

**2003 No. 2938 (C. 107)**

**LOCAL GOVERNMENT (ENGLAND AND WALES)**

**The Local Government Act 2003 (Commencement No. 1  
and Transitional Provisions and Savings) Order 2003**

*Made - - - - - 13th November 2003*

The First Secretary of State, in exercise of the powers conferred by section 128(3), (6)(a), (8) and (9) of the Local Government Act 2003(a), hereby makes the following Order—

**Citation and interpretation**

1.—(1) This Order may be cited as the Local Government Act 2003 (Commencement No. 1 and Transitional Provisions and Savings) Order 2003.

(2) In this Order—

“the 1989 Act” means the Local Government and Housing Act 1989(b);

“the 1999 Act” means the Greater London Authority Act 1999(c); and

“the Act” means the Local Government Act 2003.

**Provisions coming into force on 18th November 2003**

2. Subject to article 8 and the Schedule, the following provisions of the Act shall come into force on 18th November 2003—

- (a) sections 70(4) to (6), 83, 92(1), 99, 100(1), (2) and (4) to (8), 106 to 108, 109(3) and (4), 111, 112 and 115, paragraphs 7(2)(a), 7(3) and 18(1) of Schedule 4, Schedule 5 and paragraphs 1, 31, 36 to 39, 65, 68, 69 and 80 of Schedule 7;
- (b) section 101, so far as relating to England and so far as relating to a best value authority in Wales mentioned in subsection (7) of that section;
- (c) section 105(9), so far as it relates to the paragraphs of Schedule 4 specified in sub-paragraph (a);
- (d) section 109(1) for the purpose of the application of section 41A of the Audit Commission Act 1998(d) to registered social landlords for which the Housing Corporation is the Relevant Authority for the purposes of Part 1 of the Housing Act 1996(e);
- (e) section 125 so far as it—
  - (i) enables an order to be made; and
  - (ii) applies to the Isles of Scilly the provisions of Parts 1 and 2 of the Act coming into force by virtue of article 3;
- (f) section 127(1) so far as it relates to the paragraphs of Schedule 7 to the Act specified in sub-paragraph (a);

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(a) 2003 c. 26.

(b) 1989 c. 42.

(c) 1999 c. 29.

(d) 1998 c. 18. Section 41A is inserted by section 109(1) of the Local Government Act 2003.

(e) 1996 c. 52.

- (g) section 127(2) so far as it relates to the provisions of Schedule 8 to the Act specified in sub-paragraph (h); and
- (h) in Schedule 8—
  - (i) the repeals relating to the Social Security Administration Act 1992(a);
  - (ii) the repeals of paragraph 7(3) and (4) of Schedule 1 to the Social Security Administration (Fraud) Act 1997(b);
  - (iii) the repeal of section 22(2) of the Local Government Act 1999(c);
  - (iv) the repeal of section 52(7) of the 1999 Act;
  - (v) the repeals relating to the Child Support, Pensions and Social Security Act 2000(d); and
  - (vi) the revocations in Part 2, except for the revocation relating to the National Assembly for Wales (Transfer of Functions) Order 1999(e).

**Provisions coming into force on 18th November 2003 so far as relating to England**

**3.** Subject to article 8 and the Schedule, the following provisions of the Act shall come into force, so far as relating to England, on 18th November 2003—

