Local Government Act 2000

2000 CHAPTER 22

PART III

CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

Modifications etc. (not altering text)

C1 Pt. III applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), arts. 1, **14(1)**

C2 Pt. III applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, **14(1)**

C3 Pt. III applied (24.3.2005) by New Forest National Park Authority (Establishment) Order 2005 (S.I. 2005/421), art. 1, **Sch. 4 para. 9(3)**

C4 Pt. III savings for effects of 2005 c. 10, s. 38 (1.4.2006) by The Public Services Ombudsman (Wales) Act 2005 (Transitional Provisions and Consequential Amendments) Order 2006 (S.I. 2006/362), arts. 1(1), **4**

C5 Pt. III applied (with modifications) (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), arts. 1, **7(5)**

C6 Pt. III applied (with modifications) (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), arts. 1, **16(8)**

C7 Pt. III functions made exercisable (E.) by joint standards committees (15.6.2009) by The Standards Committee (Further Provisions) (England) Regulations 2009 (S.I. 2009/1255), regs. 1(1), **14**

C8 Pt. III applied (24.3.2010) by The South Downs National Park Authority (Establishment) Order 2010 (S.I. 2010/497), art. 1, **Sch. 4 para. 9(3)**

C9 Pt. III continued (with modifications) (14.12.2011) by The Police Reform and Social Responsibility Act 2011 (Commencement No. 3 and Transitional Provisions) Order 2011 (S.I. 2011/3019), **art. 5**

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CHAPTER I

CONDUCT OF MEMBERS

Modifications etc. (not altering text)

C10 Pt. III Ch. I applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(c)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

Standards of conduct

49 Principles governing conduct of members of relevant authorities.

(1) The Secretary of State may by order specify the principles which are to govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales.

(2) The National Assembly for Wales may by order specify the principles which are to govern the conduct of members and co-opted members of relevant authorities in Wales (other than police authorities).

[[F1](2A) An order under subsection (1) must provide as respects each specified principle—

(a) that it applies to a person only when acting in an official capacity; or

(b) that it applies to a person only when not acting in an official capacity;

but the order may provide as mentioned in paragraph (b) only as respects a principle within subsection (2B).

(2B) A principle is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence.

(2C) An order under subsection (1) may define, for the purposes of the order—

"official capacity"; and

"criminal offence".

(2D) An order under subsection (2)—

(a) may specify principles which are to apply to a person at all times;

(b) may specify principles which are to apply to a person otherwise than at all times.**]**

(3) Before making an order under this section, the Secretary of State must consult—

(a) such representatives of relevant authorities in England as he considers appropriate,

(b) the Audit Commission,

(c) the Commission for Local Administration in England, and

(d) such other persons (if any) as he considers appropriate.

(4) Before making an order under this section so far as it relates to police authorities in Wales, the Secretary of State must consult—

(a) such representatives of police authorities in Wales as he considers appropriate,

[[F2](aa) the Auditor General for Wales,**]**

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

(b) **[**[F3]the Public Services Ombudsman for Wales**]**, and
(c) the National Assembly for Wales.

(5) Before making an order under this section, the National Assembly for Wales must consult—
(a) such representatives of relevant authorities in Wales as it considers appropriate,
(b) the **[**[F4]Auditor General for Wales**]**,
(c) **[**[F5]the Public Services Ombudsman for Wales**]**, and
(d) such other persons (if any) as it considers appropriate.

(6) In this Part "relevant authority" means—
(a) a county council,
(b) a county borough council,
(c) a district council,
(d) a London borough council,
(e) a parish council,
(f) a community council,
(g) the Greater London Authority,
[F6](h) . . . . . .
(i) the London Fire and Emergency Planning Authority,
(j) the Common Council of the City of London in its capacity as a local authority or police authority,
(k) the Council of the Isles of Scilly,
[[F7](l) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,**]**
[F8](m) . . . . . .
(n) a joint authority established by Part IV of the [M1]Local Government Act 1985,
[[F9](na) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,
(nb) a combined authority established under section 103 of that Act,**]**
(o) the Broads Authority, or
(p) a National Park authority established under section 63 of the [M2]Environment Act 1995.

(7) In this Part "co-opted member", in relation to a relevant authority, means a person who is not a member of the authority but who—
(a) is a member of any committee or sub-committee of the authority, or
(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee.

Textual Amendments

F1 S. 49(2A)-(2D) inserted (31.1.2008 for specified purposes) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 183(1)**, 245(5) (with s. 183(5)-(11), 201); S.I. 2008/172, art. 5(1)(a)

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

F2 S. 49(4)(aa) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 53(1)**(2)**; S.I. 2005/558, art. 2, Sch. 1

F3 Words in s. 49(4)(b) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 2(a)**; S.I. 2005/2800, arts. 4(1)(a)(2), 5(1)(3) (with art. 4(3))

F4 Words in s. 49(5)(b) substituted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 53(1)**(3)**; S.I. 2005/558, art. 2, Sch. 1

F5 Words in s. 49(5)(c) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 2(b)**; S.I. 2005/2800, arts. 4(1)(a)(2), 5(1)(3) (with art. 4(3))

F6 S. 49(6)(h) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 257(5)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 62)

F7 S. 49(6)(I) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 94**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

F8 S. 49(6)(m) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 257(5)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 62)

F9 S. 49(6)(na)(nb) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 93**; S.I. 2009/3318, art. 2(c)

Modifications etc. (not altering text)

C11 S. 49 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 1(1), **14(3)** (with reg. 1(2))

Commencement Information

I1 S. 49 wholly in force at 28.7.2001; s. 49 not in force at Royal Assent see s. 108; s. 49(2)(5)(6)(a)(b)(f)(l)(m)(p)(7) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 49 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 49 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

M1 1985 c. 51.

M2 1995 c. 25.

50 Model code of conduct.

(1) The Secretary of State may by order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in England and police authorities in Wales (referred to in this Part as a model code of conduct).

(2) The National Assembly for Wales may by order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales other than police authorities (also referred to in this Part as a model code of conduct).

(3) The power under subsection (1) or (2) to issue a model code of conduct includes power to revise any such model code which has been issued.

(4) A model code of conduct—

(a) must be consistent with the principles for the time being specified in an order under section 49(1) or 49(2) (as the case may be),

(b) may include provisions which are mandatory, and

(c) may include provisions which are optional.

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

[[F10](4A) A model code of conduct issued under subsection (1) must provide, as respects each provision of the code which relates to the conduct expected of the persons mentioned in that subsection—

(a) that the provision applies to a person only when acting in an official capacity; or

(b) that it applies to a person only when not acting in an official capacity;

but the code may provide as mentioned in paragraph (b) only as respects a provision within subsection (4B).

(4B) A provision is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence.

(4C) A model code of conduct issued under subsection (1) may define for the purposes of the code—

"official capacity"; and

"criminal offence".

