
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 commences section 185, so far as it is not already in force, and section 186 of the 2007 Act, on 8th May 2008. Those sections extend to England and Wales but have application only to relevant authorities in England.

Section 185 of the 2007 Act substitutes for section 58 of the Local Government Act 2000 (c.22) (“the 2000 Act”) new sections 57A to 57D and 58.

Section 57A of the 2000 Act provides for the standards committee of a relevant authority in England to conduct the initial assessment of allegations that members or co-opted members (or former members or former co-opted members) of the authority have failed or may have failed to comply with the authority’s code of conduct.

Section 57B of the 2000 Act makes provision for the standards committee to review a decision made under section 57A of the 2000 Act that no action should be taken in respect of an allegation.

Section 57C of the 2000 Act makes provision as to the information that must be provided to a person against whom an allegation is made, including a duty to provide a written summary of the allegation to the person concerned, and enables the Secretary of State to make regulations providing that the duty does not arise at the time a standards committee receives the allegation, in prescribed circumstances, and if those circumstances apply, when the duty does arise. This regulation making power was commenced on 31st January 2008 and regulations under this section have been made (see the Standards Committee (England) Regulations 2008 (SI 2008/1085)).

Section 57D of the 2000 Act empowers the Standards Board for England (“the Standards Board”) to suspend the initial assessment of allegations function of standards committees in circumstances specified in regulations made by the Secretary of State.

New section 58 of the 2000 Act makes provision as to how matters referred to the Standards Board under section 57A(2) of the 2000 Act are to be treated.

Section 186 of the 2007 Act inserts new sections 66B and 66C into the 2000 Act which impose requirements on relevant authorities as to the provision of information to the Standards Board.

Article 3 contains a saving and transitional provision preserving section 58 of the 2000 Act, the Relevant Authorities (Standards Committee) Regulations 2001 (SI 2001/2812), and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (SI 2003/1483) as they stood immediately before 8th May 2008. The effect is that allegations received by the Standards Board before 8th May 2008 will be dealt with as if section 185 of the 2007 Act had not been commenced and as if the Standards Committee (England) Regulations 2008 (S.I. 2008/1085) had not been made.