
STATUTORY INSTRUMENTS

2008 No. 917

**The Local Government and Public Involvement
in Health Act 2007 (Commencement No.5 and
Transitional, Saving and Transitory Provision) Order 2008**

Transitional and savings provisions

6.—(1) Notwithstanding the coming into force of section 139 of the Act, best value authorities in England shall, in accordance with section 6 of the Local Government Act 1999, prepare and publish a best value performance plan for the financial year ending 31st March 2008 comprising—

- (a) details of the authority's performance during the period 1st April 2007 to 31st March 2008 according to the Best Value Performance Indicators that applied to the authority during that period, in accordance with the requirement in Annex A to the guidance on best value performance plans issued by the Office of the Deputy Prime Minister on 11th April 2006 ("ODPM Circular 05/2006"); and
- (b) a statement and certification that all individual contracts awarded during the period 1st April 2007 to 31st March 2008 which involve a transfer of staff comply, where applicable, with the requirements in the Code of Practice on Workforce Matters in Local Authority Service Contracts, in accordance with the requirement in Annex A to ODPM Circular 05/2006.

(2) The reference in paragraph (1) to the Code of Practice on Workforce Matters in Local Authority Service Contracts is a reference to—

- (a) Annex D of ODPM Circular 03/2003 issued by the Office of the Deputy Prime Minister on 13th March 2003 in respect of the following authorities in England: county councils, district councils, London borough councils, the Council of the Isles of Scilly, and the Common Council of the City of London in its capacity as a local authority;
- (b) Annex C of ODPM Circular 07/2003 issued by the Office of the Deputy Prime Minister on 30th September 2003 in respect of the Greater London Authority, the London Development Agency and Transport for London;
- (c) Annex C of ODPM Circular 10/2003 issued jointly by the Office of the Deputy Prime Minister and the Department for Environment, Food and Rural Affairs on 31st October 2003 in respect of National Park authorities and the Broads Authority;
- (d) Annex B of ODPM Circular 01/2004 issued jointly by the Office of the Deputy Prime Minister and the Department for Transport on 26th January 2004 in respect of metropolitan county passenger transport authorities;
- (e) Annex E of ODPM Circular 09/2004 issued by the Office of the Deputy Prime Minister on 20th December 2004 in respect of fire and rescue authorities constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, metropolitan county fire and civil defence authorities or the London Fire and Emergency Fire Authority.

(3) Until 31st March 2010 section 4 of the Local Government Act 1999 shall continue to apply in relation to police authorities in England and Wales as if the amendments given effect by section 139 of the Act had not been made.

(4) Section 23 of the 1974 Act shall continue to apply in relation to any Local Commissioners appointed before 1st April 2008 as if the amendments given effect by section 168 of the Act had not been made.

(5) The following provisions of the 1974 Act shall continue to apply in relation to complaints received by the Commission before 1st April 2008 as if the amendments given effect by sections 171 to 176, 181 and 182 of, and Schedule 12 to, the Act had not been made—

- (a) section 25;
- (b) section 26;
- (c) section 27;
- (d) section 30;
- (e) section 31;
- (f) Schedule 4;
- (g) Schedule 5.

(6) Notwithstanding the coming into force of section 239 of the Act, the Transport for London (Best Value) (Contracting Out of Investment and Highway Functions) Order 2006⁽¹⁾ shall continue to apply as if section 239(5) of the Act had not been commenced.

⁽¹⁾ S. I. 2006/91.