
STATUTORY INSTRUMENTS

2007 No. 3136

The Local Government and Public Involvement in Health Act 2007 (Commencement No. 1 and Savings) Order 2007

Savings

3.—(1) Section 7(6) of the 1972 Act (elections of councillors)(**1**), and orders(**2**) treated as made under section 17 of the 1992 Act (implementation of recommendations by order)(**3**) by virtue of section 7(6), shall continue to have effect as though section 17 of the 1992 Act, and section 26 (orders etc. under Part 2) of that Act in so far as it applies in relation to section 17, were not amended by, respectively, paragraphs 6 and 10 of Schedule 1 to the Act, nor repealed (in part) by Part 1 of Schedule 18 to the Act.

(2) The amendments to, and repeals (in part) of sections 17 and 26 of the 1992 Act mentioned in paragraph (1) of this article shall not affect the continuing operation of—

- (a) orders made by the Secretary of State for the purpose of giving effect (with or without modifications) to recommendations made by the Electoral Commission to the Secretary of State for structural or boundary changes(**4**); and
- (b) orders making incidental, consequential, supplementary or transitional provision for the purposes or in consequence of orders of the description mentioned in sub-paragraph (a)(**5**).

(3) A county council which, by the operation of section 18(1)(a) of the 1992 Act (consequences of structural changes etc.)(**6**), is a billing authority for the purposes of Part 1 of the Local Government Finance Act 1992(**7**), shall continue to enjoy that status and section 18 of the 1992 Act shall continue to apply in relation to that council as though it were not repealed by paragraph 7 of Schedule 1 and Part 1 of Schedule 18 to the Act.

(4) In the Local Government and Rating Act 1997(**8**)—

- (a) the references in sections 17(4) (electoral arrangements)(**9**) and 20(2)(a) (election of parish councillors) to section 17 of the 1992 Act shall continue to have effect as though section 17 of the 1992 Act were not amended nor repealed (in part) as described in paragraph (1) of this article;
- (b) the definition of “structural change” in section 20(3) and the use of that expression in section 20(2) shall continue to have effect as though section 14 of the 1992 Act (changes

(1) Section 7(6) was amended by the Local Government Act 1992, section 27, and Schedule 3 paragraph 7.

(2) [SI 2006/245](#) and [SI 2006/1753](#) have been made under section 7(6).

(3) Section 17 was amended by section 39 of the Police and Magistrates’ Courts Act 1994 ([c. 29](#)); section 103 of, and paragraph 44 of Schedule 7 to, the Police Act 1996 ([c. 16](#)); section 20(1) of the Local Government and Rating Act 1997 ([c. 29](#)); section 108 of the Local Government Act 2000 ([c. 22](#)); and [SI 2001/3962](#).

(4) Orders made under section 17 for the implementation of recommendations concerning structural and boundary changes are numerous and include [SI 1995/1769](#) to [SI 1995/1776](#), [SI 1996/1865](#) to [SI 1996/1868](#), and [SI 1996/1875](#) to [SI 1996/1879](#).

(5) Orders making incidental etc. provision are numerous and include [SI 1995/1747](#), [SI 1996/446](#), [SI 1996/2009](#), [SI 1997/1992](#), [SI 1998/582](#). As to staff transfer orders under section 26(5), *see* also for example [SI 1996/377](#), [SI 1996/378](#), [SI 1998/443](#) to [SI 1998/451](#).

(6) Section 18 was amended by sections 39 and 93 of, and Schedule 9 to, the Police and Magistrates’ Courts Act 1994 ([c. 29](#)); sections 53 and 54 of, and Schedules 1 and 2 to, the Fire and Rescue Services Act 2004 ([c. 21](#)); and [SI 2001/3962](#).

(7) [1992 c. 14](#).

(8) [1997 c. 29](#).

(9) Section 17(4) was amended by [SI 2001/3962](#).

that may be recommended)(10) were not amended by paragraph 3 of Schedule 1 to the Act nor repealed (in part) by Part 1 of Schedule 18 to the Act;

- (c) the reference in section 23(9) (orders and regulations under Part 2) to section 20 of the 1992 Act shall continue to have effect as though section 20 were not repealed by paragraph 9 of Schedule 1 and Part 1 of Schedule 18 to the Act; and
- (d) the amendments to and repeal (in part) of section 17 and the repeal of section 20 of the 1992 Act mentioned in this paragraph shall not affect the continuing operation of orders made under sections 14 (implementation by the Secretary of State), 16 (establishment of new parish councils), or 17 (electoral arrangements) of the Local Government and Rating Act 1997(11).

(5) Nothing in this Order shall affect the continuing operation of regulations of general application made under section 19 of the 1992 Act (regulations for supplementing orders)(12) or section 15 of the 1997 Act (regulations for supplementing orders under section 14)(13).

(6) Nothing in this Order shall affect the continuing validity of agreements made under section 20(1) of the 1992 Act (agreements as to incidental matters) between public bodies affected by orders under Part 2 of the 1992 Act, and section 20 of the 1992 Act shall continue to apply in relation to such agreements as though it were not repealed by paragraph 9 of Schedule 1 and Part 1 of Schedule 18 to the Act.

(7) Nothing in this Order shall affect the continuing operation of Schedule 1 to the Greater London Authority Act 1999 (assembly constituencies and orders under section 2(4))(14), and in particular, references in paragraph 1 of that Schedule to sections 13, 14, or 15 of the 1992 Act shall continue to have effect as though those sections were not amended by, respectively, paragraphs 2, 3 or 4 of Schedule 1 nor repealed (in part) by Part 1 of Schedule 18 to the Act.

(10) Section 14 was amended by sections 39 and 93 of, and Schedule 9 to, the Police and Magistrates' Courts Act 1994; section 19(2) of the Local Government and Rating Act 1997; section 89(2) of the Local Government Act 2000; section 158 of, and Schedule 21 to, the Political Parties, Elections and Referendums Act 2000 (c. 41); sections 188 and 120 of, and Schedules 7 and 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5); and SI 2001/3962.

(11) Orders made by the Secretary of State under section 14 of the Local Government and Rating Act 1997 include SI 1999/3003, SI 2003/2464, SI 2007/334. Orders made under sections 16 and 17 are local and not printed.

(12) Section 19 was amended by section 39 of the Police and Magistrates' Courts Act 1994; and sections 78 and 106 of, and Schedules 11 and 15 to, the Access to Justice Act 1999 (c.22). Regulations made under section 19 for the purpose of supplementing orders under section 17 of the Local Government Act 1992 are numerous: examples include SI 1994/867, SI 1994/2825, SI 1994/3054, SI 1994/3115, SI 1995/402, SI 1995/590, SI 1995/798, SI 1996/43, SI 1996/263, SI 1996/547, SI 1997/75, SI 1998/465, SI 2001/3384.

(13) SI 1999/545 was made under section 15.

(14) 1999 c.29. Schedule 1 was amended by SI 2001/3962.