

2004 No. 3132 (C.133)

LOCAL GOVERNMENT (ENGLAND AND WALES)

The Local Government Act 2003 (Commencement No. 2 and Savings) Order 2004

Made - - - -

24th November 2004

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. 2 and Savings) Order 2004.

(2) In this Order, “the Act” means the Local Government Act 2003.

Commencement

2. Subject to article 4, the following provisions of the Act shall come into force on the day after this Order is made—

- (a) sections 62(2) and (11);
- (b) section 127(1) so far as relating to the paragraphs of Schedule 7 to the Act specified in sub-paragraph (d);
- (c) section 127(2) so far as relating to the provisions of Schedule 8 to the Act specified in sub-paragraph (e);
- (d) in Schedule 7, paragraphs 20, 21 and 25(4), (5) and (6), and 26(3);
- (e) in Schedule 8, the repeals of paragraph 6(3) of Schedule 10 to, and paragraph 84(2)(a) of Schedule 13 to, the Local Government Finance Act 1992^(b).

Commencement so far as relating to England

3.—(1) Subject to article 4, the following provisions of the Act shall come into force, so far as relating to England, on the day after this Order is made—

- (a) section 61(3) and (5) so far as it enables an order to be made;
- (b) section 62 to the extent not brought into force by article 2;
- (c) section 65;
- (d) section 127(1) so far as relating to the paragraphs of Schedule 7 to the Act specified in sub-paragraph (e);

^(a) 2003 c.26.
^(b) 1992 c.14.

(e) in Schedule 7, paragraphs 10, 11 and 24(3);.

(2) Subject to article 4, the following provisions of the Act shall come into force, so far as relating to England, on 1st April 2005—

- (a) section 61(1) to (5) to the extent not brought into force by paragraph (1);
- (b) section 66;
- (c) section 127(2) so far as relating to the provisions of Schedule 8 to the Act specified in sub-paragraph (d); and
- (d) in Schedule 8, the repeal of section 1(4) of the Rating (Former Agricultural Premises and Rural Shops) Act 2001^(a).

Savings

4.—(1) Section 58 of the Local Government Finance Act 1988^(b) shall continue to have effect for the purpose of making regulations, and amending regulations made under that section in relation to any relevant period^(c) ending before 1st April 2005, as if—

- (a) section 65 of the Act; and
- (b) in Schedule 7 to the Act, paragraphs 10, 11 and 24(3);

had not been commenced.

(2) Regulations made under section 58 of the Local Government Finance Act 1988^(d) shall continue to have effect in relation to any relevant period ending before 1st April 2005 as if—

- (a) section 65 of the Act; and
- (b) in Schedule 7 to the Act, paragraphs 10, 11 and 24(3);

had not been commenced.

(3) Section 138 of and Schedules 7 and 8 to the Local Government Finance Act 1988 shall continue to have effect in relation to any non-domestic rating multiplier for any financial year ending before 1st April 2005, as if—

- (a) section 62 of the Act;
- (b) in Schedule 7 to the Act, paragraphs 20, 21, 25(4), (5) and (6), and 26(3);
- (c) in Schedule 8 to the Act, the repeals of paragraph 6(3) of Schedule 10 to, and paragraph 84(2)(b) of Schedule 13 to, the Local Government Finance Act 1992,

had not been commenced.

Signed by authority of the First Secretary of State

24th November 2004

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

(a) 2001 c.14.

(b) 1988 c.41.

(c) For the definition of “relevant period” see section 58(10) of the Local Government Finance Act 1988.

(d) The relevant regulations are the Non-Domestic Rating (Chargeable Amounts)(England) Regulations 1999, S.I. 1999/3379.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the provisions in the Local Government Act 2003 (“the Act”) set out in articles 2 and 3. Those provisions listed in article 2 come into force on the day after this Order is made and apply in relation to England and Wales. Those provisions listed in article 3 apply in relation to England only. The provisions in article 3(1) come into force on the day after this Order is made and those listed in article 3(2) come into force on 1st April 2005.

The provisions in sections 61, 62 and 65 of the Act amend the Local Government Finance Act 1988 (c.41) to bring in a new small business rate relief and to amend the provisions relating to non-domestic rating multipliers and transitional relief. The remaining provisions of the Act being commenced are consequential on sections 61, 62 and 65 of the Act.

Article 4 makes savings so that—

- (a) regulations made under section 58 of the Local Government Finance Act 1988 continue to have effect and new regulations or amendments to those regulations can be made in respect of financial years ending before 1st April 2005 as if section 65 of the Act had not been commenced; and
- (b) the provisions in the Local Government Finance Act 1988 and the Local Government Finance Act 1992 relating to any non-domestic rating multiplier continue to apply in respect of financial years ending before 1st April 2005 as if section 62 of the Act (and the consequential amendments relating thereto) had not been commenced.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force in England by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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(1) (partially), (2) (partially) and (3), 20, 21(1), (2)(b)(partially), (5) and (6), 23, 25, 26, 36, 41 to 57, 59, 60, 67(1) and (3) to (5), 70(1) to (6), 71, 83, 89, 90(1), 92(1), 99, 100, 101, 105(9) (partially), 106 to 108, 109(1)(partially), (3) and (4), 111, 112, 115, 117, 119, 125 (partially), 126, 127(1) (partially), (2) (partially), (3) and (4), paragraph 4(2) (partially) of Schedule 1, Schedule 3, paragraphs 7(2)(a), 7(3) and 18(1) of Schedule 4, Schedule 5 and paragraphs 1, 8, 19, 23, 26(1) and (2), 29 (partially), 30, 31, 33(3) and (5), 36 to 39, 59, 61, 62, 65, 66(1) and (3) to (6), 68, 69 and 80 of Schedule 7 and Schedule 8 (partially).	18th November 2003	2003/2938
Sections 3 (the remainder), 125 (partially) and 127 (1) (partially) and (2) (partially) and paragraphs 71 (partially) and 75 to 77 of Schedule 7 and Schedule 8 (partially).	1st January 2004	2003/2938

Sections 1, 2, 4 (the remainder) 5, 6, 7 to 9 (the remainder), 12, 13, 16(1), 17, 19 (the remainder), 21 (the remainder), 22, 27 to 29, 37, 64, 67(2), 90(2) and (3), 102, 105 (the remainder), 109(1) (the remainder), 118, 120, 125 (the remainder), 127(1) (partially) and (2) (partially), Schedule 1 (the remainder), Schedule 4 (the remainder), Schedule 6 and paragraphs 2, 3, 4, 6, 18, 27, 29 (the remainder), 32, 33(2) and (4), 51(3), 63, 64, 70, 71 (the remainder), 72 to 74 and 78 of Schedule 7 and Schedule 8 (partially).

1st April 2004

2003/2938

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