



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 9

#### THE COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

#### **176 Power of Commissioners to make recommendations etc**

(1) Section 31 of the Local Government Act 1974 (c. 7) (further provisions about reports on investigations) is amended as follows.

(2) For subsection (1) substitute—

“(1) This section applies where a Local Commissioner reports that there has been—

- (a) maladministration in connection with the exercise of the authority's administrative functions,
- (b) a failure in a service which it was the function of an authority to provide, or
- (c) a failure to provide such a service.”

(3) For subsection (2B) substitute—

“(2B) Where the report relates to maladministration, those recommendations are recommendations with respect to action which, in the Local Commissioner's opinion, the authority concerned should take—

- (a) to remedy any injustice sustained by the person affected in consequence of the maladministration, and
- (b) to prevent injustice being caused in the future in consequence of similar maladministration in connection with the exercise of the authority's administrative functions.

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Section 176. (See end of Document for details)

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(2BA) Where the report relates to a failure in, or to provide, a service which it was the function of the authority to provide, those recommendations are recommendations with respect to action which, in the Local Commissioner's opinion, the authority concerned should take—

- (a) to remedy any injustice sustained by the person affected in consequence of the failure, and
- (b) to prevent injustice being caused in the future in consequence of a similar failure in, or to provide, a service which it is the function of the authority to provide.”

(4) In subsection (3)(b), for “maladministration” substitute “ the maladministration or failure ”.

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**Commencement Information**

- II** S. 176 in force at 1.4.2008 in relation to matters coming to the attention of the Commission on or after 1.4.2008 by S.I. 2008/917, **art. 2(1)(i)** (with **art. 6(5)**)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Section 176.