

**2007 No. 3136 (C. 125)**

**LOCAL GOVERNMENT, ENGLAND**

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

Made - - - -

31st October 2007

The Secretary of State, in exercise of the powers conferred by section 245 of the Local Government and Public Involvement in Health Act 2007(a), makes the following Order:

**Citation, application and interpretation**

1.—(1) This Order may be cited as the Local Government and Public Involvement in Health Act 2007 (Commencement No. 1 and Savings) Order 2007, and shall apply in relation to local authorities in England only.

(2) In this Order—

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

“the 1972 Act” means the Local Government Act 1972(b);

“the 1992 Act” means the Local Government Act 1992(c).

**Commencement**

2. Subject to article 3, the following provisions of the Act come into force on the day following the day on which this Order is made—

(a) Part 1 (structural and boundary change in England);

(b) Schedule 1; and

(c) the entries in Part 1 of Schedule 18, and section 241 so far as relating to that Part of that Schedule.

**Savings**

3.—(1) Section 7(6) of the 1972 Act (elections of councillors)(d), and orders(e) treated as made under section 17 of the 1992 Act (implementation of recommendations by order)(f) 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

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(a) 2007 c.28

(b) 1972 c.70.

(c) 1992 c.19.

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

(e) SI 2006/245 and SI 2006/1753 have been made under section 7(6).

(f) 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.

amended by, respectively, paragraphs 6 and 10 of Schedule 1 to the Act, nor repealed (in part) by Part 1 of Schedule 18 to the Act.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(a); 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)(b).

(3) A county council which, by the operation of section 18(1)(a) of the 1992 Act (consequences of structural changes etc.)(c), is a billing authority for the purposes of Part 1 of the Local Government Finance Act 1992(d), 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(e)—

- (a) the references in sections 17(4) (electoral arrangements)(f) 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 that may be recommended)(g) 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(h).

(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)(i) or section 15 of the 1997 Act (regulations for supplementing orders under section 14)(j).

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- (a) 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.
  - (b) 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.
  - (c) 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.
  - (d) 1992 c.14.
  - (e) 1997 c.19.
  - (f) Section 17(4) was amended by SI 2001/3962.
  - (g) 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.
  - (h) 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.
  - (i) 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.
  - (j) SI 1999/545 was made under section 15.

(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)(a)), 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.

*John Healey*  
Minister of State

31st October 2007

Department for Communities and Local Government

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

## EXPLANATORY NOTE

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

This Order brings into force Part 1 of the Local Government and Public Involvement in Health Act 2007 (c. 28) (“the Act”) together with related consequential amendments and repeals in Schedules 1 and 18 to the Act. Part 1 of the Act makes provision enabling structural and boundary changes for local government in England. Until such time as any changes are made under the provisions of Part 1, existing local government structures and boundaries need to be retained, and this Order makes savings (by article 3) for that purpose.

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