
STATUTORY INSTRUMENTS

2012 No. 1463

The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012

Transitional etc provisions: standards

7.—(1) Notwithstanding section 28(8)(b) of the Act, a person may be appointed by a relevant authority as the independent person under section 28(7) of the Act, if that person—

- (a) is not a member or co-opted member of the standards committee of the relevant authority on 1st July 2012; but
- (b) has held such a post at any time during the 5 years ending on 30th June 2012.

(2) Paragraph (1) only applies in relation to appointments made before 1st July 2013.

(3) Notwithstanding article 5, the provisions of the 2000 Act, and any regulations made under them, which are repealed or amended by sections 26 and 237 of, and Schedule 4 and Part 5 of Schedule 25 to, the Act continue to have effect for the purposes of—

- (a) the bringing of an appeal under regulation 21 of the Standards Committee (England) Regulations 2008(1);
- (b) proceedings before the First-tier Tribunal on a referral under section 64(3)(b) or 65(4) of the 2000 Act or under regulation 17 of the Standards Committee (England) Regulations 2008 or on an appeal under regulation 21 of those Regulations; or
- (c) legal proceedings associated with proceedings on a referral or an appeal,

where proceedings were commenced before 1st July 2012 or relate to a decision by a standards committee made before 1st July 2012.

(4) This paragraph applies where, immediately before the commencement of the provisions referred to in article 5—

- (a) an allegation or case that relates to a person who is a member or co-opted member of a relevant authority has been referred to the standards committee of the authority; and
- (b) the standards committee has not made a finding in respect of that allegation or case.

(5) In paragraph (4), “standards committee”, “relevant authority”, “member” and “co-opted member” have the same meaning as in Part 3 of the 2000 Act.

(6) Where paragraph (4) applies, the allegation or case shall be treated as having been made under Chapter 7 of Part 1 of the Act.

(7) Notwithstanding the amendment of sections 49(6) and 83 of the 2000 Act by Schedule 4 to the Act, those sections shall continue to have effect in their un-amended form for the purposes of the definition of “relevant authority” in sections 92 and 101 of the 2000 Act.