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**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 1. (See end of Document for details)

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## SCHEDULES

### 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) (best value authorities) is amended in accordance with this Part of this Schedule.

**Commencement Information**

- II** Sch. 8 para. 1 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 2 (1) Section 1 (best value authorities) is amended as follows.
- (2) In subsection (1)—
- (a) for paragraph (a) substitute—  
“(a) an English local authority;”;
  - (b) in paragraph (b), at the end insert “ for a National Park in England ”;
  - (c) in paragraph (e), after “fire and rescue authority” insert “ in England ”;
  - (d) for paragraph (g) substitute—  
“(g) an authority established under section 10 of the Local Government Act 1985 (waste disposal authorities);”;
  - (e) after paragraph (j) insert—  
“(k) a Welsh best value authority.”
- (3) In subsection (2) (definition of local authority in relation to England)—
- (a) for the words preceding paragraph (a) substitute “ In this section, “English local authority” means ”;
  - (b) in paragraph (a), after “a county council” insert “ in England ”.
- (4) Omit subsection (3) (definition of local authority in relation to Wales).
- (5) In subsection (4) (definition of police authorities), for “In this section” substitute “ In this Part ”.
- (6) Omit subsection (5) (definition of waste disposal authorities).
- (7) Omit subsection (8) (exclusion of police authorities from certain provisions).

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**Commencement Information**

**I2** Sch. 8 para. 2 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 3 (1) Section 2 (power to extend or disapply) is amended as follows.
- (2) In the title, at the end insert “ : Secretary of State ”.
- (3) In subsection (2)—
- (a) in paragraph (b), at the end insert “ in respect of which the county council or charging authority referred to in section 74(1)(b) of that Act was a council or authority for an area in England ”;
- (b) in paragraph (c), at the end insert “ and which as regards the financial year beginning in 1989 had power to levy a rate by reference to property in England ”.
- (4) Omit subsection (3) (power to apply section 7 with modifications).
- (5) In subsection (5), for the words from “to a duty” to the end substitute “ to the duty in section 3. ”
- (6) After subsection (5) insert—
- “(5A) Subsection (5) does not apply in relation to a Welsh best value authority.”

**Commencement Information**

**I3** Sch. 8 para. 3 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 4 (1) Section 2A (power of National Assembly for Wales to extend or disapply best value duties) is amended as follows.
- (2) In the title, for “best value authorities in Wales” substitute “ Welsh Ministers ”.
- (3) In subsections (1) and (4), for “National Assembly for Wales” substitute “ Welsh Ministers ”;
- (4) In subsections (1), (3) and (4) for “best value authority in Wales” substitute “ Welsh best value authority ”.
- (5) In subsection (2)—
- (a) in paragraph (a), at the end insert “ in respect of which the county council or charging authority referred to in section 74(1)(b) of that Act was a council or authority for an area in Wales ”;
- (b) in paragraph (b), at the end insert “ and which as regards the financial year beginning in 1989 had power to levy a rate by reference to property in Wales ”.

**Commencement Information**

**I4** Sch. 8 para. 4 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 5 For the heading immediately preceding section 3 substitute “ *Duties: general* ”.

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**I5** Sch. 8 para. 5 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 6 (1) Section 4 (performance indicators and standards) is amended as follows.
- (2) In subsections (1), (3) and (4) for “Secretary of State” substitute “Welsh Ministers”.
- (3) In subsection (3)—
- (a) in paragraph (a), for “him” substitute “them”;
  - (b) in paragraph (b) for “he thinks” substitute “they think”.
- (4) In subsection (4)(b)—
- (a) for “him” substitute “them”;
  - (b) for “relevant audit authority” substitute “Auditor General for Wales”.
- (5) Omit subsection (6) (definition of relevant audit authority).

**Commencement Information**

**I6** Sch. 8 para. 6 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 7 In section 6 (best value performance plans), in subsections (2), (3)(b) and (4) for “Secretary of State” substitute “Welsh Ministers”.

**Commencement Information**

**I7** Sch. 8 para. 7 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 8 In the heading immediately before section 7, at the end insert “: *Welsh best value authorities*”.

**Commencement Information**

**I8** Sch. 8 para. 8 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 9 (1) Section 7 (audit of best value performance plans) is amended as follows.
- (2) In subsection (1), for “best value authority” substitute “Welsh best value authority”.
- (3) Omit subsection (3) (auditors appointed by the Audit Commission).
- (4) In subsection (3A), omit “If an authority's auditor is appointed by the Auditor General for Wales,”.
- (5) In subsection (4)—
- (a) omit paragraph (e);
  - (b) in paragraph (ea), omit “if the auditor is appointed by the Auditor General for Wales,”;
  - (c) in paragraph (f) for “Secretary of State” substitute “Welsh Ministers”.
- (6) In subsection (5)—
- (a) omit paragraph (b);

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- (b) in paragraph (ba), omit “if the auditor is appointed by the Auditor General for Wales,”;
  - (c) in paragraph (c) (in both places) for “Secretary of State” substitute “ Welsh Ministers ”.
- (7) In subsection (6)(b) for “Secretary of State” substitute “ Welsh Ministers ”.
- (8) In subsection (7), omit “, (3)”.
- (9) In subsection (8)—
- (a) omit paragraph (a);
  - (b) in paragraph (aa), omit “if he was appointed by the Auditor General for Wales,”;
  - (c) in the words following paragraph (b), omit “, (3)”.
- (10) In subsection (8A)—
- (a) in paragraph (a), omit “, if the authority is a best value authority in Wales”;
  - (b) omit paragraph (b).
- (11) Omit subsection (9) (application of section 3 of Audit Commission Act 1998 where auditor appointed by the Audit Commission).