(4D) Provision included under subsection (4A) or (4C) in a model code of conduct—

(a) must be consistent with the provision for the time being included in an order under section 49(1) by virtue of section 49(2A) or (2C);

(b) is to be mandatory except to the extent that it relates to an optional provision;

(c) to the extent that it relates to an optional provision, is to be mandatory where that optional provision is incorporated in a code of conduct under section 51.

(4E) A model code of conduct issued under subsection (2) may include—

(a) provisions which are to apply to a person at all times;

(b) provisions which are to apply to a person otherwise than at all times.**]**

(5) Before making an order under this section, the Secretary of State or the National Assembly for Wales must carry out such consultation as is required, by virtue of section 49, before an order is made under that section.

(6) For the purpose of facilitating the making of an order under this section, the Secretary of State may invite such body as he considers appropriate to draw up, and send to him, a proposed model code of conduct or proposed revisions to such a model code.

(7) An invitation under subsection (6)—

(a) must be made in writing,

(b) may be made to more than one body,

(c) may be limited to particular descriptions of authority,

(d) must specify the period within which the proposals are to be drawn up and sent to the Secretary of State,

(e) may require different proposals to be drawn up for different authorities or descriptions of authority, and

(f) may require any body to which the invitation is made to consult such persons as may be specified in the invitation.

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

Textual Amendments

F10 S. 50(4A)-(4E) inserted (31.1.2008 for specified purposes) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 183(2)**, 245(5) (with s. 183(5)-(11), 201); S.I. 2008/172, art. 5(1)(b)

Commencement Information

I2 S. 50 wholly in force at 28.7.2001; s. 50 not in force at Royal Assent see s. 108; s. 50(2)-(7) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 50 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 50 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

51 Duty of relevant authorities to adopt codes of conduct.

(1) It is the duty of a relevant authority, before the end of the period of six months beginning with the day on which the first order under section 50 which applies to them is made, to pass a resolution adopting a code as regards the conduct which is expected of members and co-opted members of the authority (referred to in this Part as a code of conduct).

(2) It is the duty of a relevant authority, before the end of the period of six months beginning with the day on which any subsequent order under section 50 which applies to them is made, to pass a resolution—

(a) adopting a code of conduct in place of their existing code of conduct under this section, or

(b) revising their existing code of conduct under this section.

(3) A relevant authority may by resolution—

(a) adopt a code of conduct in place of their existing code of conduct under this section, or

(b) revise their existing code of conduct under this section.

(4) A code of conduct or revised code of conduct—

(a) must incorporate any mandatory provisions of the model code of conduct which for the time being applies to that authority,

(b) may incorporate any optional provisions of that model code, and

(c) may include other provisions which are consistent with that model code.

[F11(4A) Where under subsection (4)(c) a provision relating to the conduct expected of persons is included in the code of a relevant authority in England or police authority in Wales, the code must provide—

(a) that the provision applies to a person only when acting in an official capacity (within the meaning given by the code); or

(b) that it applies to a person only when not acting in an official capacity (within that meaning);

but the code may provide as mentioned in paragraph (b) only as respects a provision within subsection (4B).

(4B) A provision of a code is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence within the meaning of the code.

Status: *Point in time view as at 31/01/2012.*
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(4C) The provisions which may be included under subsection (4)(c) by a relevant authority in Wales other than a police authority include—

(a) provisions which are to apply to a person at all times;

(b) provisions which are to apply to a person otherwise than at all times.**]**

(5) Where a relevant authority fail to comply with the duty under subsection (1) or (2) before the end of the period mentioned in that subsection—

(a) they must comply with that duty as soon as reasonably practicable after the end of that period, and

(b) any mandatory provisions of the model code of conduct which for the time being applies to the authority are to apply in relation to the members and co-opted members of the authority for so long as the authority fail to comply with that duty.

(6) As soon as reasonably practicable after adopting or revising a code of conduct under this section, a relevant authority must—

(a) ensure that copies of the code or revised code are available at an office of the authority for inspection by members of the public at all reasonable hours,

(b) publish in one or more newspapers circulating in their area a notice which—

(i) states that they have adopted or revised a code of conduct,

(ii) states that copies of the code or revised code are available at an office of the authority for inspection by members of the public at such times as may be specified in the notice, and

(iii) specifies the address of that office, and

(c) send a copy of the code or revised code—

[F12](i) . . . . . .

(ii) in the case of a relevant authority in Wales, to the **[**[F13]Public Services Ombudsman for Wales **]**.

(7) Where a relevant authority themselves publish a newspaper, the duty to publish a notice under subsection (6)(b) is to be construed as a duty to publish that notice in their newspaper and at least one other newspaper circulating in their area.

(8) A relevant authority may publicise their adoption or revision of a code of conduct under this section in any other manner that they consider appropriate.

(9) A relevant authority's function with respect to the passing of a resolution under this section may be discharged only by the authority (and accordingly, in the case of a relevant authority to which section 101 of the [M3]Local Government Act 1972 applies, is not to be a function to which that section applies).

Textual Amendments

F11 S. 51(4A)-(4C) inserted (31.1.2008 for specified purposes) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 183(3)**, 245(5) (with s. 183(5)-(11), 201); S.I. 2008/172, art. 5(1)(c)

F12 S. 51(6)(c)(i) repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 10(3)(a), **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(b) (with arts. 6, 8)

F13 Words in s. 51(6)(c)(ii) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 3**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

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Modifications etc. (not altering text)

C12 S. 51 modified (24.3.2005) by New Forest National Park Authority (Establishment) Order 2005 (S.I. 2005/421), art. 1, **Sch. 4 para. 10**

C13 S. 51 applied (with modifications) (24.3.2010) by The South Downs National Park Authority (Establishment) Order 2010 (S.I. 2010/497), art. 1, **Sch. 4 para. 10**

Commencement Information

I3 S. 51 wholly in force at 28.7.2001; s. 51 not in force at Royal Assent see s. 108; s. 51 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 51 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

M3 1972 c. 70.

52 Duty to comply with code of conduct.

(1) A person who is a member or co-opted member of a relevant authority at a time when the authority adopt a code of conduct under section 51 for the first time—

(a) must, before the end of the period of two months beginning with the date on which the code of conduct is adopted, give to the authority a written undertaking that **[**[F14]in performing his functions**]** he will observe the authority's code of conduct for the time being under section 51, and

(b) if he fails to do so, is to cease to be a member or co-opted member at the end of that period.

(2) The form of declaration of acceptance of office which may be prescribed by an order under section 83 of the [M4]Local Government Act 1972 may include an undertaking by the declarant that **[**[F14]in performing his functions**]** he will observe the authority's code of conduct for the time being under section 51.

(3) A person who becomes a member of a relevant authority to which section 83 of that Act does not apply at any time after the authority have adopted a code of conduct under section 51 for the first time may not act in that office unless he has given the authority a written undertaking that **[**[F14]in performing his functions**]** he will observe the authority's code of conduct for the time being under section 51.

