



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 17

#### FINAL PROVISIONS

#### **240 Orders, regulations and guidance**

- (1) Any order or regulations made by the Secretary of State under this Act must be made by statutory instrument.
- (2) Any order made by the [<sup>F1</sup>Local Government Boundary Commission for England] under this Act must be made by statutory instrument.
- (3) Any order made by the Welsh Ministers under section 210, 212, 218 or 245 must be made by statutory instrument.
- (4) A statutory instrument containing an order made by the Welsh Ministers under section 210 or 218, other than an instrument to which subsection (5) applies, is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (5) A statutory instrument containing—
  - an order under section 210 which includes provision amending an enactment, or
  - an order made by the Welsh Ministers under section 212,may not be made unless a draft of the order has been laid before and approved by a resolution of the National Assembly for Wales.
- (6) A statutory instrument containing—
  - an order made by the Secretary of State under section 7, 10, 20, 29, 33, 38, 40 or 212 or paragraph 3, 9(4)(b) or 10(3)(b) of Schedule 4,
  - regulations under section 221, 224(2)(e) or 225,
  - an order under section 17<sup>F2</sup> ... or 243 which includes provision—
    - (a) amending or repealing an enactment, or

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- (b) amending or revoking subordinate legislation of which a draft was required to be laid before and approved by a resolution of each House of Parliament, or  
 regulations under section 14 or 220 which include such provision,  
 may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (7) Any other statutory instrument under this Act, except one containing only—
- (a) an order made by the [<sup>F3</sup>Local Government Boundary Commission for England], or
  - (b) an order under section 245,
- is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In relation to an order under section 243—
- (a) the reference in subsection (6) above to an enactment includes an Act of the Scottish Parliament or Northern Ireland legislation; and
  - (b) the reference in that subsection to subordinate legislation of which a draft was required to be laid before and approved by a resolution of each House of Parliament includes an instrument of which a draft was required to be laid before and approved by a resolution of the Scottish Parliament.
- (9) If, but for this subsection, an instrument containing an order under section 7 or 10 would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not a hybrid instrument.
- (10) Any order or regulations made under this Act may make different provision for different cases.
- (11) Any guidance issued under this Act may make different provision for different cases.

#### Textual Amendments

- F1** Words in s. 240(2) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), [Sch. 4 para. 34](#); S.I. 2009/3318, art. 4(ff)
- F2** Word in s. 240(6) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 13 para. 6\(34\)\(c\)](#); S.I. 2015/994, art. 6(g)
- F3** Words in s. 240(7)(a) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), [Sch. 4 para. 34](#); S.I. 2009/3318, art. 4(ff)

## 241 Repeals

The provisions specified in Schedule 18 (which include spent provisions) are repealed or revoked to the extent specified there.

#### Commencement Information

- I1** S. 241 in force at 1.11.2007 for specified purposes for E. by [S.I. 2007/3136](#), [art. 2\(c\)](#)
- I2** S. 241 in force at 30.12.2007 for specified purposes, see s. 245(2)
- I3** S. 241 in force at 31.1.2008 for specified purposes by [S.I. 2008/172](#), [art. 2\(1\)\(u\)\(i\)](#) (with [art. 2\(2\)](#))
- I4** S. 241 in force at 13.2.2008 for specified purposes by [S.I. 2008/337](#), [art. 2\(d\)](#) (with [Sch.](#))
- I5** S. 241 in force at 1.4.2008 for specified purposes by [S.I. 2008/172](#), [art. 4\(n\)\(i\)](#)

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- I6** S. 241 in force at 1.4.2008 for specified purposes by [S.I. 2008/917, art. 2\(1\)\(v\)](#)
- I7** S. 241 in force at 1.4.2008 for specified purposes by [S.I. 2008/461, art. 2\(3\), Sch.](#)
- I8** S. 241 in force at 1.4.2008 for W. save in relation to a police authority for a police area in Wales, for specified purposes by [S.I. 2008/591, art. 2\(d\)](#)
- I9** S. 241 in force at 30.6.2008 for specified purposes by [S.I. 2008/461, art. 2\(4\)\(b\)](#)
- I10** S. 241 in force at 30.4.2009 for specified purposes for E. by [S.I. 2009/959, art. 2\(c\)](#)
- I11** S. 241 in force at 1.10.2009 for specified purposes for W. by [S.I. 2009/2539, art. 2\(c\)](#)

