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STATUTORY INSTRUMENTS

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**2008 No. 3110 (C. 134)**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Government and Public Involvement in  
Health Act 2007 (Commencement No. 8) Order 2008**

*Made - - - - 3rd December 2008*

The Secretary of State, 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>, makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Local Government and Public Involvement in Health Act 2007 (Commencement No. 8) Order 2008.

(2) In this Order “the Act” means the Local Government and Public Involvement in Health Act 2007.

**Provisions coming into force on 12th December 2008**

2. The following provisions of the Act shall come into force on 12th December 2008—
- (a) section 119 (reference of matter by councillor to overview and scrutiny committee), for the purpose only of conferring power on the Secretary of State to make an order specifying what is an excluded matter for the purposes of section 21A of the Local Government Act 2000<sup>(2)</sup>;
  - (b) section 125 (guidance);
  - (c) section 192 (ethical standards officers: reports etc), in so far as it is not already in force;
  - (d) section 197 (interim case tribunals);
  - (e) section 198 (case tribunals: England), in so far as it is not already in force;
  - (f) section 199 (case tribunals: Wales);
  - (g) section 219 (establishment of the tribunal), in so far as it relates to the provisions specified in paragraph (j) below;
  - (h) section 236 (exercise of functions by local councillors in England), in so far as it confers power for the Secretary of State to make an order under subsection (4);

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(1) 2007 c. 28.

(2) 2000 c. 22. Section 21A is inserted by section 119 of the Local Government and Public Involvement in Health Act 2007.

- (i) section 237 (exercise of functions under section 236: records); and
- (j) in Schedule 15 (the Valuation Tribunal for England), so much of paragraphs 1 and 2 as relate to paragraph A3 of Schedule 11 to the Local Government Finance Act 1988<sup>(3)</sup>.

#### **Provisions coming into force on 31st December 2008**

- 3. The following provisions of the Act shall come into force on 31st December 2008—
  - (a) section 77 (extension of power to certain parish councils), in so far as it is not already in force;
  - (b) section 78 (community strategies); and
  - (c) Schedule 5 (parishes: further amendments), in so far as it is not already in force.

#### **Provisions coming into force on 1st April 2009**

- 4. The following provisions of the Act shall come into force on 1st April 2009—
  - (a) section 119 (reference of matter by councillor to overview and scrutiny committee), in so far as it is not already in force;
  - (b) section 120 (power of overview and scrutiny committee to question members of authority);
  - (c) section 121 (power to require information from partner authorities);
  - (d) section 122 (overview and scrutiny committees: reports and recommendations);
  - (e) section 123 (joint overview and scrutiny committees: local improvement targets);
  - (f) section 124 (overview and scrutiny committees of district councils: local improvement targets);
  - (g) section 127 (overview and scrutiny committees: consequential amendments);
  - (h) section 128 (transitional provision); and
  - (i) section 236 (exercise of functions by local councillors in England), in so far as it is not already in force.

#### **Provisions coming into force on 1st August 2009**

- 5. The following provisions of the Act shall come into force on 1st August 2009—
  - (a) section 145 (Audit Commission: membership); and
  - (b) section 158 (reports categorising English local authorities).

#### **Provisions coming into force on 1st October 2009**

- 6. The following provisions of the Act shall come into force on 1st October 2009—
  - (a) section 219 (establishment of the tribunal), in so far as it is not already in force;
  - (b) section 220 (consequential and transitional provision etc), in so far as it is not already in force;
  - (c) in Schedule 15 (the Valuation Tribunal for England)—
    - (i) paragraphs 1 and 2, in so far as they are not already in force; and
    - (ii) paragraphs 3 to 19; and

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(3) 1988 c. 41. Part 1 of Schedule 11 to the Local Government Finance Act 1988 is inserted by paragraph 2 of Schedule 15 to the Local Government and Public Involvement in Health Act 2007.

- (d) in Schedule 16 (consequential amendments relating to the creation of the Valuation Tribunal for England)—
- (i) paragraphs 2 to 9;
  - (ii) paragraphs 10 and 11, in so far as they are not already in force;
  - (iii) paragraph 12; and
  - (iv) paragraphs 13 to 16, in so far as they are not already in force.

Signed by authority of the Secretary of State

3rd December 2008

*John Healey*  
Minister of State  
Department for Communities and Local  
Government

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## EXPLANATORY NOTE

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

This Order commences further provisions of the Local Government and Public Involvement in Health Act 2007 (c.28) (“the 2007 Act”).

