

SCHEDULES

SCHEDULE 13

Section 209

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 accordance with this Part of this Schedule.
- 2 In section 70 (restriction on promotion of Bills for changing local government areas), in subsections (1) and (3), for “or joint authority” substitute “, joint authority or joint waste authority”.
- 3 In section 80(2) (disqualifications for election and holding office as member of local authority), after “joint authority” insert “, joint waste authority”.
- 4 In section 85(4) (vacation of office by failure to attend meetings), at the end insert “and a joint waste authority”.
- 5 In section 86(2) (declaration by local authority of vacancy in office), at the end insert “and a joint waste authority”.
- 6 In section 92 (proceedings for disqualification), after subsection (7) insert—
 - “(7A) In this section “local authority” also includes a joint waste authority.
 - (7B) The reference in subsection (1) above to a local government elector for the area concerned shall—
 - (a) in relation to a joint waste authority established for an area that includes a local government area, be construed as including a reference to a local government elector for that local government area;
 - (b) in relation to a joint waste authority established for an area that includes the City of London, be construed as including a reference to a person whose name appears in a ward list published under section 7 of the City of London (Various Powers) Act 1957;
 - (c) in relation to a joint waste authority established for an area that includes the Inner Temple or the Middle Temple, be construed as including a reference to a person whose name appears in the ward list published with respect to the ward of Farringdon Without in the City under section 7 of the City of London (Various Powers) Act 1957.”
- 7 In section 98(1A) (interpretation), after “joint authority,” insert “a joint waste authority,”.
- 8 In section 100J (application to new authorities)—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (1), after paragraph (b) insert—
 “(ba) a joint waste authority;”;
 - (b) in subsection (2), in the words following paragraph (b), after “(b),” insert
 “(ba),”;
 - (c) in subsection (3), after “(b),” insert “(ba),”;
 - (d) in subsection (4)(a), after “joint authority” insert “, a joint waste authority”.
- 9 In section 101(13) (arrangements for discharge of functions by local authorities),
 after “police authority,” insert “a joint waste authority.”
- 10 In section 146A(1) (joint authorities etc), after “joint authority,” insert “a joint waste
 authority.”
- 11 In section 175(3B) (allowances for attending conferences and meetings), after
 “London Fire and Emergency Planning Authority” insert “, a joint waste authority”.
- 12 In section 176(3) (payment of expenses of official visits), after “joint authority”
 insert “, a joint waste authority”.
- 13 In section 223(2) (appearance of local authorities in legal proceedings), after “joint
 authority,” insert “a joint waste authority.”
- 14 In section 224(2) (arrangements by principal councils for custody of documents),
 after “joint authority” insert “or joint waste authority”.
- 15 In section 225(3) (deposit of documents with proper officer of authority), at the end
 insert “and a joint waste authority”.
- 16 In section 228 (inspection of documents), after subsection (7A) insert—
 “(7B) This section shall apply to the minutes of proceedings and the accounts of a
 joint waste authority as if that authority were a local authority; and in relation
 to a joint waste authority the reference to a local government elector for the
 area of the authority is to be construed in accordance with section 92(7B).”
- 17 In section 229(8) (photographic copies of documents), after “joint authority” insert
 “, a joint waste authority”.
- 18 In section 230(2) (reports and returns), at the end insert “and a joint waste
 authority”.
- 19 In section 231(4) (service of notices on local authorities), after “joint authority”
 insert “, a joint waste authority”.
- 20 In section 232(1A) (public notices), after “joint authority” insert “, a joint waste
 authority”.
- 21 In section 233(11) (service of notices by local authorities), after “joint authority”
 insert “, a joint waste authority”.
- 22 In section 234(4) (authentication of documents), after “joint authority” insert “, a
 joint waste authority”.
- 23 In section 239(4A) (power to promote or oppose local or personal Bills), at the end
 insert “and a joint waste authority”.
- 24 In section 270(1) (general provisions as to interpretation), after the definition of
 “joint authority” insert—

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

““joint waste authority” means an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007;”.

