



Local Government Act 1974

1974 CHAPTER 7

PART III

LOCAL GOVERNMENT ADMINISTRATION

32 Law of defamation, and disclosure of information.

- (1) For the purposes of the law of defamation, any such publication as is hereinafter mentioned shall be absolutely privileged, that is to say—
- (a) the publication of any matter in communications between a member [^{F1}or officer] of an authority and a Local Commissioner, or [^{F2} any person discharging or assisting in the discharge of a function of a Local Commissioner], for the purposes of this Part of this Act;
 - (b) the publication of any matter by a Local Commissioner or by [^{F3} any person discharging or assisting in the discharge of a function of a Local Commissioner], in communicating with a complainant [^{F4} , or with the person affected in relation to a matter,] for the purposes of this Part of this Act;
 - [^{F5}(ba) the publication of any matter by a Local Commissioner or by [^{F6} any person discharging or assisting in the discharge of a function of a Local Commissioner] in communicating with the Parliamentary Commissioner or the Health Service Commissioner for England or any officer of either such Commissioner for the purposes of this Part of this Act;]
 - (c) the publication of any matter in preparing, making and sending a report or statement in accordance with section 30 or section 31 above, or, subject to section 30(7) above, in making a report available to the public [^{F7} or in supplying a copy under section 30(4A) above];
 - (d) the publication of any matter contained in a report by a Local Commissioner which has been made available to the public, being publication by inclusion in a report made or published under [^{F8} section 23A] above.
 - [^{F9}(e) the publication of any matter by inclusion in a statement published in accordance with section 31(2D), (2E) and (2F) or (2G) above.]
 - [^{F10}(f) the publication of any matter by inclusion in a report, statement or summary published or supplied under section 31B.]

Changes to legislation: Local Government Act 1974, Section 32 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) Information obtained by a Local Commissioner, or [^{F11} any person discharging or assisting in the discharge of a function of a Local Commissioner], in the course of or for the purposes of an investigation under this Part of this Act shall not be disclosed except—
- (a) for the purposes of the investigation and of any [^{F12} report, statement or summary under section 30, 31 or 31B] above; or
 - [^{F13}(aza) for the purposes of an investigation under Part 3A of this Act and of any statement, adverse findings notice or summary under section 34H, 34I or 34J in relation to such an investigation; or]
 - [^{F14}(aa) for the purposes of a complaint which is being investigated by the Parliamentary Commissioner or the Health Service Commissioner for England (or both); or]
 - (b) for the purposes of any proceedings for an offence under the Official Secrets Acts 1911 to 1939 [^{F15}or sections 1 to 4 or 18 of the National Security Act 2023] alleged to have been committed in respect of information obtained, by virtue of this Part of this Act, by a Local Commissioner or by [^{F16} a person discharging or assisting in the discharge of a function of Local Commissioner] or for an offence of perjury alleged to have been committed in the course of an investigation under this Part of this Act or for the purposes of an inquiry with a view to the taking of such proceedings, or
 - (c) for the purpose of any proceedings under section 29(9) above,
- and a Local Commissioner and [^{F17} persons discharging or assisting in the discharge of a function of a Local Commissioner] shall not be called upon to give evidence in any proceedings (other than proceedings within paragraph (b) or (c) above) of matters coming to his or their knowledge in the course of an investigation under this Part of this Act.
- (3) A Minister of the Crown or [^{F18} any of the authorities to which this Part of this Act applies] may give notice in writing to a Local Commissioner with respect to any document or information specified in the notice, or any class of documents or information so specified, that in the opinion of the Minister, or as the case may be of the authority, the disclosure of that document or information, or of documents or information of that class, would be contrary to the public interest; and where such a notice is given nothing in this Part of this Act shall be construed as authorising or requiring the Local Commissioner or [^{F19} any person discharging or assisting in the discharge of a function of a Local Commissioner] to communicate to any other person, or for any purpose, any document or information specified in the notice, or any document or information of a class so specified:

Provided that a notice given under this subsection by any authority may be discharged by the Secretary of State.

[^{F20}(3A) A notice under subsection (3) above may not be given electronically.]

[^{F21}(3B) Section 25(4), (4A) and (5) do not apply for the purpose of subsection (3).]

