

*Status: Point in time view as at 18/09/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 12

#### THE COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND: MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 2

##### OTHER AMENDMENTS

###### *Parliamentary Commissioner Act 1967 (c. 13)*

- 13 (1) The Parliamentary Commissioner Act 1967 is amended as follows.
- (2) In section 3(2A) (administrative provisions) for “any officer or member of staff of the Commission for Local Administration in England” substitute “ any person discharging or assisting in the discharge of a function of a Local Commissioner, but only if the person is ”.
- (3) In section 11 (provision for secrecy of information), in subsection (2)(aa) for “a complaint” substitute “ a matter ”.
- (4) In section 11ZAA (collaborative working between Parliamentary Commissioner and other Commissioners)—
- (a) in subsection (3)—
- (i) for “a complaint which is being investigated” substitute “ matters which are the subject of an investigation ”;
- (ii) for “relates partly to” substitute “ include ”;
- (iii) after “investigation” insert “ of that matter ”;
- (b) in subsection (4)—
- (i) for “a complaint” substitute “ a matter ”;
- (ii) for “the complaint” substitute “ a complaint about the matter ”;
- (c) in subsection (5), omit “of a complaint”.

#### **Commencement Information**

**11** Sch. 12 para. 13 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

###### *Local Government and Housing Act 1989 (c. 42)*

- 14 (1) The Local Government and Housing Act 1989 is amended as follows.
- (2) In section 5 (reports of monitoring officer), in subsection (2)—
- (a) after paragraph (a) insert—

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- “(aa) any such maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners), or”;
- (b) in paragraph (b), omit “Part III of the Local Government Act 1974 (Local Commissioners) or”.
- (3) In section 5A (reports of monitoring officer local authorities operating executive arrangements), in subsection (3)(b), for “injustice” substitute “ failure ”.

**Commencement Information**

**I2** Sch. 12 para. 14 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

*Health Service Commissioners Act 1993 (c. 46)*

- 15 (1) The Health Service Commissioners Act 1993 is amended as follows.
- (2) In section 15 (confidentiality of information), in subsection (1)(aa) for “a complaint” substitute “ a matter ”.
- (3) In section 18ZA (collaborative working between the Commissioner and other Commissioners)—
- (a) in subsection (3)—
- (i) for “a complaint which is being investigated” substitute “ matters which are the subject of an investigation ”;
- (ii) for “relates partly to” substitute “ include ”;
- (iii) after “investigation” insert “ of that matter ”;
- (b) in subsection (4), omit “of a complaint”;
- (c) in subsection (5), for “the interests of the complainant and of persons other than the complainant” substitute “ the interests of the complainant (if any) and of other persons ”.
- (4) In Schedule 1 (the English Commissioner), in paragraph 12A—
- (a) after “performed by” insert “—
- (a)”;
- (b) for “the Commission for Local Administration in England” substitute—
- “(b) any person discharging or assisting in the discharge of a function of a Local Commissioner,
- who is ”.

**Commencement Information**

**I3** Sch. 12 para. 15 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

*Greater London Authority Act 1999 (c. 29)*

- 16 In section 73(6) of the Greater London Authority Act 1999 (monitoring officer), for “injustice” substitute “ failure ”.

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#### Commencement Information

**I4** Sch. 12 para. 16 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

#### *Local Government Act 2000 (c. 22)*

17 <sup>F1</sup>(1) The Local Government Act 2000 is amended as follows.

- (2) In section 62 (further provisions about investigations by ethical standards officers), in subsection (7)(b) for “by any members or officers of the Commission for Local Administration in England” substitute “obtained in connection with investigations under Part 3 of that Act (Commission for Local Administration in England)”.
- (3) In section 67(2) (consultation by Local Commissioners with ethical standards officers)—
  - (a) for “the complaint relates” substitute “the matters which are the subject of the investigation relate”;
  - (b) after “about the investigation and” insert “, where a complaint was made about the matter, he may”.]

#### Textual Amendments

**F1** Sch. 12 para. 17 repealed (1.7.2012 for specified purposes) by *Localism Act 2011 (c. 20)*, s. 240(2), Sch. 25 Pt. 5; S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)

#### Commencement Information

**I5** Sch. 12 para. 17 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

#### *Health and Social Care (Community Health and Standards) Act 2003 (c. 43)*

18 In section 114 of the Health and Social Care (Community Health and Standards) Act 2003 (complaints about social services), in subsection (5)(a) for “(and to be treated as if it had been duly made under section 26 of that Act)” substitute “(and for the complaint to be treated as satisfying sections 26A and 26B of that Act)”.

#### Commencement Information

**I6** Sch. 12 para. 18 in force at 1.4.2008 by S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

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