- (a) sections 3(5) to (7) and (10), 4(1) to (3) and (5), 7(2)(b) and (3)(c), 8(3), 9(3), 10, 11, 14, 15, 16(2), 18, 19(3), 20, 21(1), (5) and (6), 23, 25, 26, 36, 41 to 57, 59, 60, 67(1) and (3) to (5), 70(1) to (3), 71, 89, 90(1), 100(3), 117, 119, 126 and 127(3) and (4), Schedule 3 and paragraphs 8, 19, 23, 26(1) and (2), 30, 33(3) and (5), 59, 61, 62 and 66(1) and (3) to (6) of Schedule 7;
- (b) section 19(1) so far as it relates to sections 9(3), 10, 11, 15, 16(2) and 18 of the Act;
- (c) section 19(2) so far as it relates to the power to make regulations in paragraph 4(2) of Schedule 1 to the Act;
- (d) section 21(2)(b) so far as it enables regulations to be made;
- (e) section 127(1) so far as it relates to the paragraphs of Schedule 7 to the Act specified in sub-paragraphs (a) and (h);
- (f) section 127(2) so far as it relates to the provisions of Schedule 8 to the Act specified in sub-paragraph (i);
- (g) in Schedule 1, paragraph 4(2) so far as it enables regulations to be made;
- (h) in Schedule 7, paragraph 29 so far as it relates to sections 45 and 53 of the 1989 Act ceasing to have effect; and
- (i) in Schedule 8—
  - (i) the repeals relating to the Housing Act 1985(f);
  - (ii) the repeal of section 33 of the Local Government Act 1988(g);
  - (iii) in the 1989 Act, the repeals of sections 45 and 53, the repeals relating to section 80(3) and paragraph 37(2) of Schedule 5 and the repeal of paragraph 97 of Schedule 11;
  - (iv) the repeal of section 88(6)(a) of the Environmental Protection Act 1990(h);
  - (v) the repeal relating to section 11(3) of the Local Government Finance Act 1992(i);
  - (vi) the repeal of paragraph 8(5) of Schedule 8 to the Environment Act 1995(j); and
  - (vii) the repeal of section 108(2) of the 1999 Act.

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- (a) 1992 c. 5.
  - (b) 1997 c. 47.
  - (c) 1999 c. 27.
  - (d) 2000 c. 19.
  - (e) S.I. 1999/672.
  - (f) 1985 c. 68.
  - (g) 1988 c. 9.
  - (h) 1990 c. 43.
  - (i) 1992 c. 14.
  - (j) 1995 c. 25.

#### **Provisions coming into force on 1st January 2004**

4. Subject to article 8 and the Schedule, the following provisions of the Act shall come into force on 1st January 2004—

- (a) section 125 so far as it applies to the Isles of Scilly the provisions of Part 1 of the Act coming into force by virtue of article 5;
- (b) section 127(1) so far as it relates to the paragraphs of Schedule 7 to the Act specified in sub-paragraph (d);
- (c) section 127(2) so far as it relates to the provisions of Schedule 8 to the Act specified in sub-paragraph (e);
- (d) in Schedule 7—
  - (i) paragraphs 75 to 77; and
  - (ii) paragraph 71 so far as it relates to sections 113 and 115(2) of the 1999 Act ceasing to have effect; and
- (e) in Schedule 8, the repeal of sections 113 and 115(2), and the repeals relating to sections 122(3)(b) and (6)(b) and 124(4)(b), of the 1999 Act.

#### **Provisions coming into force on 1st January 2004 so far as relating to England**

5. Subject to article 8 and the Schedule, section 3 of the Act, to the extent not brought into force by article 3, shall come into force, so far as relating to England, on 1st January 2004.

#### **Provisions coming into force on 1st April 2004**

6. Subject to article 8 and the Schedule, the following provisions of the Act shall come into force on 1st April 2004—

- (a) sections 105, 109(1) and 125 and Schedule 4 to the extent not brought into force by articles 2 and 4;
- (b) section 127(1) so far as it relates to the paragraphs of Schedule 7 to the Act specified in sub-paragraph (d);
- (c) section 127(2) so far as it relates to the provisions of Schedule 8 to the Act specified in sub-paragraph (e);
- (d) in Schedule 7—
  - (i) paragraphs 27, 33(2) and (4), 70, 72 to 74 and 78; and
  - (ii) paragraph 71 to the extent not brought into force by article 4; and
- (e) in Schedule 8—
  - (i) the repeals of item 5 in Part 1 and item 4 in Part 2 of Schedule 4 to the 1989 Act; and
  - (ii) the repeals of sections 111, 112, 114, 115(1) and (3) and 116 to 118, and the repeals relating to section 119(1) and (3)(b), of the 1999 Act.