- (4) Nothing in subsection (3) above shall affect the obligations imposed by subsections (3) and (4) of section 29 above.
- (5) Where information is disclosed in accordance with section 29(3) above, being information which is derived from a communication from a government department ^{F22}..., and which has not been made public, a Local Commissioner shall not without the written consent of an officer of the government department ^{F23}... make a report

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which includes all or any of that information unless he has given the department^{F24}... not less than one month's notice in writing of his intention.

- (6) The provisions of this section shall apply to the Commissioners of Customs and Excise and Commissioners of Inland Revenue as they apply to a Minister of the Crown.

[^{F25}(7) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of subsection (2) above as obtained for the purposes of an investigation under this Part of this Act and, in relation to such information, the reference in paragraph (a) of that subsection to the investigation shall have effect as a reference to any investigation.]

Textual Amendments

- F1** Words inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 29, **Sch. 3 para. 8(2)(4)**
- F2** Words in s. 32(1)(a) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(2)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F3** Words in s. 32(1)(b) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(3)(a)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F4** Words in s. 32(1)(b) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(3)(b)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F5** S. 32(1)(ba) inserted (1.8.2007) by The Regulatory Reform (Collaboration etc. between Ombudsmen) Order 2007 (S.I. 2007/1889), arts. 1(1), **9**
- F6** Words in s. 32(1)(ba) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(4)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F7** Words inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 29, **Sch. 3 para. 8(3)(4)**
- F8** Words in s. 32(1)(d) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(5)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F9** S. 32(1)(e) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 194(1), **Sch. 11 para. 40**
- F10** S. 32(1)(f) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(6)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F11** Words in s. 32(2) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(7)(a)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F12** Words in s. 32(2)(a) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(7)(b)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F13** S. 32(2)(aza) inserted (1.10.2010) by Health Act 2009 (c. 21), s. 40(1), **Sch. 5 para. 10**; S.I. 2010/1863, art. 2
- F14** S. 32(2)(aa) inserted (1.8.2007) by The Regulatory Reform (Collaboration etc. between Ombudsmen) Order 2007 (S.I. 2007/1889), arts. 1(1), **10**
- F15** Words in s. 32(2)(b) inserted (20.12.2023) by The National Security Act 2023 (Consequential Amendments of Primary Legislation) Regulations 2023 (S.I. 2023/1386), reg. 1(2), **Sch. para. 4(2)**
- F16** Words in s. 32(2)(b) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(7)(c)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F17** Words in s. 32(2) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(7)(d)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F18** Words in s. 32(3) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(8)(a)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F19** Words in s. 32(3) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(8)(b)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F20** S. 32(3A) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 178(1)**, 245(5); S.I. 2008/917, art. 2(1)(k)

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- F21** S. 32(3B) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 7(9)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F22** Words in s. 32(5) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 13(5)(a), **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F23** Words in s. 32(5) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 13(5)(b), **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F24** Words in s. 32(5) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 13(5)(c), **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F25** S. 32(7) inserted (30.1.2001) by 2000 c. 36, ss. 76(2), 87(2), **Sch. 7 para. 3** (with ss. 56, 78)

Modifications etc. (not altering text)

- C1** S. 32: ss. 26-34 modified by S.I. 1991/559, **art. 2(3)**
- C2** Ss. 31–34 modified by S.I. 1986/452, **art. 8(3)**
- C3** S. 32 applied (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**
- C4** S. 32(2) modified (28.7.2001) by S.I. 2001/2286, art. 4, **Sch. 3**
- C5** S. 32(2) excluded (19.12.2000 with application in relation to England and to police authorities in Wales and 28.7.2001 otherwise) by 2000 c. 22, **ss. 67(4), 108(4)-(6)**; S.I. 2000/3335, **art. 2**
- C6** S. 32(2)(b) amended by Official Secrets Act 1989 (c. 6, SIF 39:2), s. 16(3), **Sch. 1 para. 1(e)**
- C7** S. 32(3) functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

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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. 33(1)(bzb) inserted by [2022 c. 30 Sch. 10 para. 2\(2\)\(a\)](#)
- s. 33(3B) inserted by [2022 c. 30 Sch. 10 para. 2\(4\)](#)
- s. 33ZA(1)(d) and word inserted by [2022 c. 30 Sch. 10 para. 3\(2\)\(b\)](#)
- s. 33ZA(3)(d) and word inserted by [2022 c. 30 Sch. 10 para. 3\(4\)\(b\)](#)
- s. 33ZB(4)(e)(f) inserted by [2022 c. 30 Sch. 10 para. 4\(b\)](#)