

2008 No. 461 (C. 17)

NATIONAL HEALTH SERVICE, ENGLAND

SOCIAL CARE, ENGLAND

**The Local Government and Public Involvement in Health Act
2007 (Commencement No.4) Order 2008**

Made - - - -

19th February 2008

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

Citation and interpretation

1.—(1) This Order may be cited as the Local Government and Public Involvement in Health Act 2007 (Commencement No.4) Order 2008.

(2) In this Order, unless otherwise specified, references to sections and Schedules are references to sections and Schedules of the Local Government and Public Involvement in Health Act 2007.

Appointed days for provisions relating to local involvement networks, joint strategic needs assessments and power to make further amendments and repeals

2.—(1) 21st February 2008 is the day appointed for the coming into force of the following provisions—

- (a) section 223;
- (b) section 224;
- (c) section 226(6);
- (d) section 228(3) to (8);
- (e) section 243.

(2) 10th March 2008 is the day appointed for the coming force of section 227 for the purpose of giving directions.

(3) 1st April 2008 is the day appointed for the coming into force of the provisions specified in the Schedule to this Order.

(4) 30th June 2008 is the day appointed for the coming into force of the following provisions—

- (a) section 232 in so far as it is not already in force;
- (b) section 241 in so far as it relates to Part 18 of Schedule 18 and in so far as it is not already in force;
- (c) Part 18 of Schedule 18 in so far as it is not already in force.

^(a) 2007 c.28.

Signed by the authority of the Secretary of State for Health.

19th February 2008

Ann Keen
Parliamentary Under-Secretary of State,
Department of Health

SCHEDULE

Article 2(3)

Provisions of the Local Government and Public Involvement in Health Act 2007 coming into force on 1st April 2008

Section 116

Section 221

Section 222

Section 226 in so far as it is not already in force

Section 227 in so far as it is not already in force

Section 228 in so far as it is not already in force

Section 230

Section 231

Section 232(1) in so far as it omits section 243(2)(d) and (f)(i) of the National Health Service Act 2006 (c.43)

Section 241 in so far as it relates to the provisions of Part 18 of Schedule 18 specified below
In Schedule 18, Part 18—

the repeal relating to the House of Commons Disqualification Act 1975 (c.24), in so far as it repeals the entry in Part 2 of Schedule 1 to that Act in respect of Patients' Forums established under section 237 of the National Health Service Act 2006;

the repeal relating to the Mental Health Act 1983 (c.20);

the repeal relating to the Freedom of Information Act 2000 (c.36), in so far as it repeals paragraph 41A of Part 3 of Schedule 1 to that Act;

the repeal relating to section 19(6) and (7) of the National Health Service Reform and Health Care Professions Act 2002 (c.17);

the repeal relating to the National Health Service Reform and Health Care Professions Act (Commencement No.6) Order 2003 (S.I. 2003/2246);

the repeals relating to the National Health Service Act 2006, in so far as they repeal sections 35(5)(a), 56(8)(a), 237 to 241, 243(2)(d) and (f)(i) and 271(3)(e) of the National Health Service Act 2006;

the repeals relating to the National Health Service (Consequential Provisions) Act 2006 (c.43).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fourth commencement order under the Local Government and Public Involvement in Health Act 2007 ("the Act") (c.28).

Article 2(1) provides that 21st February 2008 is the appointed day for the coming into force of sections 223, 224, 226(6), 228(3) to (8) and 243 of the Act.

Section 223 requires the Secretary of State to make regulations as to the matters that local authority arrangements must require are included in the local involvement network arrangements made pursuant to the duty on the local authority under section 221(1) of the Act.

Section 224 allows the Secretary of State by regulations to impose duties on services-providers to respond to requests for information by local involvement networks and to deal with reports and recommendations made by local involvement networks.

Section 226(6) allows the Secretary of State to set out in regulations the time by which an overview and scrutiny committee of a local authority must acknowledge receipt of a referral relating to social care services made by a local involvement network.