#### **Provisions coming into force on 1st April 2004 so far as relating to England**

7. Subject to article 8 and the Schedule, the following provisions of the Act shall come into force, so far as relating to England, on 1st April 2004—

- (a) sections 1, 2, 5, 6, 12, 13, 16(1), 17, 22, 27 to 29, 37, 64, 67(2), 90(2) and (3), 102, 118, 120, Schedule 6 and paragraphs 2, 3, 4, 6, 18, 32, 51(3), 63 and 64 of Schedule 7;
- (b) sections 4, 7 to 9, 19 and 21, Schedule 1 and paragraph 29 of Schedule 7 to the extent not brought into force by article 3;
- (c) section 127(1) to the extent that it relates to the paragraphs of Schedule 7 to the Act specified in sub-paragraphs (a) and (b);
- (d) section 127(2) to the extent that it relates to the provisions of Schedule 8 to the Act specified in sub-paragraph (e); and
- (e) in Schedule 8—
  - (i) the repeal of section 137(4AA) of the Local Government Act 1972(a);
  - (ii) the repeal relating to the Stock Transfer Act 1982(b);

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(a) 1972 c. 70. Section 137(4AA) is inserted by section 36 of the 1989 Act.

(b) 1982 c. 41.

- (iii) in the 1989 Act, the repeals of sections 39 to 44, 46 to 52, 54 to 66 and 80(2), the repeal relating to section 155(4) and the repeals of Schedule 3, paragraph 60 of Schedule 5 and paragraphs 6, 7 and 59 of Schedule 11;
- (iv) the repeals of sections 32(11), 43(8) and 50(6) of and paragraph 90 of Schedule 13 to the Local Government Finance Act 1992;
- (v) the repeal of section 30 of the Police and Magistrates' Courts Act 1994(a);
- (vi) the repeal of section 73 of and paragraph 31(2) of Schedule 10 to the Environment Act 1995;
- (vii) the repeal relating to the Police Act 1996(b);
- (viii) the repeal of the Local Government Finance (Supplementary Credit Approvals) Act 1997(c);
- (ix) the repeal relating to the Access to Justice Act 1999(d); and
- (x) the repeals relating to the Criminal Justice and Police Act 2001(e).

**Transitional provisions and savings**

8. The Schedule to this Order shall have effect for the purposes of making transitional provisions and savings, which the Secretary of State considers necessary or expedient, in relation to the provisions to which it refers.

Signed by authority of the First Secretary of State

13th November 2003

*Nick Raynsford*  
Minister of State,  
Office of the Deputy Prime Minister

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(a) 1994 c. 29.  
(b) 1996 c. 16.  
(c) 1997 c. 63.  
(d) 1999 c. 22.  
(e) 2001 c. 16.

## TRANSITIONAL PROVISIONS AND SAVINGS

**Capital finance—Local Government and Housing Act 1989**

1. Sections 39 (application of Part 4) and 66 (interpretation of Part 4) of the 1989 Act shall continue to have effect on and after 1st April 2004, as if those sections had not ceased to have effect or been repealed by virtue of the Act, for the purposes of the transitional provisions and savings in paragraphs 2 to 11 below.

2. Sections 40 to 42 of the 1989 Act (capital purposes and charge of expenditure to revenue account) shall continue to have effect in relation to expenditure incurred by a local authority before 1st April 2004 as if those sections had not ceased to have effect or been repealed by virtue of the Act.

3. Any direction made under section 40(6) of the 1989 Act (capital purposes)—

(a) in respect of expenditure which may be treated by the authority concerned as expenditure for capital purposes; and

(b) in which the period specified under section 40(6)(d) ends on or after 1st April 2004,

shall continue to have effect on and after 1st April 2004 as if it were a direction made under section 16(2)(b) of the Act (“capital expenditure”), and accordingly the expenditure referred to in the direction may be treated by the authority concerned as capital expenditure for the purposes of Chapter 1 of Part 1 of the Act.

4. Section 45 of the 1989 Act (the authority’s own limits) shall continue to have effect on and after 18th November 2003 in relation to limits for the financial year beginning on 1st April 2003 as if section 45 had not ceased to have effect or been repealed by virtue of the Act.

