Local Government Act 2000

2000 CHAPTER 22

PART III

CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

CHAPTER IV

ADJUDICATIONS

Adjudications

78 Decisions of [F1]... interim case tribunals.

(1) **[**[F2]In adjudicating on any of the matters which are the subject of an interim report, [F3]... an interim case tribunal**]** must reach one of the following decisions—

(a) that the person to whom the recommendation mentioned in section [F4]... 72(3) relates should not be suspended or partially suspended from being a member or co-opted member of the relevant authority concerned,

(b) that that person should be suspended or partially suspended from being a member or co-opted member of the **[**[F5]relevant authority concerned**]** for a period which does not exceed six months or (if shorter) the remainder of the person's term of office.

[[F6](2) If the decision of **[**[F7]the interim case tribunal**]** is as mentioned in subsection (1)(a), the tribunal must give notice of its decision to the standards committee of the relevant authority concerned.

(3) If the decision of **[**[F8]the interim case tribunal**]** is as mentioned in subsection (1)(b), the tribunal must give notice to the standards committee of the relevant authority concerned stating that the person concerned is suspended or partially suspended for the period, and in the way, that the tribunal has decided.

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(3A) The effect of a notice given under subsection (3) is to suspend or partially suspend the person concerned as mentioned in subsection (3).**]**

[F9](4) . . . . . .

(5) A decision of an interim case tribunal under this section shall not prevent **[**[F10]the Public Services Ombudsman for Wales**]** from continuing with the investigation under section 69 which gave rise to the interim report concerned and producing a report under section 71, or a further interim report under section 72, in respect of any matters which are the subject of the investigation.

(6) The suspension or partial suspension of any person under this section shall not extend beyond the day on which a notice **[**[F11]is given by virtue of section [F12]... 79**]** to the standards committee of the relevant authority concerned with respect to that person.

(7) A copy of any notice under this section must be given—

(a) to any person who is the subject of the notice, [F13]...

(b) to the monitoring officer of the relevant authority concerned**[**[F14], and

(ba) where the relevant authority concerned is a corporate joint committee, in the case of a member or co-opted member of the corporate joint committee who is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

to the monitoring officer of that constituent council or National Park authority (in addition to being given to the monitoring officer of the corporate joint committee in accordance with paragraph (b)).**]**

[[F15](8) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned, but is a member or co-opted member of another relevant authority—

(a) the references in subsection (1) to the relevant authority concerned are to be treated as references to that other authority,

(b) the references in subsections (2) and (7)(b) to the relevant authority concerned are to be treated as including a reference to that other relevant authority,

(c) the duty under subsection (3) to give notice to the standards committee of the relevant authority concerned is to be treated as a duty—

(i) to give that notice to the standards committee of that other relevant authority, and

(ii) to give a copy of that notice to the standards committee of the relevant authority concerned.

(8A) Subsection (8) does not apply unless—

[F16](a) . . . . . .

(b) [F17]... the other relevant authority is also in Wales.**]**

(9) [F18]... an interim case tribunal must take reasonable steps to inform any person who made any allegation which gave rise to the investigation under section [F19]... 69 of its decision under this section.

[F20](9A) . . . . . .

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[F20](9B) . . . . . .

[F20](9C) . . . . . .

[F20](9D) . . . . . .

(10) **[**[F21]Where a person is suspended or partially suspended under this section by a decision of an interim case tribunal, the person**]** may appeal to the High Court—

(a) against the suspension or partial suspension, or

(b) against the length of the suspension or partial suspension.

[[F22](11) An appeal may not be brought under subsection (10) except with the leave of the High Court.**]**

Textual Amendments

F1 Words in s. 78 heading repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 43(2), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (with arts. 3-6)

F2 Words in s. 78(1) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 60(b)** (with Sch. 5)

F3 Words in s. 78(1) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 43(3)(a), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (with arts. 3-6)

F4 Words in s. 78(1)(a) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 43(3)(b), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (with arts. 3-6)

F5 Words in s. 78(1)(b) substituted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 197(2)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(d)

F6 S. 78(2)-(3A) substituted for s. 78(2)(3) (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 197(3)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(d)

F7 Words in s. 78(2) substituted (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 4 para. 43(4)**; S.I. 2012/1463, art. 5(a) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (with arts. 3-6)

F8 Words in s. 78(3) substituted (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 4 para. 43(5)**; S.I. 2012/1463, art. 5(a) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (with arts. 3-6)

F9 S. 78(4) repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 43(6), **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(l) (with arts. 6, 8)

F10 Words in s. 78(5) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 19**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F11 Words in s. 78(6) substituted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 197(4)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(d)

F12 Words in s. 78(6) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 43(7), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (with arts. 3-6)

F13 Word in s. 78(7) omitted (25.3.2022) by virtue of The Corporate Joint Committees (General) (Wales) Regulations 2022 (S.I. 2022/372), regs. 1(2), **3(11)(a)**

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F14 S. 78(7)(ba) and preceding word inserted (25.3.2022) by The Corporate Joint Committees (General) (Wales) Regulations 2022 (S.I. 2022/372), regs. 1(2), **3(11)(b)**

F15 S. 78(8)(8A) substituted for s. 78(8) (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 197(5)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(d)

F16 S. 78(8A)(a) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 43(8)(a), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (with arts. 3-6)

F17 Words in s. 78(8A)(b) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 43(8)(b), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (with arts. 3-6)

F18 Words in s. 78(9) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 43(9)(a), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (with arts. 3-6)

F19 Words in s. 78(9) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 43(9)(b), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (with arts. 3-6)

F20 S. 78(9A)-(9D) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 43(10), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (with arts. 3-6)

F21 Words in s. 78(10) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 60(g)** (with Sch. 5)

F22 S. 78(11) inserted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 197(6)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(d)

Commencement Information

I1 S. 78 wholly in force at 28.7.2001; s. 78 not in force at Royal Assent see s. 108; s. 78 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 78 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(2ZA) inserted by 2011 nawm 4 s. 59(3)
- s. 21(13)(c) inserted by 2011 nawm 4 s. 59(5)(b)
- s. 21(15A) inserted by 2011 nawm 4 s. 59(6)
- s. 21(18) inserted by 2011 nawm 4 s. 59(7)
- s. 21C(6)(aa)(ab) inserted by 2012 c. 7 Sch. 5 para. 97(a)