Draft Order laid before Parliament under section 18(7) of the Legislative and Regulatory Reform Act 2006 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. 0000

LOCAL GOVERNMENT, ENGLAND AND WALES REGULATORY REFORM

The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008

Made - - - -	*2008*
Coming into force - -	*2008*

The Secretary of State for Communities and Local Government makes the following Order, in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006(**1**).

For the purposes of section 3(1) of the Legislative and Regulatory Reform Act 2006, she considers that the conditions under section 3(2), where relevant, are satisfied.

Agreement to the making of the Order has been given by the National Assembly for Wales in accordance with section 11(1) of that Act and by the Welsh Ministers in accordance with section 11(2) of that Act(**2**).

She has consulted in accordance with section 13(1) of that Act, save to the extent covered by section 13(3) and 13(4) of that Act.

She laid a draft Order and an explanatory document before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15(4) of that Act, the super-affirmative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

After the expiry of the 60-day period mentioned in section 18 of that Act, and in accordance with section 18(7), the Secretary of State laid a revised draft Order and statement before Parliament, and the draft was approved by resolution of each House of Parliament.

(**1**) 2006 c. 51; sections 1, 4, 11, 13, 24 and 27 have been amended by the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), Schedule 1, paragraphs 143 to 149.

(**2**) Section 11 as amended by S.I. 2007/1388 makes separate provision for the agreement of the National Assembly for Wales as constituted under the Government of Wales Act 2006 (c. 32), and of the Welsh Ministers.

Citation, commencement and extent

1.—(1) This Order may be cited as the Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 and shall come into force on the day after the day on which it is made.

(2) This Order extends to England and Wales only.

Cancer treatment advertisements

2. In section 4 of the Cancer Act 1939 (prohibition of certain advertisements)(**3**)—

(a) subsection (6) shall be repealed; and

(b) for subsection (7), there shall be substituted—

"(7) Each of the following may institute proceedings under this section—

(a) a county council in England;

(b) a non-metropolitan district council for an area in England for which there is no county council;

(c) a London borough council;

(d) the Common Council of the City of London; or

(e) a county council or county borough council in Wales.".

Hackney carriage licence zones

3.—(1) Subject to paragraph (2), in paragraph 25 of Schedule 14 to the Local Government Act 1972 (amendment and modification of Public Health Acts 1875 to 1925) ("paragraph 25")(**4**)—

(a) in sub-paragraph (1), for "sub-paragraphs (2) and (4)" there shall be substituted "sub-paragraph (2)";

(b) sub-paragraph (4) shall be repealed; and

(c) in sub-paragraph (6)—

(i) in paragraph (a), the words from "except" to "any area," shall be omitted; and

(ii) paragraph (b) and the preceding "and" shall be repealed.

(2) Where, before the date on which this Order comes into force—

(a) a local authority(**5**), after giving the requisite notice, passes a resolution under paragraph 25 that section 171(4) of the Public Health Act 1875 (incorporation of certain provisions of the Town Police Clauses Act 1847(**6**))(**7**) shall apply throughout its area; and

(b) that resolution is neither approved nor disapproved by the Secretary of State or, in relation to a local authority in Wales, the Welsh Ministers,

(**3**) 1939 c. 13; subsection (6) of section 4 was amended by section 3(2) of and the Schedule to the Law Officers Act 1997 (c. 60). There are other amendments to section 4 not relevant to this Order.

(**4**) 1972 c. 70. The functions of the Secretary of State under paragraph 25 of Schedule 14 were formerly exercisable by the National Assembly for Wales concurrently with the Secretary of State, *see* article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and the entry for the Local Government Act 1972 in Schedule 1 to that Order. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), the functions exercisable by the National Assembly for Wales were transferred to the Welsh Ministers.

(**5**) *See* section 270(1) of the Local Government Act 1972 (general provisions as to interpretation) for the definition of "local authority", as amended by Schedule 17 to the Local Government Act 1985 (c.51), and section 1(5) of the Local Government (Wales) Act 1994 (c.19).

(**6**) 1847 c. 89.

(**7**) 1875 c. 55; section 171 was amended by the Public Health Act 1936 (c.49), section 346 and Schedule 3, Part 1.