5. Section 53 of the 1989 Act (basic credit approvals) shall continue to have effect on and after 18th November 2003—

(a) in relation to any basic credit approval issued for the financial year beginning on 1st April 2003; and

(b) for the purposes of section 54(4) of the 1989 Act (supplementary credit approvals),

as if section 53 had not ceased to have effect or been repealed by virtue of the Act.

6. Sections 54 to 57 of the 1989 Act (credit approvals) shall continue to have effect until but not including 1st October 2004, as if they had not ceased to have effect or been repealed by virtue of the Act, for the purposes of any basic credit approval or supplementary credit approval issued before that date for a financial year, or period, beginning before 1st April 2004.

7. Sections 58, 59 and 61 of the 1989 Act (capital receipts) shall continue to have effect until but not including 1st October 2004, as if they had not ceased to have effect or been repealed by virtue of the Act, for the purposes of section 60 of the 1989 Act (the usable balance of capital receipts).

8. Section 60 of the 1989 Act shall continue to have effect until but not including 1st October 2004, as if it had not ceased to have effect or been repealed by virtue of the Act, for the purposes of any determination made under that section in respect of the usable part of the authority’s capital receipts that are to be applied before 1st April 2004.

9. Part 4 of Schedule 3 to the 1989 Act (minimum revenue provision) shall continue to have effect until but not including 1st October 2004, as if it had not ceased to have effect or been repealed by virtue of the Act, for the purposes of section 63(1) of the 1989 Act (duty to set certain amounts aside as provision to meet credit liabilities).

10. Subsections (1) and (5) of section 63 of the 1989 Act shall continue to have effect until but not including 1st October 2004, as if they had not ceased to have effect or been repealed by virtue of the Act, for the purposes of any determination under that section made before that date in relation to the financial year beginning on 1st April 2003.

11. Section 65 of the 1989 Act (information) shall continue to have effect on and after 1st April 2004, as if it had not ceased to have effect or been repealed by virtue of the Act, for the purposes of any information required by the Secretary of State for any purpose specified in paragraph (a), (b) or (c) of subsection (1) insofar as it relates to any financial year beginning before 1st April 2004.

**Capital finance—Greater London Authority Act 1999**

12. Section 113 of the 1999 Act (aggregate credit approval for Authority and functional bodies) shall continue to have effect on and after 18th November 2003—

(a) in relation to any aggregate credit approval issued for the financial year beginning on 1st April 2003; and

(b) for the purposes of section 114(4) of the 1999 Act (additional credit approval),

as if section 113 had not ceased to have effect or been repealed by virtue of the Act.

13. Sections 114, 115(1)(b) and (3) and 116 to 118 of the 1999 Act (credit approvals) shall continue to have effect until but not including 1st October 2004, as if they had not ceased to have effect or been repealed by virtue of the Act, for the purposes of any aggregate credit approval or additional credit approval issued before that date for a financial year, or period, beginning before 1st April 2004.

14. The definitions of “additional credit approval”, “aggregate credit approval”, “category”, “notice” and “use” in section 126 of the 1999 Act (interpretation of Chapter 4) shall continue to have effect as if—

- (a) the sections of the 1999 Act mentioned in those definitions had not ceased to have effect or been repealed by virtue of the Act; and
- (b) paragraph 78 of Schedule 7 to the Act had not been commenced,

for the purposes of the transitional provisions and savings in paragraphs 12 and 13 above.

#### **Capital finance—Part 1 of the Act**

15. Any determination made under section 3(1) or (2) of the Act (duty to determine affordable borrowing limit) shall not apply in relation to how much money the authority can afford to borrow in the financial year beginning on 1st April 2003.

16. Any regulations made or directions given under section 4 of the Act (imposition of borrowing limits) shall not apply in relation to the financial year beginning on 1st April 2003.

17. Any credit arrangement—

- (a) within the meaning of section 48 of the 1989 Act (credit arrangements);
- (b) in existence immediately before 1st April 2004; and
- (c) which, if it had been entered into on 1st April 2004, would be a credit arrangement within the meaning of section 7 of the Act (“credit arrangements”),

shall be treated as if it were a credit arrangement for the purposes of Chapter 1 of Part 1 of the Act (capital finance etc).