Section 228(3) to (8) allows the Secretary of State to make regulations relating to the temporary duty imposed on local authorities under section 228(1) of the Act.

Section 243 allows the Secretary of State to make orders that amend or repeal certain enactments and amend or revoke certain subordinate legislation provided that the amendments, repeals or revocations are supplemental or consequential to the Act.

Article 2(2) provides that 10th March 2008 is the appointed day for the coming into force of section 227 of the Act relating to annual reports, but only in so far as it provides for the Secretary of State to give directions about the contents of such reports.

Article 2(3) provides that 1st April 2008 is the appointed day for the coming into force of sections 116, 221, 222, 226 (in so far as it is not already in force), 227 (in so far as it is not already in force), 228 (in so far as it is not already in force), 230, 231, 232(1) (partially) and 241 (partially) of, and Part 18 of Schedule 18 (partially) to, the Act.

Section 116 provides that local authorities with social services functions are required to prepare, in conjunction with Primary Care Trusts, joint strategic needs assessments of health and social care.

Sections 221 and 222 impose a duty on each local authority to make arrangements to ensure that local involvement network activities are carried on in their area and make provision regarding those arrangements. Section 227 makes provisions regarding the annual reports to be required by those arrangements. Section 226 imposes duties on an overview and scrutiny committee of a local authority where a local involvement network has referred a matter relating to social care services to that committee. Section 228 imposes a temporary duty on local authorities to ensure the carrying on of the activities set out in section 221(2) of the Act.

Sections 230 and 231 provide for the abolition of Patients' Forums. Section 232 comes into force in so far as it omits certain functions of the Commission for Patient and Public Involvement in Health ("CPPIH") relating to Patients' Forums. Section 241 and Part 18 of Schedule 18 provide for repeals of provisions that relate to the abolition of Patients' Forums and CPPIH's functions in relation to Patients' Forums.

Article 2(4) provides that 30th June 2008 is the appointed day for the coming into force of sections 232 and 241 (partially) of, and Part 18 of Schedule 18 to, the Act in so far as these provisions are not already in force. These provisions provide for the abolition of CPPIH.

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 79 to 102	13.02.2008	2008/337
Section 149	31.01.2008	2008/172
Section 151	31.01.2008	2008/172
Sections 153 to 155	31.01.2008	2008/172
Section 164	31.01.2008	2008/172
Sections 166 and 167	31.01.2008	2008/172
Section 183(partially)	31.01.2008	2008/172
Section 184	31.01.2008	2008/172
Section 185(partially)	31.01.2008	2008/172
Sections 188 to 190	31.01.2008	2008/172
Section 191(partially)	31.01.2008	2008/172
Sections 192 to 195	31.01.2008	2008/172
Section 198(partially)	31.01.2008	2008/172
Section 202(partially)	31.01.2008	2008/172
Section 204	31.01.2008	2008/172
Section 225	31.01.2008	2008/172
Section 229	31.01.2008	2008/172
Section 238	31.01.2008	2008/172
Section 241(partially)	01.11.2007	2007/3136
	31.01.2008	2008/172
	13.02.2008	2008/337
Schedule 1	01.11.2007	2007/3136
Schedule 5(partially)	13.02.2008	2008/337
Schedule 11	31.01.2008	2008/172
Schedule 18(partially)	01.11.2007	2007/3136
	31.01.2008	2008/172

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 146 and 147	01.04.2008	2008/172
Section 148	31.03. 2008	2008/172
Section 150	01.04.2008	2008/172
Section 152	01.04.2008	2008/172
Section 156	01.04.2008	2008/172
Section 157	01.04.2008	2008/172
Section 159 to 163	01.04.2008	2008/172
Section 165	01.04.2008	2008/172
Section 187	01.04.2008	2008/172
Section 196	01.04.2008	2008/172
Sections 200 and 201	01.04.2008	2008/172
Section 202(partially)	01.04.2008	2008/172
Section 203	01.04.2008	2008/172
Section 241(partially)	01.04.2008	2008/172
Schedule 9	01.04.2008	2008/172
Schedule 10	31.03.2008	2008/172

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