(4) A person who becomes a co-opted member of a relevant authority at any time after the authority have adopted a code of conduct under section 51 for the first time may not act as such unless he has given the authority a written undertaking that **[**[F14]in performing his functions**]** he will observe the authority's code of conduct for the time being under section 51.

[[F15](5) In relation to a relevant authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b)—

(a) the references in subsections (2) to (4) to the authority's code of conduct for the time being under section 51 include the mandatory provisions which for the time being apply to the members and co-opted members of the authority, and

(b) the references in subsections (3) and (4) to any time after the authority have adopted a code of conduct under section 51 for the first time are to be read as references to any time after the coming into force of section 184 of the Local Government and Public Involvement in Health Act 2007.**]**

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Textual Amendments

F14 Words in s. 52(1)-(4) repealed (31.1.2008 for W.) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 183(4), 245(5), **Sch. 18 Pt. 15** (with s. 183(5)-(11), 201); S.I. 2008/172, arts. 2(1)(u)(iii), 5(2)

F15 S. 52(5) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 184(2)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(i)

Commencement Information

I4 S. 52 wholly in force at 28.7.2001; s. 52 not in force at Royal Assent see s. 108; s. 52 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 52 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

M4 1972 c. 70.

Standards committees

53 Standards committees.

(1) Subject to subsection (2), every relevant authority must establish a committee (referred to in this Part as a standards committee) which is to have the functions conferred on it by or under this Part.

(2) Subsection (1) does not apply to a parish council or community council.

(3) **[**[F16]The number of members of a standards committee of a relevant authority in England or a police authority in Wales and their term of office are to be fixed by the authority (subject to any provision made by virtue of subsection (6)(a)).**]**

(4) **[**[F16]A standards committee of a relevant authority in England or a police authority in Wales must include—

(a) at least two members of the authority, and

(b) at least one person who is not a member, or an officer, of that or any other relevant authority,

[[F17]and must be chaired by a person falling within paragraph (b) **]**. **]**

[[F17](5) **[**[F16]A standards committee of a relevant authority in England which are operating executive arrangements—

(a) may not include the elected mayor or executive leader, and

(b) may not be chaired by a member of the executive.**]**

(6) **[**[F16]The Secretary of State may by regulations make provision—

(a) as to the size and composition of standards committees of relevant authorities in England and police authorities in Wales,

(b) as to the appointment to such committees of persons falling within subsection (4)(b),

(c) with respect to the access of the public to meetings of such committees,

(d) with respect to the publicity to be given to meetings of such committees,

(e) with respect to the production of agendas for, or records of, meetings of such committees,

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(f) with respect to the availability to the public or members of relevant authorities of agendas for, records of or information connected with meetings of such committees,

(g) as to the proceedings and validity of proceedings of such committees.**]**

(7) **[**[F16]The Standards Board for England—

(a) may issue guidance with respect to the size and composition of standards committees of relevant authorities in England and police authorities in Wales, and

(b) must send a copy of any such guidance to the Secretary of State.**]**

(8) **[**[F16]A member of a standards committee of a relevant authority in England or a police authority in Wales who is not a member of the authority is entitled to vote at meetings of the committee.**]**

(9) **[**[F16]A relevant authority in England and a police authority in Wales must send a statement which sets out the terms of reference, or any revised terms of reference, of their standards committee to the Standards Board for England.**]**

(10) **[**[F16]A standards committee of a relevant authority in England or a police authority in Wales is not to be regarded as a body to which section 15 of the [M5]Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.**]**

(11) The National Assembly for Wales may by regulations make provision—

(a) as to the size and composition of standards committees of relevant authorities in Wales other than police authorities (including provision with respect to the appointment to any such committee of persons who are not members of the relevant authority concerned),

(b) as to the term of office of members of any such committees,

(c) as to the persons who may, may not or must chair any such committees,

(d) as to the entitlement to vote of members of any such committee who are not members of the relevant authority concerned,

(e) for or in connection with treating any such committees as bodies to which section 15 of the [M6]Local Government and Housing Act 1989 does not apply,

(f) with respect to the access of the public to meetings of such committees,

(g) with respect to the publicity to be given to meetings of such committees,

(h) with respect to the production of agendas for, or records of, meetings of such committees,

(i) with respect to the availability to the public or members of relevant authorities of agendas for, records of or information connected with meetings of any such committees,

(j) as to the proceedings and validity of proceedings of any such committees,

(k) for or in connection with requiring relevant authorities in Wales (other than police authorities) to send to **[**[F18]the Public Services Ombudsman for Wales**]** statements which set out the terms of reference of their standards committees.

(12) The provision which may be made by virtue of subsection (6)(c) to (f) or (11)(f) to (i) includes provision which applies or reproduces (with or without modifications) any provisions of Part VA of the Local Government Act 1972.**]**

Status: *Point in time view as at 31/01/2012.*
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Textual Amendments

F16 S. 53(3)-(10) repealed (31.1.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 12(3), **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(c) (with arts. 6, 8)

F17 Words in s. 53(4) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 187**, 245(5) (with s. 201); S.I. 2008/172, art. 4(i)

F18 Words in s. 53(11)(k) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 4**; S.I. 2005/2800, arts. 4(1)(a)(2), 5(1) (with art. 4(3))

Commencement Information

I5 S. 53 wholly in force at 28.7.2001; s. 53 not in force at Royal Assent see s. 108; s. 53(11)(12) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 53 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 53 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

M5 1989 c. 42.

M6 1989 c. 42.

54 Functions of standards committees.

(1) The general functions of a standards committee of a relevant authority are—

(a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and

(b) assisting members and co-opted members of the authority to observe the authority's code of conduct.

(2) Without prejudice to its general functions, a standards committee of a relevant authority has the following specific functions—

(a) advising the authority on the adoption or revision of a code of conduct,

(b) monitoring the operation of the authority's code of conduct, and

(c) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.

(3) A relevant authority may arrange for their standards committee to exercise such other functions as the authority consider appropriate.

[[F19](3A) In relation to a relevant authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b), references in subsection (1)(b) and (2)(b) and (c) to the authority's code of conduct are to those mandatory provisions.**]**

(4) The Secretary of State may by regulations make provision with respect to the exercise of functions by standards committees of relevant authorities in England and police authorities in Wales.

(5) The National Assembly for Wales may by regulations make provision with respect to the exercise of functions by standards committees of relevant authorities in Wales (other than police authorities).

[F20](6) . . . . . .

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

(7) The National Assembly for Wales may issue guidance with respect to the exercise of functions by standards committees of relevant authorities in Wales (other than police authorities).

