

2008 No. 1265 (C. 54)

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government and Public Involvement in Health Act
2007 (Commencement No. 6 and Transitional and Saving
Provision) Order 2008**

Made - - - -

6th May 2008

The Secretary of State, in exercise of the powers conferred by sections 245(5) and (6) of the Local Government and Public Involvement in Health Act 2007(a), makes the following Order.

Citation

1. This Order may be cited as the Local Government and Public Involvement in Health Act 2007 (Commencement No. 6 and Transitional and Saving Provision) Order 2008.

Provisions coming into force on 8th May 2008

2. Subject to article 3, the following provisions of the Local Government and Public Involvement in Health Act 2007 shall come into force on 8th May 2008—

- (a) section 185 (assessment of allegations) so far as not already in force; and
- (b) section 186 (information to be provided to Standards Board by relevant authority).

Transitional and saving provision

3. Section 58 of the Local Government Act 2000, the Relevant Authorities (Standards Committee) Regulations 2001(b), and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003(c) as they stand immediately before 8th May 2008, shall continue to have effect in relation to any allegation in writing received by the Standards Board for England(d) before 8th May 2008 that a member or co-opted member (or former member or former co-opted member) of a relevant authority in England has failed, or may have failed, to comply with the authority's code of conduct.

John Healey
Minister of State

6th May 2008

Department for Communities and Local Government

(a) 2007 c. 28.

(b) SI 2001/2812; regulation 7 was amended by the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (SI 2003/1483); the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 (SI 2004/2617); and the Relevant Authorities (Standards Committee) (Amendment) Regulations 2006 (SI 2006/87).

(c) SI 2003/1483; regulation 2 and regulations 4 to 7 were amended by the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 (SI 2004/2617).

(d) The Standards Board for England is constituted under section 57 of the Local Government Act 2000.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences further provisions of the Local Government and Public Involvement in Health Act 2007 (c.28) (“the 2007 Act”).

Article 2 commences section 185, so far as it is not already in force, and section 186 of the 2007 Act, on 8th May 2008. Those sections extend to England and Wales but have application only to relevant authorities in England.

Section 185 of the 2007 Act substitutes for section 58 of the Local Government Act 2000 (c.22) (“the 2000 Act”) new sections 57A to 57D and 58.

Section 57A of the 2000 Act provides for the standards committee of a relevant authority in England to conduct the initial assessment of allegations that members or co-opted members (or former members or former co-opted members) of the authority have failed or may have failed to comply with the authority’s code of conduct.

Section 57B of the 2000 Act makes provision for the standards committee to review a decision made under section 57A of the 2000 Act that no action should be taken in respect of an allegation.

Section 57C of the 2000 Act makes provision as to the information that must be provided to a person against whom an allegation is made, including a duty to provide a written summary of the allegation to the person concerned, and enables the Secretary of State to make regulations providing that the duty does not arise at the time a standards committee receives the allegation, in prescribed circumstances, and if those circumstances apply, when the duty does arise. This regulation making power was commenced on 31st January 2008 and regulations under this section have been made (see the Standards Committee (England) Regulations 2008 (SI 2008/1085)).

Section 57D of the 2000 Act empowers the Standards Board for England (“the Standards Board”) to suspend the initial assessment of allegations function of standards committees in circumstances specified in regulations made by the Secretary of State.

New section 58 of the 2000 Act makes provision as to how matters referred to the Standards Board under section 57A(2) of the 2000 Act are to be treated.

Section 186 of the 2007 Act inserts new sections 66B and 66C into the 2000 Act which impose requirements on relevant authorities as to the provision of information to the Standards Board.

Article 3 contains a saving and transitional provision preserving section 58 of the 2000 Act, the Relevant Authorities (Standards Committee) Regulations 2001 (SI 2001/2812), and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (SI 2003/1483) as they stood immediately before 8th May 2008. The effect is that allegations received by the Standards Board before 8th May 2008 will be dealt with as if section 185 of the 2007 Act had not been commenced and as if the Standards Committee (England) Regulations 2008 (S.I. 2008/1085) had not been made.