18. The usable part of any capital receipt—

- (a) within the meaning of section 60(2) of the 1989 Act (the usable balance of capital receipts); and
- (b) which is not applied by the local authority in any financial year beginning before 1st April 2004,

shall be treated as if it were a capital receipt within the meaning of section 9 of the Act (“capital receipt”) for the purposes of Chapter 1 of Part 1 of the Act.

19. The Secretary of State may only request information under section 14 of the Act (information) for the purposes of any financial year beginning on or after 1st April 2004.

#### **Financial administration**

20. Sections 25 (budget calculations: report on robustness of estimates etc) and 26 (minimum reserves) of the Act shall not apply in relation to calculations for the purposes of the financial year beginning on 1st April 2003.

21. Section 27 of the Act (budget calculations: report on inadequacy of controlled reserve) shall not apply in relation to calculations for the purposes of any financial year beginning before 1st April 2005.

#### **Local retention of rates**

22. Paragraph 5(6) and (6A) of Schedule 8 to the Local Government Finance Act 1988(a) shall continue to have effect for any financial year beginning on or before 1st April 2004 as if the amendments for which section 70 of the Act provides had not been made.

#### **Major precepting authorities: combined fire authorities**

23. Section 6 of the Fire Services Act 1947(b) and section 39(1) of the Local Government Finance Act 1992(c), shall continue to have effect for any financial year beginning on or before 1st April 2003 as if the amendments for which section 83 of and paragraph 1 of Schedule 7 to the Act provide and the revocations in Part 2 of Schedule 8 (except for the revocation relating to the National Assembly for Wales (Transfer of Functions) Order 1999(d)) to the Act had not been made.

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(a) 1988 c. 41. Sub-paragraph (6A) is inserted by section 104 of and paragraph 6(11) of Schedule 10 to the Local Government Finance Act 1992 (c. 14).

(b) 1947 c. 41.

(c) 1992 c. 14.

(d) S.I.1999/672.

## **Housing revenue account**

**24.** Any direction made under item 9 in part 1 of Schedule 4 to the 1989 Act, which has effect for any financial year beginning on or after 1st April 2004 shall continue to have effect, and shall have effect as if it were made under item 9 as substituted by paragraph 33(3) of Schedule 7 to the Act.

**25.** Where, in any financial year beginning on or after 1st April 2004, additional rent rebates are granted in respect of a financial year beginning on or before 1st April 2003, the application of paragraph 33(4) of Schedule 7 to the Act and Schedule 8 to the Act, so far as relating to item 4 in Part 2 of Schedule 4 to the 1989 Act shall have effect so that such rent rebates are debited in the year in which they are paid to a revenue account of the authority other than its housing revenue account.

**26.** Sections 79(2), 80(1) to (4) and 80A(4) of and items 5 and 9 of part 1 and item 4 of part 2 of Schedule 4 to the 1989 Act(**a**), section 24(3) of the Housing Act 1985(**b**), sections 140B, 140C, 140D and 140G of the Social Security Administration Act 1992(**c**) and paragraph 7(3) and (4) of Schedule 1 to the Social Security Administration (Fraud) Act 1997(**d**) shall continue to have effect for any financial year beginning on or before 1st April 2003 as if—

- (a) the amendments for which sections 89, 90(1) to (3), 92(1) of and paragraphs 31, 33(2) to (5), 36 to 39 of Schedule 7 to the Act provide; and
- (b) the repeals in Schedule 8 to the Act relating to the Social Security Administration Act 1992, the Social Security Administration (Fraud) Act 1997, section 80(2) and (3) of and item 5 in part 1 and item 4 in part 2 of Schedule 4 to the 1989 Act,

had not been made.

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(a) Section 80A is inserted by section 222 of and paragraph 5 of Schedule 18 to the Housing Act 1996 (c. 52).

(b) 1985 c. 68.

(c) 1992 c. 5. Sections 140B, 140C, 140D and 140G are inserted by section 121 of and paragraph 4 of Schedule 12 to the Housing Act 1996 (c. 52).

