STATUTORY INSTRUMENTS

2012 No. 57

The Localism Act 2011 (Commencement No. 2 and Transitional and Saving Provision) Order 2012

Transitional and saving provision

8.—(1) Regulations made under section 66 of the 2000 Act continue to have effect notwithstanding the commencement of the repeal of any provision in Part 3 of that Act by article 5 of this Order.

(2) From the commencement of the repeal of section 57(3) of the 2000 Act but subject to compliance with any obligations imposed by any order made under paragraph 57 of Schedule 4 to the Act or any direction given under paragraph 58 of that Schedule, the functions of the Standards Board for England are—

(a) as regards any allegation or case that relates to a person who is a member or co-opted member of a relevant authority and that is being investigated by an ethical standards officer immediately before the commencement of the repeal, to refer the allegation or case to a relevant authority of which the person is a member or co-opted member;

(b) as regards any allegation or case that relates to a person who is no longer a member or co-opted member of any relevant authority and that is being investigated by an ethical standards officer immediately before the commencement of the repeal, to refer the allegation or case to a relevant authority of which the person has been a member or co-opted member;

(c) to ensure that, where the Standards Board for England is a party to proceedings in the First-tier Tribunal on a referral under section 64(3)(b) or 65(4) of the 2000 Act or to legal proceedings associated with proceedings on such a referral, the Board is represented in the proceedings;

(d) to wind up the affairs of the Standards Board for England;

(e) to transfer to such other persons as are appropriate, or, where appropriate, to destroy or make inaccessible, information held by the Standards Board for England;

(f) to undertake such tasks as the Standards Board for England considers are reasonably incidental to, or conducive to the performance of, the functions listed in this paragraph.

(3) If an ethical standards officer is, immediately before the commencement of the repeal of section 57(5)(a) of the 2000 Act, a party to—

(a) proceedings before the First-tier Tribunal on a referral under section 64(3)(b) or 65(4) of the 2000 Act, or

(b) legal proceedings associated with proceedings on such a referral,

the Standards Board for England is, as from the commencement of the repeal, substituted for the ethical standards officer as a party to the proceedings; and anything done by or in relation to the ethical standards officer in connection with the proceedings is to be treated as having been done by or in relation to the Standards Board for England.

(4) A person who is an ethical standards officer immediately before the commencement of the repeal of section 57(5)(a) of the 2000 Act does not, as a result of the commencement of that repeal, cease to be an employee of the Standards Board for England.

(5) Where the Standards Board for England refers an allegation or case to a relevant authority under paragraph (2), that authority is to refer the allegation or case to its standards committee, and sections 57A(2) and (4), 57B, 57C, 66 and 66A of the 2000 Act apply in relation to the allegation or case as they apply to an allegation under section 57A(1) of the 2000 Act.

(6) Notwithstanding the commencement of the repeal of section 58 of the 2000 Act, section 57C(5) of that Act is to be read as if the reference to a decision under section 57A(2) of that Act as applied by section 58(3) of that Act were a reference to a decision under section 57A(2) of that Act as applied by section 58(3) of that Act in relation to an allegation referred back under section 58(1)(c) of that Act before the commencement of the repeal.

(7) Notwithstanding the commencement of the repeals of sections 60 and 64 of the 2000 Act, the references in sections 66(1) and (6) and 82A(1) of that Act to matters referred under section 60(2) or (3) or 64(2) or (4) of that Act continue to have effect but only as references to matters so referred before the commencement of the repeals.

(8) Notwithstanding the commencement of the repeals of sections 62, 63 and 67(1) and (1A) of the 2000 Act, those provisions continue to have effect for the purposes of section 66(3A) of that Act.

(9) Notwithstanding the commencement of the repeal of section 65 of the 2000 Act, section 65(3) of that Act continues to have effect for the purposes of the application of section 78(1)(a) of that Act in relation to interim reports produced before the commencement of the repeal.

(10) The commencement of the repeal of paragraph 4 of Schedule 4 to the 2000 Act does not prejudice appointments made under that paragraph before the commencement of the repeal.

(11) In this article, “standards committee”, “relevant authority” “member” and “co-opted member” have the same meaning as in Part 3 of the 2000 Act.