Textual Amendments

F19 S. 54(3A) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 184(3)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(i)

F20 S. 54(6) repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 13(4), **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(d) (with arts. 6, 8)

Commencement Information

I6 S. 54 wholly in force at 28.7.2001; s. 54 not in force at Royal Assent see s. 108; s. 54(5)(7) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 54 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 54 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

[F21 54A Sub-committees of standards committees

(1) A standards committee of a relevant authority may appoint one or more sub-committees for the purpose of discharging any of the committee's functions, whether or not to the exclusion of the committee.

(2) Subsection (1) does not apply to functions under section F22...56.

(3) A sub-committee under subsection (1) shall be appointed from among the members of the standards committee by which it is appointed **[**F23, but this is subject to section 55(7)(b)**]**.

(4) As regards sub-committees appointed under subsection (1) by a standards committee of a relevant authority in England or of a police authority in Wales—

(a) regulations under section 53(6)(a) and (c) to (g) may make provision in relation to such sub-committees, and

(b) sections 53(7), (8) and (10) and 54(4) and (6) apply in relation to such sub-committees as they apply in relation to standards committees.

(5) As regards sub-committees appointed under subsection (1) by a standards committee of a relevant authority in Wales other than a police authority—

(a) regulations under section 53(11) may make provision in relation to such sub-committees, and

(b) section 54(5) and (7) apply in relation to such sub-committees as they apply in relation to standards committees.

(6) Subject to **[**F24section 55(5) and to **]** any provision made by regulations under section 53(6)(a) or (11)(a) (as applied by this section)—

(a) the number of members of a sub-committee under subsection (1), and

(b) the term of office of those members,

are to be fixed by the standards committee by which the sub-committee is appointed.**]**

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

Textual Amendments

F21 S. 54A inserted (18.11.2003) by Local Government Act 2003 (c. 26), **ss. 113(1)**, 128(2)(d)

F22 Words in s. 54A(2) repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 188(1)(a), 245(5), **Sch. 18 Pt. 15** (with s. 201); S.I. 2008/172, art. 2(1)(j)(u)(ii) (with art. 2(2))

F23 Words in s. 54A(3) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 188(1)(b)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(j) (with art. 2(2))

F24 Words in s. 54A(6) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 188(1)(c)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(j) (with art. 2(2))

55 Standards committees [F25]... for parish councils.

(1) A standards committee of a district council is to have the same functions in relation to—

(a) the parish councils for which the district council are the responsible authority, and

(b) the members of those parish councils,

as the standards committee has under section 54(1) and (2) in relation to the district council and the members of the district council.

(2) A standards committee of a unitary county council is to have the same functions in relation to—

(a) the parish councils for which the county council are the responsible authority, and

(b) the members of those parish councils,

as the standards committee has under section 54(1) and (2) in relation to the county council and the members of the county council.

[F26](3) . . . . . .

(4) In deciding whether it will be their standards committee, or a sub-committee of their standards committee, which is to discharge **[**[F27]a function**]** conferred by this section, a district council or unitary county council must consult the parish councils for which they are the responsible authority.

(5) **[**[F28] Where a function conferred by this section is to be exercised by a sub-committee of the standards committee of a district council or unitary county council, the number of members of the sub-committee, **]** and the term of office of those members, are to be fixed by the standards committee after consultation with the parish councils for which the district council or unitary county council are the responsible authority.

[[F29](5A) Subsection (5) is subject to any provision made by regulations under section 53(6)(a) (as applied by section 54A).**]**

(6) Where the standards committee of a district council or unitary county council discharges **[**[F30]any function**]** conferred by this section, the standards committee—

(a) must include at least one member of any of the parish councils for which the district council or unitary county council are the responsible authority, and

(b) must ensure that at least one person falling within paragraph (a) is present at any meeting of the committee when matters relating to those parish councils, or the members of those parish councils, are being considered.

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[[F31](7) Where a sub-committee of the standards committee of a district council or unitary county council discharges any function conferred by this section, the sub-committee—

(a) must include at least one member of the standards committee who falls within section 53(4)(b);

(b) must include at least one member of any of the parish councils for which the district council or unitary county council are the responsible authority; and

(c) must ensure that at least one person falling within paragraph (b) is present at any meeting of the sub-committee when matters relating to those parish councils, or the members of those parish councils, are being considered.**]**

(8) [F32]... regulations under section 53(6)(b) may make provision as to the appointment of persons falling within subsection (6)(a) or (7)(a) or (b) of this section.

[F33](9) . . . . . .

[F34](10) . . . . . .

(11) Any function which by virtue of the following provisions of this Part is exercisable by [F35]... the standards committee of a relevant authority which is a parish council is to be exercisable by [F35]...—

(a) the standards committee of the district council or unitary county council which are the responsible authority in relation to the parish council, or

(b) where that standards committee has appointed a sub-committee **[**[F36]with responsibility for that function,**]** that sub-committee;

[F37]...

[[F38](11A) Any function which by virtue of the following provisions of this Part is exercisable in relation to the standards committee of a relevant authority which is a parish council is to be exercisable in relation to the standards committee of the district council or unitary county council which are the responsible authority in relation to the parish council.

(11B) Any reference in the following provisions of this Part to the standards committee of a relevant authority which is a parish council is to be construed in accordance with subsections (11) and (11A).**]**

(12) A district council or unitary county council are the responsible authority—

(a) in relation to a parish council which is not a common parish council, if the parish is situated within the area of the district council or county council,

(b) in relation to a parish council which is a common parish council—

(i) if the parishes in the group are wholly situated within that area, or

(ii) where that is not the case, if the greatest number of local government electors for the parishes in the group is situated in that area.

(13) In this section "unitary county council" means the council of a county in England in which there are no district councils.

Textual Amendments

F25 Words in s. 55 repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 188(2)(a), 245(5), **Sch. 18 Pt. 15** (with s. 201); S.I. 2008/172, art. 2(1)(j)(u)(ii) (with art. 2(2))

F26 S. 55(3) repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 188(2)(b), 245(5), **Sch. 18 Pt. 15** (with s. 201); S.I. 2008/172, art. 2(1)(j)(u)(ii) (with art. 2(2))

F27 Words in s. 55(4) substituted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 188(2)(c)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(j) (with art. 2(2))

F28 Words in s. 55(5) substituted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 188(2)(d)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(j) (with art. 2(2))

F29 S. 55(5A) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 188(2)(e)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(j) (with art. 2(2))

F30 Words in s. 55(6) substituted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 188(2)(f)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(j) (with art. 2(2))

F31 S. 55(7) substituted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 188(2)(g)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(j) (with art. 2(2))

F32 Words in s. 55(8) repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 188(2)(h), 245(5), **Sch. 18 Pt. 15** (with s. 201); S.I. 2008/172, art. 2(1)(j)(u)(ii) (with art. 2(2))

F33 S. 55(9) repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 188(2)(i), 245(5), **Sch. 18 Pt. 15** (with s. 201); S.I. 2008/172, art. 2(1)(j)(u)(ii) (with art. 2(2))