(d) 1997 c. 47.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force certain provisions in the Local Government Act 2003 (“the Act”), for purposes specified, and subject to transitional and saving provisions specified in the Schedule.

The provisions listed in article 2 are brought into force on 18th November 2003, so far as relating to England and Wales, with the exception of those relating to the Social Security Administration Act 1992 which also extend to Scotland.

Article 2 of this Order brings into force—

section 70(4) to (6), which relates to the local retention of rates;

section 83 and provisions in Schedules 7 and 8, which provide for combined fire authorities in England to become major precepting authorities;

section 92(1), which relates to local authority rent setting decisions;

section 99, which requires the Audit Commission to categorise local authorities by performance;

parts of section 100, which provides that various powers may be exercised differently for different best value authorities or for different categories of best value authorities;

section 101, which allows the Secretary of State to give directions to best value authorities in England (and a best value authority in Wales which is a police authority) on matters connected with staff transfers where the authority enters into contracts for the provision of services;

section 105(9) (in order to commence paragraphs 7(2)(a), 7(3) and 18(1) of Schedule 4), section 106 and paragraphs 7(2)(a), 7(3) and 18(1) of Schedule 4 and Schedule 5, which enable consultation as to the appointment of the chief executive to the Valuation Tribunal Service to take place before its establishment and for preparatory work to be undertaken in relation to the Service and in relation to drafting a transfer scheme;

section 106, which reduces the time allowed for consideration of an auditors public interest report from four months to one month;

sections 107 and 108, which provide for auditors to publish their own public interest reports;

section 109, which amends the Audit Commission Act 1998 to give the Audit Commission new functions relating to inspection of registered social landlords;

section 111, which amends the Audit Commission Act 1998 to allow the Audit Commission to delegate its functions;

section 112, which amends the Local Government Act 2000 to allow the Standards Board for England to delegate its functions;

section 115, which makes provision in relation to overview and scrutiny committees;

section 125 (in part), which applies certain provisions in Parts 1 and 2 to the Isles of Scilly;

paragraph 1 of Schedule 7, which makes provision relating to combined fire authorities,

paragraph 31 of Schedule 7, which makes provision relating to authorities’ Housing Revenue Accounts (“HRA”),

paragraphs 36 to 39 of Schedule 7, which amend the Social Security Administration Act 1992, together with associated repeals in Schedule 8, relating to the payment of subsidies for housing benefit and council tax benefit,

paragraph 65 of Schedule 7, which makes an amendment in relation to the Audit Commission’s financial year,

paragraphs 68 and 69 of Schedule 7 which make provision in relation to meetings of the Greater London Authority, and

paragraph 80 of Schedule 7 which makes provision in relation to overview and scrutiny committees.



The provisions listed in article 3 are brought into force on 18th November 2003, so far as relating to England only.

Article 3 of this Order brings into force—

a number of provisions of Part 1, for the purposes of enabling the new capital finance system to operate in respect of the financial year beginning on 1st April 2004;

sections 25 and 26, which require authorities to consider reports from their chief finance officer when making budget calculations and give the Secretary of State power to set minimum reserves;

section 36 which will allow the payment of grant in connection with designation of service excellence, to be made to beacon councils;

sections 41 to 57 and 59 and paragraphs 59, 61 and 62 of Schedule 7, which relate to business improvement districts;

section 60, which provides for proposed rating lists to be made available 6 months before they are to take effect at each five yearly revaluation;

section 67(1) and (3) to (5) and the consequential repeal relating to paragraph 37(2) of Schedule 5 to the 1989 Act specified in Schedule 8, which relates to the agricultural exemption from rates;

section 70(1) to (3), which relates to the local retention of rates;

section 71 and paragraphs 19, 23, 26(1) and (2) of Schedule 7, which relate to adjustments for hardship relief on non-domestic rates;

section 89 which relates to calculation of HRA subsidy, together with an associated repeal in Schedule 8;