PART 2

OTHER AMENDMENTS

Landlord and Tenant Act 1954 (c. 56)

- 25 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation), in the definition of “local authority”, after “National Park authority,” insert “an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities),”.

Trustee Investments Act 1961 (c. 62)

- 26 In section 11(4)(a) of the Trustee Investments Act 1961 (local authority investment schemes), after “1985” insert “, an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Leasehold Reform Act 1967 (c. 88)

- 27 In section 28(5)(a) of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), after “1985,” insert “any authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities),”.

Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)

- 28 In section 3(2)(b) of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), after “1985,” insert “an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities),”.

Local Authorities (Goods and Services) Act 1970 (c. 39)

- 29 In section 1(4) of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in the definition of “local authority”, after “1985” insert “, any authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Employment Agencies Act 1973 (c. 35)

- 30 In section 13(7) of the Employment Agencies Act 1973 (interpretation), after paragraph (f) insert—
- “(fza) the exercise by an authority established for an area in England under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) of any of its functions;”.

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

Local Government Act 1974 (c. 7)

- 31 (1) Part 3 of the Local Government Act 1974 (Commission for Local Administration in England) is amended as follows.
- (2) In section 25(1) (authorities subject to investigation), after paragraph (cc) insert—
- “(cd) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.
- (3) In section 26C(6) (referral of complaints by authorities) (inserted by section 174 of this Act), after paragraph (c) insert—
- “(d) in relation to an authority established by an order under section 207 of the Local Government and Public Involvement in Health Act 2007, a person who may be a member of the authority in accordance with section 208 of that Act.”

Health and Safety at Work etc Act 1974 (c. 37)

- 32 In section 28(6) of the Health and Safety at Work etc Act 1974 (restrictions on disclosure of information), after “1985” insert “, an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

- 33 In section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation of Part 1), in the definition of “local authority”—
- (a) in paragraph (a), after “1985” insert “, an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”;
- (b) in paragraph (c), after “authorities;” insert “an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Rent (Agriculture) Act 1976 (c. 80)

- 34 In section 5(3) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord’s interest belongs to local authority etc), after paragraph (bb) insert—
- “(bba) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Rent Act 1977 (c. 42)

- 35 In section 14 of the Rent Act 1977 (landlord’s interest belonging to local authority etc), after paragraph (cb) insert—
- “(cba) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

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Local Government, Planning and Land Act 1980 (c. 65)

- 36 (1) The Local Government, Planning and Land Act 1980 is amended as follows.
- (2) In section 2(1) (duty of authorities to publish information), after paragraph (ka) insert—
- “(kaa) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.
- (3) In section 98(8A) (authorities referred to by subsection (8)(d)), after paragraph (e) (and before the “and” following that paragraph) insert—
- “(ea) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.
- (4) In section 99(4) (representations by certain bodies), after paragraph (db) insert—
- “(dba) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.
- (5) In section 100(1)(a) (meaning of “subsidiary”), for “or a joint authority established by Part IV of the Local Government Act 1985,” substitute “, a joint authority established by Part 4 of the Local Government Act 1985 or an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.
- (6) In Schedule 16 (bodies to whom Part 10 applies), after paragraph 5B insert—
- “5BA An authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities).”

Acquisition of Land Act 1981 (c. 67)

- 37 In section 17(4) of the Acquisition of Land Act 1981 (local authority and statutory undertakers' land), in paragraph (a) of the definition of “local authority”, for “and a joint authority established by Part IV of the Local Government Act 1985,” substitute “, a joint authority established by Part 4 of the Local Government Act 1985 or an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

- 38 (1) The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.
- (2) In section 33(9) (enforceability by local authorities of certain covenants relating to land)—
- (a) in paragraph (a), for “or a joint authority established by Part IV of the Local Government Act 1985” substitute “, a joint authority established by Part 4 of the Local Government Act 1985 or an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”;
- (b) in paragraph (b), after “joint authority” insert “or joint waste authority”.