F34 S. 55(10) repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 188(2)(i), 245(5), **Sch. 18 Pt. 15** (with s. 201); S.I. 2008/172, art. 2(1)(j)(u)(ii) (with art. 2(2))

F35 Words in s. 55(11) repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 188(2)(j)(i), 245(5), **Sch. 18 Pt. 15** (with s. 201); S.I. 2008/172, art. 2(1)(j)(u)(ii) (with art. 2(2))

F36 Words in s. 55(11)(b) substituted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 188(2)(j)(ii)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(j) (with art. 2(2))

F37 Words in s. 55(11) repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 188(2)(j)(iii), 245(5), **Sch. 18 Pt. 15** (with s. 201); S.I. 2008/172, art. 2(1)(j)(u)(ii) (with art. 2(2))

F38 S. 55(11A)(11B) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 188(2)(k)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(j) (with art. 2(2))

Commencement Information

I7 S. 55 wholly in force at 28.7.2001; s. 55 not in force at Royal Assent see s. 108; s. 55 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 55 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

56 Standards committees or sub-committees for community councils.

(1) A standards committee of a county council in Wales is to have the same functions in relation to—

(a) the community councils which are situated in the area of the county council, and

(b) the members of those community councils,

as the standards committee has under section 54(1) and (2) in relation to the county council and the members of the county council.

(2) A standards committee of a county borough council is to have the same functions in relation to—

(a) the community councils which are situated in the area of the county borough council, and

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(b) the members of those community councils,

as the standards committee has under section 54(1) and (2) in relation to the county borough council and the members of the county borough council.

(3) A standards committee of a county council or county borough council may appoint a sub-committee for the purpose of discharging all of the functions conferred on the standards committee by this section.

(4) In deciding whether it will be their standards committee, or a sub-committee of their standards committee, which is to discharge the functions conferred by this section, a county council or county borough council must consult the community councils which are situated in their area.

(5) Regulations under section 53(11) may make provision in relation to sub-committees appointed under this section.

(6) Subsections (5) and (7) of section 54 apply in relation to sub-committees of standards committees appointed under this section as they apply in relation to standards committees.

(7) Any function which by virtue of the following provisions of this Part is exercisable by or in relation to the standards committee of a relevant authority which is a community council is to be exercisable by or in relation to—

(a) the standards committee of the county council or county borough council in whose area the community council is situated, or

(b) where that standards committee has appointed a sub-committee under this section, that sub-committee;

and any reference in the following provision of this Part to the standards committee of a relevant authority which is a community council is to be construed accordingly.

[F39 56A Joint committees of relevant authorities in England

(1) The Secretary of State may make regulations under which two or more relevant authorities in England may—

(a) establish a joint committee of those authorities; and

(b) arrange for relevant functions to be exercisable by that committee.

(2) In this section a "relevant function" means a function conferred by or under this Part or any other enactment on the standards committee of any (or each) of the relevant authorities.

(3) The regulations may in particular—

(a) specify functions in relation to which arrangements may, or may not, be made;

(b) make provision, in relation to joint committees or sub-committees of joint committees, which corresponds to or applies (with or without modifications) —

(i) any provision of, or that could be made under, regulations under section 53(6) or 54(4),

(ii) any provision of section 53(3) to (5), (7) to (9), 54(6) or 54A(1), (3) or (6), or

(iii) any provision of section 55(4) to (7).

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(4) Regulations under this section may modify any provision of this Part, or any other enactment relating to a standards committee or to any function of a standards committee, in relation to cases where a function of a standards committee is exercisable by a joint committee.

(5) In this section "enactment" includes any enactment or subordinate legislation, whenever passed or made.

(6) Any reference in this section to a relevant authority in England does not include a parish council.**]**

Textual Amendments

F39 S. 56A inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 189**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(k)

CHAPTER II

INVESTIGATIONS ETC: ENGLAND

Standards Board for England

57 Standards Board for England.

[[F40](1) There is to be a body corporate known as the Standards Board for England.

(2) The Standards Board for England is to consist of not less than three members appointed by the Secretary of State.

(3) The Standards Board for England is to have the functions conferred on it by this Part and such other functions as may be conferred on it by order made by the Secretary of State under this subsection.

(4) In exercising its functions the Standards Board for England must have regard to the need to promote and maintain high standards of conduct by members and co-opted members of relevant authorities in England.

(5) The Standards Board for England—

(a) must appoint employees known as ethical standards officers who are to have the functions conferred on them by this Part,

[[F41](aa) may issue guidance to ethical standards officers with respect to the exercise by those officers of their functions,**]**

(b) may issue guidance to relevant authorities in England and police authorities in Wales on matters relating to the conduct of members and co-opted members of such authorities,

(c) may issue guidance to relevant authorities in England and police authorities in Wales in relation to the qualifications or experience which monitoring officers should possess, and

(d) may arrange for any such guidance to be made public.

(6) Schedule 4 makes further provision in relation to the Standards Board for England.**]**

Textual Amendments

F40 S. 57 repealed (31.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 17, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(e) (with arts. 6, 8); S.I. 2012/628, art. 6(h) (with arts. 9, 11, 14, 15, 17)

F41 S. 57(5)(aa) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 190(1)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(l) (with art. 2(2))

Commencement Information

I8 S. 57 wholly in force at 28.7.2001; s. 57 not in force at Royal Assent see s. 108; s. 57 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 57 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

[F42 *Written allegations*

Textual Amendments

F42 Ss. 57A-57D and 58 substituted for s. 58 (31.1.2008 for specified purposes, 8.5.2008 in so far as not already in force) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 185**, 245(5) (with s. 201); S.I. 2008/172, art. 6; S.I. 2008/1265, art. 2(a) (with art. 3)

57A Written allegations: right to make, and initial assessment

[F43(1) A person may make a written allegation to the standards committee of a relevant authority in England that a member or co-opted member (or former member or co-opted member) of that authority has failed, or may have failed, to comply with the authority's code of conduct.

(2) Where a standards committee receives an allegation under subsection (1) it must—

(a) refer the allegation to the monitoring officer of the relevant authority concerned (see section 66),

(b) refer the allegation to the Standards Board for England (see section 58), or

(c) decide that no action should be taken in respect of the allegation.

(3) Where an allegation under subsection (1) is in respect of a person who—

(a) is no longer a member or co-opted member of the relevant authority concerned, but

(b) is a member or co-opted member of another relevant authority in England,

the standards committee may, if it thinks it more appropriate than referring the allegation to the monitoring officer of the relevant authority concerned, refer the allegation to the monitoring officer of that other relevant authority.

(4) If the standards committee decides that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing, to the person who made the allegation, of the decision and the reasons for the decision.

(5) Subsections (2) to (4) are subject to any direction under section 57D.