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 by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Part 1	01.11.2007	2007/3136
Section 75	13.02.2008	2008/337
Sections 76 and 77 (partially)	01.04.2008	2008/917
Sections 79 to 102	13.02.2008	2008/337

Section 116	01.04.2008	2008/461
Section 136	01.04.2008	2008/917
Section 137 (partially)	01.04.2008	2008/917
Section 139	01.04.2008	2008/917
Section 140 (partially)	01.04.2008	2008/917
Section 144	01.04.2008	2008/917
Sections 146 and 147	01.04.2008	2008/172
Section 148	31.03.2008	2008/172
Section 149	31.01.2008	2008/172
Section 150	01.04.2008	2008/172
Section 151	31.01.2008	2008/172
Section 152	01.04.2008	2008/172
Sections 153 to 155	31.01.2008	2008/172
Sections 156 and 157	01.04.2008	2008/172
Sections 159 to 163	01.04.2008	2008/172
Section 164	31.01.2008	2008/172
Section 165	01.04.2008	2008/172
Sections 166 and 167	31.01.2008	2008/172
Sections 168 to 179	01.04.2008	2008/917
Sections 181 and 182	01.04.2008	2008/917
Section 183 (partially)	31.01.2008	2008/172
Section 184	31.01.2008	2008/172
Section 185 (partially)	31.01.2008	2008/172
Section 187	01.04.2008	2008/172
Sections 188 to 190	31.01.2008	2008/172
Section 191 (partially)	31.01.2008	2008/172
(remainder)	01.04.2008	2008/172
Section 192 (partially)	31.01.2008	2008/172
Sections 193 to 195	31.01.2008	2008/172
Section 196	01.04.2008	2008/172
Section 198(partially)	31.01.2008	2008/172
Sections 200 and 201	01.04.2008	2008/172
Section 202 (partially)	31.01.2008	2008/172
(remainder)	01.04.2008	2008/172
Section 203	01.04.2008	2008/172
Section 204	31.01.2008	2008/172
Sections 205 to 209	01.04.2008	2008/917
Section 211	01.04.2008	2008/917
Sections 219 and 220 (partially)	01.04.2008	2008/917
Sections 221 and 222	01.04.2008	2008/461
Sections 223 and 224	21.02.2008	2008/461
Section 225	31.01.2008	2008/172
Section 226 (partially)	21.02.2008	2008/461
(remainder)	01.04.2008	2008/461
Section 227 (partially)	10.03.2008	2008/461
(remainder)	01.04.2008	2008/461
Section 228 (partially)	21.02.2008	2008/461
(remainder)	01.04.2008	2008/461
Section 229	31.01.2008	2008/172
Sections 230 and 231	01.04.2008	2008/461
Section 232 (partially)	01.04.2008	2008/172
Section 238	31.01.2008	2008/172
Section 239	01.04.2008	2008/917

Section 241(partially)	01.11.2007	2007/3136
	31.01.2008	2008/172
	13.02.2008	2008/337
	01.04.2008	2008/172
	01.04.2008	2008/461
	01.04.2008	2008/917
Section 243	21.02.2008	2008/461
Schedule 1	01.11.2007	2007/3136
Schedule 5 (partially)	13.02.2008	2008/337
Schedules 7 and 8	01.04.2008	2008/917
Schedule 9	01.04.2008	2008/172
Schedule 10	31.03.2008	2008/172
Schedule 11	31.01.2008	2008/172
Schedules 12 and 13	01.04.2008	2008/917
Schedules 15 and 16 (partially)	01.04.2008	2008/917
Schedule 18 (partially)	01.11.2007	2007/3136
	13.02.2008	2008/337
	01.04.2008	2008/172
	01.04.2008	2008/461

The following provisions of the Act will be brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 138	01.04.2009	2008/917
Section 180	01.04.2009	2008/917
Section 232	30.06.2008	2008/461
Section 241(partially)	30.06.2008	2008/461
Schedule 18 (partially)	30.06.2008	2008/461

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