

SCHEDULES

SCHEDULE 1

Section 22

STRUCTURAL AND BOUNDARY CHANGE: CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF LOCAL GOVERNMENT ACT 1992

- 1 The Local Government Act 1992 (c. 19) is amended in accordance with this Part of this Schedule.
- 2 In section 13 (reviews and recommendations), omit the following—
 - (a) subsections (1) and (2);
 - (b) subsection (7)(a).
- 3 In section 14 (changes that may be recommended), omit the following—
 - (a) in subsection (1)—
 - (i) paragraphs (a) and (b);
 - (ii) in paragraph (c), the words from “whether” to the end of the paragraph;
 - (iii) the words after paragraph (c);
 - (b) subsections (2), (3), (5), (6) and (7).
- 4 In section 15 (procedure on a review), omit subsection (7A)(a).
- 5 Omit section 16.
- 6 In section 17 (implementation of recommendations by order), omit the following—
 - (a) subsection (1);
 - (b) subsection (2)(a);
 - (c) in subsection (3)—
 - (i) the words “Subject to subsection (3A) below,”;
 - (ii) the words “Electoral Commission or of the”;
 - (iii) paragraphs (a), (b), (c), (ea), (g) and (h);
 - (iv) in paragraph (f), the words from the beginning to “district councillors,” and the words “and the order of retirement” and “for any parish situated in the district”;
 - (d) subsections (3A) and (3B);
 - (e) in subsection (4), the words “or in an agreement under section 20 below”;
 - (f) subsections (5) and (6).
- 7 Omit section 18.
- 8 In section 19 (regulations for supplementing orders), omit subsection (2).
- 9 Omit sections 20 to 22.

Status: This is the original version (as it was originally enacted).

- 10 In section 26 (orders, regulations and directions), omit the following—
- (a) in subsection (1)—
 - (i) paragraphs (a) and (b);
 - (ii) in paragraph (c), the words “or relates only to parishes”;
 - (b) subsection (2);
 - (c) in subsection (3), the words “orders or” in the first place where they occur;
 - (d) in subsection (4) the words “order or”;
 - (e) subsection (5);
 - (f) in subsection (6)—
 - (i) the words “the Secretary of State is or”
 - (ii) the words “he or”;
 - (iii) the words “he thinks or”.

PART 2

OTHER AMENDMENTS

Local Government Act 1972 (c. 70)

- 11 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 6(2)(a) (electoral divisions of non-metropolitan county), after “1992” insert “and section 12(4) of the Local Government and Public Involvement in Health Act 2007”.
 - (3) In section 12 (supplementary provision about orders to dissolve parish councils etc)
 - (a) in subsection (2), for the words from “section 20” to the end substitute “section 16 of the Local Government and Public Involvement in Health Act 2007 (agreements about incidental matters) shall apply as if—
 - (i) the reference in subsection (1) to an order under section 7 or 10 of that Act were to an order under section 10 or 11 of this Act; and
 - (ii) the reference in subsection (5)(b) to any order or regulations under Chapter 1 of Part 1 of that Act were to an order under section 10 or 11 of this Act.”;
 - (b) in subsection (3), for “such order” substitute “order under section 10 or 11 above”.
 - (4) In Schedule 2 (constitution and membership of London borough councils), in paragraph 7, in each of sub-paragraphs (1)(b) and (2) after “1992” insert “or Part 1 of the Local Government and Public Involvement in Health Act 2007”.

Race Relations Act 1976 (c. 74)

- 12 In Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty), in Part 1, omit paragraph 33.

Rent Act 1977 (c. 42)

- 13 In section 62(1) of the Rent Act 1977 (registration areas), after “1992” insert “or Part 1 of the Local Government and Public Involvement in Health Act 2007 (orders constituting new local government areas etc)”.

Interpretation Act 1978 (c. 30)

- 14 In Schedule 1 to the Interpretation Act 1978 (words and expressions defined), in the definition of “London borough” for “or Part II of the Local Government Act 1992” substitute “, Part 2 of the Local Government Act 1992 or Part 1 of the Local Government and Public Involvement in Health Act 2007”.

Coroners Act 1988 (c. 13)

- 15 In section 1 of the Coroners Act 1988 (appointment of coroners)—
- (a) in subsection (1)(b), after “1992” insert “or Part 1 of the Local Government and Public Involvement in Health Act 2007”;
 - (b) in subsection (1A)(e) for “or section 17 of the Regional Assemblies (Preparations) Act 2003” substitute “, section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007”.