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(3) In section 41(13) (lost and uncollected property), in the definition of “local authority”, after paragraph (e) (and before the “and” following that paragraph) insert—

“(ea) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Stock Transfer Act 1982 (c. 41)

39 In paragraph 7(2)(a) of Schedule 1 to the Stock Transfer Act 1982 (specified securities), after “1985” insert “, an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

County Courts Act 1984 (c. 28)

40 In section 60(3) of the County Courts Act 1984 (right of audience), in the definition of “local authority”, after “1985,” insert “an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Housing Act 1985 (c. 68)

41 (1) Section 4 of the Housing Act 1985 (descriptions of authority) is renumbered subsection (1) of that section.

(2) In paragraph (e) of that subsection—

(a) for “and a joint authority established by Part IV of the Local Government Act 1985” substitute “, a joint authority established by Part 4 of the Local Government Act 1985, a joint waste authority”;

(b) for “a joint authority established by Part IV of the Local Government Act 1985”, in the second place where it occurs, substitute “, a joint authority established by Part 4 of the Local Government Act 1985, a joint waste authority”.

(3) After that subsection insert—

“(2) In this section “joint waste authority” means an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007.”

Landlord and Tenant Act 1985 (c. 70)

42 In section 38 of the Landlord and Tenant Act 1985 (minor definitions), in the definition of “local authority”, after “1985” insert “, an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Local Government Act 1988 (c. 9)

43 In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: the public authorities), after the entry relating to an authority established by an order under section 10(1) of the Local Government Act 1985 insert—

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“An authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities).”

Housing Act 1988 (c. 50)

- 44 In Schedule 1 to the Housing Act 1988 (tenancies that cannot be assured tenancies), in paragraph 12(1) after paragraph (f) insert—
- “(fa) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Road Traffic Act 1988 (c. 52)

- 45 In section 144(2)(a)(i) of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance), after “the London Fire and Emergency Planning Authority,” insert “an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Local Government and Housing Act 1989 (c. 42)

- 46 The Local Government and Housing Act 1989 is amended as follows.
- 47 In section 21(1) (interpretation of Part 1), after paragraph (g) insert—
- “(ga) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.
- 48 In section 152(2) (interpretation of sections 150 and 151), after paragraph (i) insert—
- “(ia) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Environmental Protection Act 1990 (c. 43)

- 49 In section 52(1A) of the Environmental Protection Act 1990 (payments for recycling and disposal etc of waste), at the end insert “or any authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Local Government (Overseas Assistance) Act 1993 (c. 25)

- 50 In section 1(10) of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance), after paragraph (d) insert—
- “(da) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

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

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

- 51 In section 3(2) of the Housing Grants, Construction and Regeneration Act 1996 (ineligible applicants for grants), after paragraph (j) (and before the “or” following that paragraph) insert—
- “(ja) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Audit Commission Act 1998 (c. 18)

- 52 In Schedule 2 to the Audit Commission Act 1998 (accounts subject to audit), in paragraph 1, after paragraph (m) insert—
- “(ma) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Local Government Act 1999 (c. 27)

- 53 In section 1(1) of the Local Government Act 1999 (best value authorities), after paragraph (g) insert—
- “(ga) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Freedom of Information Act 2000 (c. 36)

- 54 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), after paragraph 15 insert—
- “15A An authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities).”

Local Government Act 2003 (c. 26)

- 55 (1) The Local Government Act 2003 is amended as follows.
- (2) In section 23(1) (definition of local authority for purposes of Part 1), after paragraph (k) insert—
- “(ka) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.
- (3) In section 33(1) (power to pay grant: interpretation), after paragraph (j) insert—
- “(ja) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.