**Commencement Information**

**I9** Sch. 8 para. 9 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 10 Omit section 8 (Audit Commission's code of practice and fees).

**Commencement Information**

**I10** Sch. 8 para. 10 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 11 In section 8A(5)—
- (a) in paragraph (a), for “Assembly” substitute “ Welsh Ministers ”;
  - (b) in paragraph (b), for “best value authorities in Wales” substitute “ Welsh best value authorities ”.

**Commencement Information**

**I11** Sch. 8 para. 11 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 12 In section 8B (auditor's duty in relation to codes) omit—
- (a) subsection (1) (auditors appointed by Audit Commission); and
  - (b) subsections (3) and (4) (transitional provision).

**Commencement Information**

**I12** Sch. 8 para. 12 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 13 In section 9 (response to audit)—

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- (a) in subsections (1) and (2) for “best value authority” substitute “ Welsh best value authority ”;
- (b) in subsection (6) (in both places) for “Secretary of State” substitute “ Welsh Ministers ”.

**Commencement Information**

**I13** Sch. 8 para. 13 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 14 (1) Section 10 (best value inspections by Audit Commission) is amended as follows.
- (2) In subsection (4), omit paragraph (a).
  - (3) In subsection (5), for “a best value authority in Wales” substitute “—
    - (a) a Welsh best value authority, or
    - (b) a police authority for a police area in Wales.””

**Commencement Information**

**I14** Sch. 8 para. 14 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 15 (1) Section 10A (best value inspections by Auditor General for Wales) is amended as follows.
- (2) In subsection (1) for “a best value authority in Wales” substitute “—
    - (a) a Welsh best value authority, or
    - (b) a police authority for a police area in Wales.””
  - (3) In subsection (2) for “specified best value authority in Wales” substitute “ specified authority mentioned in subsection (1) ”.

**Commencement Information**

**I15** Sch. 8 para. 15 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 16 In section 11 (inspectors' powers and duties), in subsection (4)(b) omit “must”.

**Commencement Information**

**I16** Sch. 8 para. 16 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 17 In section 12A(4)(b) (consultation about fees for inspections by Auditor General for Wales) for “best value authorities in Wales” substitute “ best value authorities which may be inspected under section 10A ”.

**Commencement Information**

**I17** Sch. 8 para. 17 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 18 In section 13 (reports by Audit Commission) omit subsection (5) (performance plans to record failure to comply with Part 1).

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**I18** Sch. 8 para. 18 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 19 In section 13A (reports by Auditor General for Wales), in subsection (5) (performance plans to record failure to comply with Part 1), for “an authority” substitute “ a Welsh best value authority ”.

**Commencement Information**

**I19** Sch. 8 para. 19 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 20 In section 15(2) (Secretary of State's powers)—
- (a) for the words from “direct it” to the end of paragraph (b) substitute—
    - “(aa) in the case of a Welsh best value authority, direct it to prepare or amend a performance plan or to follow specified procedures in relation to a performance plan;”;
  - (b) in paragraph (c), at the beginning insert “ in the case of any best value authority, direct it ”.

**Commencement Information**

**I20** Sch. 8 para. 20 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 21 (1) Section 23 (accounts) is amended as follows.
- (2) In subsection (4), in paragraph (za), for “best value authorities in Wales” substitute “ Welsh best value authorities or police authorities for police areas in Wales ”.
  - (3) In subsection (6), omit “(within the meaning of section 7)”.
  - (4) After subsection (6) insert—
    - “(7) In subsection (6), “auditor” means an auditor appointed by the Audit Commission or the Auditor General for Wales to audit the best value authority's accounts.”

**Commencement Information**

**I21** Sch. 8 para. 21 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

- 22 (1) Section 29 (modification for Wales) is amended as follows.
- (2) For subsections (1) and (2) substitute—
    - “(1) This section has effect for the purposes of the application of this Part in relation to Wales, except in so far as it relates to a police authority for a police area in Wales.
    - (1A) For each reference to the Secretary of State in sections 3, 10A, 12A, 13A, 15, 19, 23, 25 and 26 there shall be substituted a reference to the Welsh Ministers.”

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(3) In subsection (4)—

- (a) omit “to Wales”;
- (b) for “National Assembly for Wales” and “Assembly” substitute “ Welsh Ministers ”.

(4) After subsection (4) insert—

“(5) In section 19(3) and (3A) for each reference to each House, or either House, of Parliament there shall be substituted a reference to the National Assembly for Wales.

(6) In section 28(2), for the reference to either House of Parliament there shall be substituted a reference to the National Assembly for Wales.”

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**Commencement Information**

**I22** Sch. 8 para. 22 in force at 1.4.2008 by [S.I. 2008/917](#), [art. 2\(1\)\(e\)](#)

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