Local Government Finance Act 1988 (c. 41)

- 16 (1) The Local Government Finance Act 1988 is amended as follows.
- (2) In section 74(2A) (levies), for “or section 17 of the Regional Assemblies (Preparations) Act 2003” substitute “, section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007”.
- (3) In section 89 (collection funds)—
- (a) in subsection (2), for “subsection (2A)” substitute “subsections (2A) to (2C)”;
 - (b) after subsection (2B) insert—
 - “(2C) In the case of—
 - (a) a district council or London borough council established by an order under Part 1 of the Local Government and Public Involvement in Health Act 2007, or
 - (b) a county council to which the functions of district councils in relation to the county council’s area are transferred by or in consequence of such an order,the collection fund must be established on a date specified in the order or in regulations made under section 14 of that Act.”
- (4) In section 91 (general funds)—
- (a) in subsection (1)(aa) for “or section 17 of the Regional Assemblies (Preparations) Act 2003” substitute “, section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007”;
 - (b) in subsection (3) for “and (3C)” substitute “to (3D)”;

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

- (c) in subsection (3B) omit “(in this section referred to as “the reorganisation date”)”;
- (d) after subsection (3C) insert—
 - “(3D) In the case of—
 - (a) a district council or London borough council established by an order under Part 1 of the Local Government and Public Involvement in Health Act 2007, or
 - (b) a county council to which the functions of district councils in relation to the county council’s area are transferred by or in consequence of such an order,
 the general fund must be established on a date specified in the order or in regulations made under section 14 of that Act.”;
- (e) in subsection (8) for “county council such as is referred to in subsection (3B)(b) above” substitute “relevant county council”;
- (f) after subsection (8) insert—
 - “(9) In subsection (8)—
 - “relevant county council” means—
 - (a) a county council such as is referred to in subsection (3B)(b) above, or
 - (b) an existing county council to which the functions of district councils in relation to the county council’s area are transferred by or in consequence of an order under Part 1 of the Local Government and Public Involvement in Health Act 2007, and
 “the reorganisation date” means the date on which the council is required by this section to establish its general fund.”

Food Safety Act 1990 (c. 16)

- 17 In section 27(5) of the Food Safety Act 1990 (appointment of public analysts), omit the words “pursuant to a structural change”.

Environment Act 1995 (c. 25)

- 18 (1) The Environment Act 1995 is amended as follows.
- (2) In section 75(8) (National Parks: powers to make orders), for “Part II of the Local Government Act 1992” substitute “Part 1 of the Local Government and Public Involvement in Health Act 2007”.
- (3) In section 79(1) (interpretation of Part 3), in the definition of “public authority”—
- (a) omit the words “or residuary body”;
 - (b) after “1992” insert “, any residuary body established under section 17 of the Local Government and Public Involvement in Health Act 2007”.

Police Act 1996 (c. 16)

- 19 (1) The Police Act 1996 is amended as follows.

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

- (2) In section 1(2)(a) (police areas), for “or section 17 of the Local Government Act 1992” substitute “section 17 of the Local Government Act 1992 or Part 1 of the Local Government and Public Involvement in Health Act 2007”.
- (3) In section 100(1) (chief constables affected by local government reorganisations etc), for “, section 58 of the Local Government Act 1972 or section 17 of the Local Government Act 1992” substitute “or section 58 of the Local Government Act 1972”.

Freedom of Information Act 2000 (c. 36)

- 20 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in paragraph 23 for “section 22 of the Local Government Act 1992” substitute “section 17 of the Local Government and Public Involvement in Health Act 2007”.

Regional Assemblies (Preparations) Act 2003 (c. 10)

- 21 (1) In the Regional Assemblies (Preparations) Act 2003, after section 27 insert—

“27A Saving for provisions of Local Government Act 1992 as applied

This Act shall have effect as if the amendments of the Local Government Act 1992 made by the Local Government and Public Involvement in Health Act 2007 had not been made.”

- (2) The power under section 243 of this Act to amend the Regional Assemblies (Preparations) Act 2003—
 - (a) is not limited by this paragraph;
 - (b) includes power to amend or repeal section 27A of that Act.

Fire and Rescue Services Act 2004 (c. 21)

- 22 (1) The Fire and Rescue Services Act 2004 is amended as follows.
- (2) In section 2 (power to create combined fire and rescue authorities), in each of subsections (9)(c) and (10)(a), for “Part 2 of the Local Government Act 1992 (c. 19) or section 17 of the Regional Assemblies (Preparations) Act 2003 (c. 10)” substitute “section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007”.
 - (3) In section 4(7)(b) (combined authorities under the Fire Services Act 1947), for “Part 2 of the Local Government Act 1992 (c. 19) or section 17 of the Regional Assemblies (Preparations) Act 2003 (c. 10)” substitute “section 17 of the Regional Assemblies (Preparations) Act 2003 or Part 1 of the Local Government and Public Involvement in Health Act 2007”.