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STATUTORY INSTRUMENTS

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**2008 No. 2434 (C. 105)**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Local Government and Public Involvement in  
Health Act 2007 (Commencement No.7) Order 2008**

*Made - - - - 11th September 2008*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 245(5) and (6) of the Local Government and Public Involvement in Health Act 2007<sup>(1)</sup>.

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Local Government and Public Involvement in Health Act 2007 (Commencement No.7) Order 2008.

(2) In this Order—

“the Act” means the Local Government and Public Involvement in Health Act 2007;

“the 2006 Act” means the National Health Service Act 2006<sup>(2)</sup>.

**Appointed days for provisions relating to consultation about health services**

**2.**—(1) 26th September 2008 is the day appointed for the coming force of section 233(5) of the Act, in so far as it inserts section 242B of the 2006 Act, for the purpose of making regulations under that section of the 2006 Act.

(2) 3rd November 2008 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 233(1) to (4);

(b) section 233(5) in so far as it inserts section 242B of the 2006 Act and in so far as it is not already in force for that purpose; and

(c) section 234.

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(1) 2007 c.28.  
(2) 2006 c.41.

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Signed by the authority of the Secretary of State for Health

11th September 2008

*Ben Bradshaw*  
Minister of State  
Department of Health

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is the seventh commencement order under the [Local Government and Public Involvement in Health Act 2007](#) (“the Act”) (c.28).

Article 2 appoints the days for the coming into force of sections 233(1) to (4), 233(5) (partially) and 234 of the Act.

Section 233(1) to (4) amends section 242 of the [National Health Service Act 2006](#) (“the 2006 Act”) (c.41), which relates to public involvement and consultation. The amendments alter the way in which section 242 of the 2006 Act applies to English bodies by making changes to the duty on English bodies to involve users of health services and by introducing a requirement that English bodies have regard to any guidance given by the Secretary of State in relation to that duty.

Section 233(5) inserts section 242B of the 2006 Act (directions in cases where Strategic Health Authority arranges involvement). Section 242B gives the Secretary of State the power to make regulations to enable a Strategic Health Authority to direct a Primary Care Trust not to involve persons in matters in which the Primary Care Trust would otherwise have involved those persons pursuant to arrangements made under section 242(1B) of the 2006 Act.

Section 234 amends the 2006 Act to include new provisions requiring Strategic Health Authorities and Primary Care Trusts to prepare reports on consultation on commissioning decisions or other matters when directed to do so by the Secretary of State. It also gives the Secretary of State the power to make directions about the content and publication of reports and about decisions which may be treated as a commissioning decision for the purposes of these provisions.

## 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	<a href="#">2007/3136</a>
Section 75	13.02.2008	<a href="#">2008/337</a>
Sections 76 and 77(partially)	01.04.2008	<a href="#">2008/917</a>
Sections 79 to 102	13.02.2008	<a href="#">2008/337</a>
Section 116	01.04.2008	<a href="#">2008/461</a>
Section 136	01.04.2008	<a href="#">2008/917</a>
Section 137(partially)	01.04.2008	<a href="#">2008/917</a>
Section 139	01.04.2008	<a href="#">2008/917</a>
Section 140(partially)	01.04.2008	<a href="#">2008/917</a>
Section 144	01.04.2008	<a href="#">2008/917</a>

Sections 146 and 147	01.04.2008	2008/172
Section 148	31.03.2008	2008/172
Section 149	31.01.2008	2008/172
Section 150	01.04.2008	2008/172
Section 151	31.01.2008	2008/172
Section 152	01.04.2008	2008/172
Sections 153 to 155	31.01.2008	2008/172
Sections 156 and 157	01.04.2008	2008/172
Section 159 to 163	01.04.2008	2008/172
Section 164	31.01.2008	2008/172
Section 165	01.04.2008	2008/172
Sections 166 and 167	31.01.2008	2008/172
Sections 168 to 179	01.04.2008	2008/917
Section 181	01.04.2008	2008/917
Section 182	01.04.2008	2008/917
Section 183(partially)	31.01.2008	2008/172
Section 184	31.01.2008	2008/172
Section 185(partially)	31.01.2008	2008/172
Section 185(remainder)	08.05.2008	2008/1265
Section 186	08.05.2008	2008/1265
Section 187	01.04.2008	2008/172
Sections 188 to 190	31.01.2008	2008/172
Section 191(partially)	31.01.2008	2008/172
Section 191(remainder)	01.04.2008	2008/172
Section 192(partially)	31.01.2008	2008/172
Sections 193 to 195	31.01.2008	2008/172
Section 196	01.04.2008	2008/172
Section 198(partially)	31.01.2008	2008/172
Sections 200 and 201	01.04.2008	2008/172
Section 202(partially)	31.01.2008	2008/172
Section 202(remainder)	01.04.2008	2008/172
Section 203	01.04.2008	2008/172
Section 204	31.01.2008	2008/172
Sections 205 to 209	01.04.2008	2008/917
Section 211	01.04.2008	2008/917

Section 219(partially)	01.04.2008	2008/917
Section 220(partially)	01.04.2008	2008/917
Sections 221 and 222	01.04.2008	2008/461
Sections 223 and 224	21.02.2008	2008/461
Section 225	31.01.2008	2008/172
Section 226(partially)	21.02.2008	2008/461
Section 226(remainder)	01.04.2008	2008/461
Section 227(partially)	10.03.2008	2008/461
Section 227(remainder)	01.04.2008	2008/461
Section 228(partially)	21.02.2008	2008/461
Section 228(remainder)	01.04.2008	2008/461
Section 229	31.01.2008	2008/172
Sections 230 and 231	01.04.2008	2008/461
Section 232(partially)	01.04.2008	2008/461
Section 232(remainder)	30.06.2008	2008/461
Section 238	31.01.2008	2008/172
Section 239	01.04.2008	2008/917
Section 241(partially)	01.11.2007	2007/3136
	31.01.2008	2008/172
	13.02.2008	2008/337
	01.04.2008	2008/172
	01.04.2008	2008/461
	01.04.2008	2008/917
	30.06.2008	2008/461
Section 243	21.02.2008	2008/461
Schedule 1	01.11.2007	2007/3136
Schedule 5(partially)	13.02.2008	2008/337
Schedule 7	01.04.2008	2008/917
Schedule 8	01.04.2008	2008/917
Schedule 9	01.04.2008	2008/172
Schedule 10	31.03.2008	2008/172
Schedule 11	31.01.2008	2008/172
Schedule 12	01.04.2008	2008/917

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Schedule 13	01.04.2008	2008/917
Schedule 15(partially)	01.04.2008	2008/917
Schedule 16(partially)	01.04.2008	2008/917
Schedule 18(partially)	01.11.2007	2007/3136
	01.04.2008	2008/172
	01.04.2008	2008/461
	30.06.2008	2008/461

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>
Section 138	01.04.2009	2008/917
Section 180	01.04.2009	2008/917