) Act 2006, or
 - (iv) any provision made under section 184 of that Act.”.
- (3) In section 245(3)(b) of the National Health Service Act 2006 (c. 41) (joint overview and scrutiny committees etc)—
- (a) in sub-paragraph (i), for “(15)” substitute “(17)”; and
 - (b) after that sub-paragraph insert—
 - “(ia) sections 21A to 21D of that Act,
 - (ib) section 22A of that Act.”.
- (4) In section 185(3)(b) of the National Health Service (Wales) Act 2006 (c. 42) (joint overview and scrutiny committees etc)—
- (a) in sub-paragraph (i), for “(15)” substitute “(17)”; and
 - (b) after that sub-paragraph insert—
 - “(ia) section 21A(1)(a) or (b) or (2) of that Act.”.

128 Transitional provision

- (1) Section 33E of the Local Government Act 2000 (c. 22) (proposals for change in governance arrangements) (which is inserted by section 64) applies (in addition to the cases mentioned in subsection (1) of that section) to a local authority which—

Status: This is the original version (as it was originally enacted).

- (a) by virtue of the coming into force of any provision of this Chapter is required to vary its executive arrangements; or
 - (b) by virtue of the coming into force of any provision of regulations made under section 32 of that Act (alternative arrangements) by virtue of any provision of this Chapter is required to vary its alternative arrangements.
- (2) In this section, “alternative arrangements”, “executive arrangements” and “local authority” have the same meanings as in Part 2 of the Local Government Act 2000.