(6) The Standards Board for England—

(a) without prejudice to section 54(6), may issue guidance with respect to the exercise of functions under this section and sections 57B and 57C by standards committees of relevant authorities in England;

(b) may give a direction to the standards committee of a relevant authority in England with respect to the exercise of the committee's functions under this section.**]**

Textual Amendments

F43 S. 57A repealed (31.1.2012 for specified purposes, 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. 18, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(f) (with arts. 6, 8); S.I. 2012/1463, art. 5(a)(d) (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)(c) (with arts. 3-6)

Modifications etc. (not altering text)

C14 Ss. 57A(2)-(4) modified (E.) (15.6.2009) by The Standards Committee (Further Provisions) (England) Regulations 2009 (S.I. 2009/1255), regs. 1(1), **10(1)-(3)**

C15 S. 57A(4) modified (E.) (15.6.2009) by The Standards Committee (Further Provisions) (England) Regulations 2009 (S.I. 2009/1255), regs. 1(1), **9(1)**(2)

57B Right to request review of decision not to act

[[F44](1) This section applies where a decision is made under section 57A(2) that no action should be taken in respect of an allegation.

(2) The person who made the allegation may make a request to the standards committee of the relevant authority concerned for that decision to be reviewed.

(3) A request under subsection (2)—

(a) must be in writing, and

(b) may not be made after 30 days beginning with the date of the notice under section 57A(4).

(4) Where a request under subsection (2) is received by a standards committee—

(a) section 57A(2) to (4) again apply to the standards committee, and

(b) it must make a reference under section 57A(2)(a) or (b) or (3), or a decision under section 57A(2)(c), within 3 months beginning with the date it received the request.

(5) If by virtue of subsection (4) a decision is made under section 57A(2) that no action should be taken in respect of an allegation, this section does not apply in relation to that decision.

(6) Subsection (4) is subject to any direction under section 57D.**]**

Textual Amendments

F44 S. 57B repealed (31.1.2012 for specified purposes, 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. 19, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(g) (with arts. 6, 8); S.I. 2012/1463, art. 5(a)(d) (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)(c) (with arts. 3-6)

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57C Information to be given to subject of allegation

[[F45](1) Subsections (2) to (4) apply where a person makes an allegation under section 57A to a standards committee.

(2) The standards committee must take reasonable steps to give a written summary of the allegation to the person who is the subject of the allegation ("P"); but this is subject to regulations under subsection (7).

(3) If the standards committee makes a decision under section 57A(2) that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing to P of the decision and the reasons for the decision.

(4) If the standards committee receives a request under section 57B in relation to the allegation, it must take reasonable steps to give notice in writing to P of the request.

(5) The reference in subsection (3) to a decision under section 57A(2) includes a decision under section 57A(2) as applied by section 57B(4) or 58(3).

(6) Subsections (2) to (4) are subject to any direction under section 57D.

(7) The Secretary of State may by regulations—

(a) provide that in circumstances prescribed by the regulations the duty in subsection (2) does not arise at the time the standards committee receives the allegation, and

(b) make provision, in relation to cases where that duty has been prevented by the regulations from arising at that time, as to when it does arise.**]]**

Textual Amendments

F45 S. 57C repealed (31.1.2012 for specified purposes, 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. 20, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(h) (with arts. 6, 8); S.I. 2012/1463, art. 5(a)(d) (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)(c) (with arts. 3-6)

Modifications etc. (not altering text)

C16 Ss. 57C(2)-(4) modified (E.) (15.6.2009) by The Standards Committee (Further Provisions) (England) Regulations 2009 (S.I. 2009/1255), regs. 1(1), **10(1)**(2)(4)

C17 S. 57C(2)(3) modified (E.) (15.6.2009) by The Standards Committee (Further Provisions) (England) Regulations 2009 (S.I. 2009/1255), regs. 1(1), **9(1)**(2)

[F46]57D Power to suspend standards committee's functions

. . . . . .

Textual Amendments

F46 S. 57D repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 21, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(i) (with arts. 6, 8)

[F47]58 Allegations referred to Standards Board

. . . . . .

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

Textual Amendments

F47 S. 58 repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 22, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(i) (with arts. 6, 8)

Functions of ethical standards officers

[F48]59 Functions of ethical standards officers.

. . . . . .

Textual Amendments

F48 S. 59 repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 23, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(i) (with arts. 6, 8)

*Investigations **[**[F49]by ethical standards officers**]***

Textual Amendments

F49 Words in s. 60 cross-heading inserted (1.4.2008 for specified purposes) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 191(2)**, 245(5) (with s. 201); S.I. 2008/172, art. 7(2)

[F50]60 Conduct of investigations.

. . . . . .

Textual Amendments

F50 S. 60 repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 24, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(i) (with arts. 6, 8)

[F51]61 Procedure in respect of investigations.

. . . . . .

Textual Amendments

F51 S. 61 repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 25, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(i) (with arts. 6, 8)

[F52]62 Investigations: further provisions.

. . . . . .

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

Textual Amendments

F52 S. 62 repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 26, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(i) (with arts. 6, 8)

[F53]63 Restrictions on disclosure of information.

. . . . . .

Textual Amendments

F53 S. 63 repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 27, **Sch. 25 Pt. 5** (with Sch. 4 para. 60); S.I. 2012/57, art. 5(1)(a)(c)(2)(i) (with arts. 6, 8)

*Reports etc. **[**[F54]by ethical standards officers **]***

Textual Amendments

F54 Words in s. 64 cross-heading inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 192(1)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(m)

[F55]64 Reports etc.

. . . . . .

Textual Amendments

F55 S. 64 repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 28, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(i) (with arts. 6, 8)

[F56]65 Interim reports.

. . . . . .

Textual Amendments

F56 S. 65 repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 29, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(i) (with arts. 6, 8)

[F57]65A Disclosure by monitoring officers of ethical standards officers' reports

. . . . . .

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

Textual Amendments

F57 S. 65A repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 30, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(i) (with arts. 6, 8)

References to monitoring officers

66 Matters referred to monitoring officers.

(1) The Secretary of State may by regulations make provision in relation to the way in which any matters referred to the monitoring officer of a relevant authority under section **[**[F58]57A, 60(2) or (3) or 64(2) or (4) **]** are to be dealt with.

(2) The provision which may be made by regulations under subsection (1) includes provision for or in connection with—

(a) enabling a monitoring officer of a relevant authority to conduct an investigation in respect of any matters referred to him,

(b) enabling a monitoring officer of a relevant authority to make a report, or recommendations, to the standards committee of the authority in respect of any matters referred to him,

(c) enabling a standards committee of a relevant authority to consider any report or recommendations made to it by a monitoring officer of the authority (including provision with respect to the procedure to be followed by the standards committee),

(d) enabling a standards committee of a relevant authority, following its consideration of any such report or recommendations, to take any action prescribed by the regulations (including action against any member or co-opted member (or former member or co-opted member) of the authority who is the subject of any such report or recommendation),

(e) the publicity to be given to any such reports, recommendations or action.