## **242 Financial provisions**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenditure incurred by the Secretary of State under this Act; and
  - (b) any increase attributable to this Act in sums payable out of money provided by Parliament under another enactment.
- (2) The Secretary of State may pay to the Arts Council of England and the Museums, Libraries and Archives Council such sums as he may determine in respect of their expenses under or by virtue of this Act.

## **243 Power to make further amendments and repeals**

- (1) The Secretary of State may by order—
  - (a) amend or repeal any enactment passed before or in the same session as this Act;
  - (b) amend or revoke subordinate legislation made before the passing of this Act.
- (2) In subsection (1)—
  - (a) “enactment” includes an Act of the Scottish Parliament and Northern Ireland legislation;
  - (b) the reference to subordinate legislation includes an instrument made under such an Act or under Northern Ireland legislation.
- (3) An order under subsection (1) may be made only for the purposes of—
  - (a) supplementing or giving full effect to this Act; or
  - (b) making provision consequential on the passing of this Act.

### **Commencement Information**

- I12** S. 243 in force at 21.2.2008 by [S.I. 2008/461, art. 2\(1\)\(e\)](#)

## **244 Extent**

- (1) Subject to subsections (2) to (4), this Act extends to England and Wales only.
- (2) Sections 243, 245 and 246 and this section extend also to Scotland and Northern Ireland.
- (3) The extent of any amendment, repeal or revocation made by section 60, 202(1), 203, 209 or 239 or by Schedule 1, 2, 7, 8, 9, 12, 13, 16 or 17 or Part 1, 8, 9, 14, 17, 18 or 19 of Schedule 18 is the same as that of the provision amended, repealed or revoked.

<sup>F4</sup>(4) .....

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### Textual Amendments

- F4** S. 244(4) repealed (1.7.2011) by [Bribery Act 2010 \(c. 23\)](#), s. 19(1), [Sch. 2](#) (with ss. 16, 19(5)); S.I. 2011/1418, art. 2

## 245 Commencement

- (1) This section and sections 74(2), 240, 242, 244 and 246, and Part 3 of Schedule 4, come into force on the day on which this Act is passed.
- (2) The following provisions come into force at the end of two months beginning with the day on which this Act is passed—
  - Part 2;
  - Part 3 (to the extent that it does not come into force in accordance with subsection (1));
  - Chapter 1 of Part 5 (except section 116), Part 5 of Schedule 18 and section 241 so far as relating to that Part of that Schedule;
  - sections 141, 142 and 143, the entry in Part 8 of Schedule 18 relating to section 29(3) of the Local Government Act 1999 (c. 27), and section 241 so far as relating to that entry;
  - sections 212 to 215, 216(3) to (5), 217 and 218;
  - section 235 and Schedule 17.
- (3) The following provisions come into force in relation to Wales on such day as the Welsh Ministers may by order appoint—
  - section 126;
  - the entry in Part 6 of Schedule 18 relating to the Police and Justice Act 2006 (c. 48);
  - section 241 so far as relating to that entry.
- (4) The following provisions, except so far as they relate to a police authority for a police area in Wales, come into force in relation to Wales on such day as the Welsh Ministers may by order appoint—
  - sections 137, 140 and 210;
  - the entries in Part 8 of Schedule 18 relating to sections 5, 6 and 28 of the Local Government Act 1999 and section 21 of the Local Government Act 2000 (c. 22);
  - section 241 so far as relating to those entries.
- (5) Subject to subsections (1) to (4), this Act comes into force on such day as the Secretary of State may by order appoint.
- (6) An order under this section—
  - (a) may appoint different days for different purposes;
  - (b) may include transitional, saving or transitory provision.

## 246 Short title

This Act may be cited as the Local Government and Public Involvement in Health Act 2007.

**Status:**

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**Changes to legislation:**

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