
STATUTORY INSTRUMENTS

2012 No. 2913

The Localism Act 2011 (Commencement No. 8 and Transitional, Transitory and Savings Provisions) Order 2012

Transitional, transitory and savings provisions in relation to police authorities in Wales

- 6.—(1) This article applies—
- (a) where an allegation concerning a member of a police authority in Wales is made to the Public Services Ombudsman for Wales—
 - (i) before the commencement date and in respect of which no determination has been made; and
 - (ii) on or after the commencement date but before 20th December 2012; or
 - (b) in any other case in which the Public Services Ombudsman for Wales considers that a member of a police authority in Wales has failed, or may have failed, to comply with the authority's code of conduct prior to the commencement date and which has come to the Ombudsman's attention as a result of an investigation arising from an allegation made in accordance with paragraph (a) or (b).
- (2) Where this article applies—
- (a) the provisions in Chapters 3 and 4 of Part 3 of the 2000 Act, and any regulations made under them, shall continue to apply to a member of a police authority in Wales as though the member was a member or co-opted member of a relevant authority in Wales; and
 - (b) the allegation or case shall be determined in accordance with the provisions in the 2000 Act but with the following modifications—
 - (i) an investigation may not determine the finding that a matter should be referred to a monitoring officer under section 69(4)(c) or (5), and section 71(2) and (4)(b) shall therefore not apply;
 - (ii) where an investigation is ceased before completion, the matters under investigation may not be referred to a monitoring officer under section 70(4) or (5);
 - (iii) the requirements in section 71(1)(c) and (3)(c) to send a report to the monitoring officer and in section 71(1)(d) to inform the monitoring officer of the outcome of the investigation, do not apply;
 - (iv) in section 73(7) the references to the Public Services Ombudsman for Wales referring any matter to the monitoring officer under section 70(4) or (5) or 71(2) or (4) shall not apply; and
 - (v) in section 79, if the person concerned is a member of another relevant authority in Wales, any notice required to be given to a standards committee under subsection (2), (7), (8) or (10) must instead be given to the standards committee of that other relevant authority and subsection (11) has effect accordingly.
- (3) Notwithstanding article 2—
- (a) section 50 of the 2000 Act and any order made under that section, and
 - (b) section 51 of that Act and any code adopted under that section,

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continue to have effect for the purposes of enabling an allegation or case to be determined in accordance with this article.