[[F59](f) enabling a monitoring officer of a relevant authority, in such circumstances as may be prescribed by the regulations, to refer back any matters that were referred to him under section 57A.**]**

(3) The provision which may be made by virtue of subsection (2)(a) includes provision for or in connection with—

(a) conferring powers on a monitoring officer of a relevant authority to enable him to conduct an investigation in respect of any matters referred to him,

(b) conferring rights (including the right to make representations) on any member or co-opted member (or former member or co-opted member) of a relevant authority who is the subject of any such investigation.

[[F60](3A) Provision made by virtue of subsection (2)(a) and (3) may make provision corresponding to or applying, with or without modifications, any provisions of sections 62 and 63 (including sections 62(10) and 63(4)) or section 67(1), (1A) and (3) to (5).

(3B) The provision which may be made by virtue of subsection (2)(b) includes provision for or in connection with—

(a) interim reports;

(b) the disclosure of reports.**]**

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

(4) The provision which may be made by virtue of subsection (2)(d) includes provision for or in connection with—

(a) enabling a standards committee of a relevant authority to censure a member or co-opted member (or former member or co-opted member) of the authority,

(b) enabling a standards committee of a relevant authority to suspend or partially suspend a person from being a member or co-opted member of the authority for a limited period,

(c) conferring a right of appeal on a member or co-opted member (or former member or co-opted member) of a relevant authority in respect of any action taken against him.

[[F61](4A) The provision which may be made by virtue of subsection (2)(f) includes provision applying any provisions of section 57A or 57C, with or without modifications, where matters have been referred back by the monitoring officer.**]**

(5) Nothing in **[**[F62]subsections (2) to (4A) or section 66A**]** affects the generality of the power under subsection (1).

(6) **[**[F63]A person who refers any matters to the monitoring officer of a relevant authority under section 57A, 60(2) or (3) or 64(2) or (4),**]** may give directions to the monitoring officer as to the way in which those matters are to be dealt with.

Textual Amendments

F58 Words in s. 66(1) substituted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 194(2)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(o)

F59 S. 66(2)(f) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 194(3)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(o)

F60 S. 66(3A)(3B) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 194(4)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(o)

F61 S. 66(4A) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 194(5)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(o)

F62 Words in s. 66(5) substituted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 194(6)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(o)

F63 Words in s. 66(6) substituted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 194(7)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(o)

Commencement Information

I9 S. 66 wholly in force at 28.7.2001; s. 66 not in force at Royal Assent see s. 108; s. 66 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 66 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

[[F64]66A References to **[**[F65]First-tier Tribunal**]** for action in respect of misconduct

(1) The provision which may be made by regulations under section 66 by virtue of subsection (2)(d) of that section also includes provision for or in connection with—

(a) enabling a standards committee, where it considers that the action it could take against a person is insufficient, to refer the case to the **[**[F66]First-tier Tribunal for a decision**]** on the action that should be taken against the person,

[F67](b) . . . . . .

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

(c) enabling **[**[F68]the First-tier Tribunal**]** to decide what action, of a kind authorised by the regulations, should be taken against the person and enabling **[**[F69]the tribunal**]** to take that action,

[F70](d) . . . . . .

[F70](e) . . . . . .

(2) The kinds of action that may be authorised by virtue of subsection (1)(c) include any kinds of action that may be authorised in relation to **[**[F71]the First-tier Tribunal**]** by regulations under section 78A(4) to (6).**]**

Textual Amendments

F64 S. 66A inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 195**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(p)

F65 Words in s. 66A heading substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 55(a)** (with Sch. 5)

F66 Words in s. 66A(1)(a) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 55(b)(i)** (with Sch. 5)

F67 S. 66A(1)(b) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 55(b)(ii)** (with Sch. 5)

F68 Words in s. 66A(1)(c) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 55(b)(iii)(aa)**, (with Sch. 5)

F69 Words in s. 66A(1)(c) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 55(b)(iii)(bb)**, (with Sch. 5)

F70 S. 66A(1)(d)(e) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 55(b)(iv)** (with Sch. 5)

F71 Words in s. 66A(2) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 55(c)** (with Sch. 5)

[[F72]*Information to be provided to Standards Board by relevant authority****]***

Textual Amendments

F72 Ss. 66B, 66C and cross-heading inserted (8.5.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 186**, 245(5) (with s. 201); S.I. 2008/1265, art. 2(b) (with art. 3)

[F73]66B Periodic returns

. . . . . .

Textual Amendments

F73 S. 66B repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 33, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(j) (with arts. 6, 8)

[F74]66C Information requests

. . . . . .

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

Textual Amendments

F74 S. 66C repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 34, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(j) (with arts. 6, 8)

[F75 Consultation with ombudsmen]

Textual Amendments

F75 S. 67 cross-heading inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 196(1)**, 245(5) (with s. 201); S.I. 2008/172, art. 4(j)

67 Consultation with [F76ombudsmen].

[F77(1) If, at any stage in the course of conducting an investigation under section 59, an ethical standards officer forms the opinion that the matters which are the subject of the investigation relate partly to a matter which could be the subject of an investigation under Part III of the M7Local Government Act 1974, he may consult the appropriate Local Commissioner about the investigation and, if he considers it necessary, inform any person who made the allegation which gave rise to the investigation of the steps necessary to initiate a complaint under Part III of that Act.

[F78(1A) If, at any stage in the course of conducting an investigation under section 59, an ethical standards officer forms the opinion that the matters which are the subject of the investigation relate partly to a matter which could be the subject of an investigation under Part 2 of the Public Services Ombudsman (Wales) Act 2005, he may consult the Public Services Ombudsman for Wales about the investigation and, if he considers it necessary, inform any person who made the allegation which gave rise to the investigation of the steps necessary to initiate a complaint under Part 2 of that Act.]

(2) If, at any stage in the course of conducting an investigation under Part III of [F79the Local Government Act 1974], a Local Commissioner forms the opinion that [F80the matters which are the subject of the investigation relate] partly to a matter which could be the subject of an investigation under section 59 of this Act [F81or regulations under section 66 of this Act], he may consult the Standards Board for England [F82or the standards committee of the relevant authority concerned] about the investigation and [F83, where a complaint was made about the matter, he may], if he considers it necessary, inform the person initiating the complaint of the steps necessary to make an allegation under section [F8457A].

[F85(2A) If, at any stage in the course of conducting an investigation under Part 2 of the Public Services Ombudsman (Wales) Act 2005, the Public Services Ombudsman for Wales forms the opinion that the complaint relates partly to a matter which could be the subject of an investigation under section 59 of this Act [F86or regulations under section 66 of this Act], he may consult the Standards Board for England [F87or the standards committee of the relevant authority concerned] about the investigation and, if he considers it necessary, inform the person initiating the complaint of the steps necessary to make an allegation under section [F8857A].]