Article 2 brings into force on 12th December 2008 two provisions in Chapter 2 of Part 5 (overview and scrutiny committees) and two provisions in Part 16 of the 2007 Act which confer powers on the Secretary of State to make subordinate legislation necessary to enable other provisions of those Parts to be commenced on 1st April 2009 (see note to article 4 below).

It also brings into force those provisions in Part 10 relating to case tribunals and interim case tribunals in England to coincide with the coming into force of the Case Tribunals (England) Regulations 2008 (SI 2008/2938). The effect of the provisions is to expand the range of sanctions available to case tribunals in England and to make consequential amendments concerning the provisions governing case tribunals in Wales.

It also brings into force provisions in Schedule 15 to the 2007 Act which insert a new paragraph A3 into Part 1 of Schedule 11 to the Local Government Finance Act 1988 (c. 41). Paragraph A3 enables the Secretary of State to make regulations providing for any matter falling within the jurisdiction of the Valuation Tribunal for England to be referred to arbitration, subject to the written agreement of the persons concerned.

Article 3 brings into force on 31st December 2008 those parts of sections 77 and 78 of, and Schedule 5 to, the 2007 Act, that have not already been commenced. Those sections extend to England and Wales only but have application only to parish councils in England. They are concerned with the extension to eligible parish councils of the power to promote well-being under section 2(1) of the Local Government Act 2000 (c. 22) (“the 2000 Act”).

Article 4 brings into force on 1st April 2009 provisions in Chapter 2 of Part 5 which make changes to Part 2 of the 2000 Act, relating to overview and scrutiny committees, and the remainder of section 236 which enables delegation of functions to individual councillors.

Section 119 inserts section 21A into the 2000 Act which enables councillors to refer relevant matters to those committees.

Section 120 enables overview and scrutiny committees to question councillors who have had functions delegated to them under section 236 of the 2000 Act.

Section 121 inserts section 22A into the 2000 Act to enable regulations to be made requiring partner authorities (which are defined in Chapter 1 of Part 5) and associated authorities to provide overview and scrutiny committees with certain information.

Section 122 inserts section 21B into the 2000 Act, requiring a local authority or its executive to respond to reports or recommendations of its overview and scrutiny committees and section 21D which deals with the exclusion of confidential and exempt information from reports, recommendations and responses.

Section 122 also inserts section 21C which provides that overview and scrutiny committees of certain councils can require partner authorities to have regard to their reports or recommendations.

Section 124 inserts section 21E which enables regulations to be made making similar provision for overview and scrutiny committees of district councils in areas where there is also a county council.

Section 123 enables regulations to be made to provide for the establishment of joint overview and scrutiny committees

Section 127 and Section 128 deal with consequential amendments and transitional arrangements.

Section 236 enables councils to delegate functions to individual councillors in relation to their ward or electoral area.

Article 5 brings into force on 1st August 2009 those provisions of Part 8 (local services: inspection and audit) that have not already been commenced. Section 145 amends section 1(2) of the Audit Commission Act 1998 (c. 18) to reduce the number of members of the Audit Commission. Section 158 amends section 99 of the Local Government Act 2003 (c. 26) which relates to the categorisation of English local authorities by reference to performance.

Article 6 brings into force on 1st October 2009 those provisions of Part 13 (the Valuation Tribunal for England) and Schedules 15 and 16 that have not already been commenced.

The broad effect of the full commencement of Part 13 is to transfer to the Valuation Tribunal for England the jurisdiction of those valuation tribunals established in relation to England by regulations under Schedule 11 to the Local Government Finance Act 1988 (c. 41) that are in existence immediately before 1st October 2009. The two main areas of jurisdiction of valuation tribunals that are likely to be in existence at that date are council tax and non-domestic rates. The existing arrangements are retained, with amendments, as regards Wales.

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

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 156 and 157	01.04.2008	2008/172
Sections 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
Sections 181 and 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
(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
(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
Sections 219 and 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
(remainder)	01.04.2008	2008/461

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 227 (partially)	10.03.2008	2008/461
(remainder)	01.04.2008	2008/461
Section 228 (partially)	21.02.2008	2008/461
(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 233 (partially)	26.09.2008	2008/2434
Section 233 (remainder)	03.11.2008	2008/2434
Section 234	03.11.2008	2008/2434
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
Schedules 7 and 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
Schedules 12 and 13	01.04.2008	2008/917
Schedules 15 and 16 (partially)	01.04.2008	2008/917
Schedule 18 (partially)	01.11.2007	2007/3136
	13.02.2008	2008/337

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	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 commencement orders 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