section 90(1) which relates to negative amounts of HRA subsidy and provisions in Schedule 7 defining proper practices for the purposes of the HRA and allowing directions to be made requiring amounts to be debited and credited to the HRA, for financial years beginning on or after 1st April 2004, while preserving in force any directions made under the current credit item 9 in Schedule 4 to the 1989 Act;

section 100(3) and Schedule 3, which amends certain provisions so as to allow them to be exercised differently for different best value authorities or for different categories of best value authority;

section 117 which makes provisions in relation to generally accepted accounting practice;

section 119 which relates to the use of fixed penalties paid for litter and dog-fouling offences and consequential repeals in Schedule 8;

section 126 which relates to finance;

section 127(3) which relates to consequential amendments and repeals;

paragraphs 8 and 30 of Schedule 7, and associated minor and consequential amendments in Schedule 8, which relate to section 95;

paragraph 29 of Schedule 7, and associated provisions in Schedule 8, which relate to the repeal of provisions under the Local Government and Housing Act 1989 about local authority borrowing limits and basic credit approvals; and

parts of paragraph 66 of Schedule 7 which relates to the deadline for notification of the school budget and consequent actions.

The provisions listed in article 4 are brought into force on 1st January 2004. Article 4 of this Order brings into force section 125 (in part), which applies certain provisions in Parts 1 and 2 to the Isles of Scilly, and specified amendments in Schedule 7 and consequential repeals in Schedule 8, which relate to aggregate capital approvals for and the capital spending plan of the Greater London Authority.

The provisions listed in article 5 are brought into force on 1st January 2004, so far as relating to England only. Article 5 of this Order brings into force parts of section 3 which relate to the determination of the affordable borrowing limit for a local authority.

The provisions listed in article 6 are brought into force on 1st April 2004.

Article 6 of this Order brings into force—

section 105 insofar as it is not already brought into force by article 2 together with minor and consequential repeals in paragraph 27 of Schedule 7 in relation to the establishment of the Valuation Tribunal Service;

section 109(1) insofar as it is not already brought into force by article 2, which amends the Audit Commission Act 1998 by inserting into that Act the power for the Secretary of State to make an Order allowing the Commission to make charges for the inspection of Registered Social Landlords;

section 125 insofar as it is not already brought into force by articles 2 and 4;

the provisions in Schedule 7 and the repeal in Schedule 8, which will remove rent rebates from the HRA of local housing authorities in England and Wales for financial years beginning on or after 1st April 2004; and

the provisions in Schedule 7 and the repeals in Schedule 8, which will make amendments in relation to capital finance matters affecting the Greater London Authority.

The provisions listed in article 7 are brought into force on 1st April 2004, so far as relating to England only.

Article 7 of this Order brings into force—

Part 1, to the extent that it is not commenced by articles 3 and 5;

sections 27 to 29, which require authorities to consider reports on their budget and to monitor their budgets;

section 37, together with minor and consequential repeals to the Local Government and Housing Act 1989 and the Criminal Justice and Police Act 2001 in Schedule 8, which allows emergency financial assistance grant to be given to English Combined Fire Authorities;

section 64, which relates to rate relief for community amateur sports clubs;

section 67(2), which relates to the agricultural exemption from rates;

section 90(2) and (3), and a consequential repeal in Schedule 8, which relates to the debiting of negative HRA subsidy to the HRA;

section 102 which provides for matters relating to pensions where section 101 applies;

section 118, which provides for the sum that parish councils are able to spend each year on matters for the benefit of the inhabitants of their area is to increase each year with inflation; and

section 120 and Schedule 6, which make provision in relation to the regulation of cosmetic piercing and skin-colouring businesses.

Article 8 and the Schedule make transitional provisions and savings for specified provisions relating to capital finance, financial administration, rate relief for community amateur sports clubs, local retention of rates, combined fire authorities and HRA. The new capital finance and financial administration provisions apply in relation to financial years beginning on and after 1st April 2004.



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The Local Government Act 2003 (Commencement No. 1  
and Transitional Provisions and Savings) Order 2003

£2.50

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under the authority and superintendence of Carol Tullo, Controller of  
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.  
E1472 11/2003 131472 19585

ISBN 0-11-048172-0



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