(3) Consultation under [F89any of subsections (1) to (2A)] may relate to any matter concerned with the investigation, including—

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Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

(a) the conduct of the investigation, and
(b) the form, content and publication of any report relating to the investigation.

(4) Nothing in section 32(2) of the [M8]Local Government Act 1974[[F90] , section 26 of the Public Services Ombudsman (Wales) Act 2005] or section 63(1) of this Act shall apply in relation to the disclosure of information in the course of consultation held in accordance with this section.

(5) In this section "Local Commissioner" has the same meaning as in Part III of the [M9]Local Government Act 1974.]

Textual Amendments

F76 Word in s. 67 heading substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 7**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F77 S. 67 repealed (31.1.2012 for specified purposes, 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. 35, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(k) (with arts. 6, 8); S.I. 2012/1463, art. 5(a)(d) (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)(c) (with arts. 3-6)

F78 S. 67(1A) inserted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 8(a)**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F79 Words in s. 67(2) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 8(b)**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F80 Words in s. 67(2) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 17(3)(a)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

F81 Words in s. 67(2) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 196(2)(a)**, 245(5) (with s. 201); S.I. 2008/172, art. 4(j)

F82 Words in s. 67(2) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 196(2)(b)**, 245(5) (with s. 201); S.I. 2008/172, art. 4(j)

F83 Words in s. 67(2) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 17(3)(b)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

F84 Word in s. 67(2) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 196(2)(c)**, 245(5) (with s. 201); S.I. 2008/172, art. 4(j)

F85 S. 67(2A) inserted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 8(c)**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F86 Words in s. 67(2A) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 196(2)(a)**, 245(5) (with s. 201); S.I. 2008/172, art. 4(j)

F87 Words in s. 67(2A) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 196(2)(b)**, 245(5) (with s. 201); S.I. 2008/172, art. 4(j)

F88 Word in s. 67(2A) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 196(2)(c)**, 245(5) (with s. 201); S.I. 2008/172, art. 4(j)

F89 Words in s. 67(3) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 8(d)**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F90 Words in s. 67(4) inserted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 8(e)**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

Commencement Information

I10 S. 67 wholly in force at 28.7.2001; s. 67 not in force at Royal Assent see s. 108; s. 67 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 67 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

M7 1974 c. 7.

M8 1974 c. 7.
M9 1974 c. 7.

CHAPTER III

INVESTIGATIONS ETC: WALES

[F91 Public Services Ombudsman for Wales]

Textual Amendments

F91 Pt. III Ch. III cross-heading preceding s. 68 substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 9**; S.I. 2005/2800, art. 5(1) (with transitional provisions in S.I. 2006/362, art. 4)

68 [F92 Public Services Ombudsman for Wales .]

(1) **[**F93 The Public Services Ombudsman for Wales**]** is to have the functions conferred on him by this Part and such other functions as may be conferred on him by order made by the National Assembly for Wales under this subsection.

(2) **[**F94 The Public Services Ombudsman for Wales**]**—

(a) may issue guidance to relevant authorities in Wales (other than police authorities) on matters relating to the conduct of members and co-opted members of such authorities,

(b) may issue guidance to relevant authorities in Wales (other than police authorities) in relation to the qualifications or experience which monitoring officers should possess, and

(c) may arrange for any such guidance to be made public.

[F95 (3) The National Assembly for Wales may by regulations make provision which, for the purpose of any provisions of the Public Services Ombudsman (Wales) Act 2005 specified in the regulations, treats—

(a) functions of the Public Services Ombudsman for Wales under that Act as including his functions under this Part, or

(b) expenses of the Public Services Ombudsman for Wales under that Act as including his expenses under this Part.**]**

(4) The provision which may be made by virtue of subsection (3) includes provision which modifies, or applies or reproduces (with or without modifications), any provisions of F96 ...that Act.

F97 (5) . . . . . .

Textual Amendments

F92 S. 68 heading: word substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 10**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F93 Words in s. 68(1) substituted (12.10.2005 for specified purposes) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 11(a)**; S.I. 2005/2800, art. 4(1)(b)(2) (with art. 4(3))

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

F94 Words in s. 68(2) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 11(b)**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F95 S. 68(3) substituted (12.10.2005 for specified purposes) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 11(c)**; S.I. 2005/2800, art. 4(1)(b)(2) (with art. 4(3))

F96 Words in s. 68(4) repealed (12.10.2005 for specified purposes) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 4 para. 11(d), Sch. **7**; S.I. 2005/2800, art. 4(1)(b)(2) (with art. 4(3))

F97 S. 68(5) repealed (12.10.2005 for specified purposes) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 4 para. 11(e), Sch. **7**; S.I. 2005/2800, art. 4(1)(b)(2) (with art. 4(3))

Commencement Information

I11 S. 68 wholly in force at 28.7.2001; s. 68 not in force at Royal Assent see s. 108; s. 68(3)-(5) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 68 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Investigations

69 [F98Investigations by the Public Services Ombudsman for Wales.]

(1) **[**F99The Public Services Ombudsman for Wales**]** may investigate—

(a) cases in which a written allegation is made to him by any person that a member or co-opted member (or former member or co-opted member) of a relevant authority in Wales has failed, or may have failed, to comply with the authority's code of conduct, and

(b) other cases in which he considers that a member or co-opted member (or former member or co-opted member) of a relevant authority in Wales has failed, or may have failed, to comply with the authority's code of conduct and which have come to his attention as a result of an investigation under paragraph (a).

(2) If **[**F100the Public Services Ombudsman for Wales**]** considers that a written allegation under subsection (1)(a) should not be investigated, he must take reasonable steps to give written notification to the person who made the allegation of the decision and the reasons for the decision.

(3) The purpose of an investigation under this section is to determine which of the findings mentioned in subsection (4) is appropriate.

(4) Those findings are—

(a) that there is no evidence of any failure to comply with the code of conduct of the relevant authority concerned,

(b) that no action needs to be taken in respect of the matters which are the subject of the investigation,

(c) that the matters which are the subject of the investigation should be referred to the monitoring officer of the relevant authority concerned, or

(d) that the matters which are the subject of the investigation should be referred to the president of the Adjudication Panel for Wales for adjudication by a tribunal falling within section 76(1).

(5) Where a person 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 in Wales,

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the reference in subsection (4)(c) to the monitoring officer of the relevant authority concerned is to be treated as a reference either to the monitoring officer of the relevant authority concerned or to the monitoring officer of that other relevant authority (and accordingly **[**F101if the Public Services Ombudsman for Wales reaches a finding under subsection (4)(c) he**]** must decide to which of those monitoring officers to refer the matters concerned).

Textual Amendments

F98 Pt. III Ch. III(crossheading)(investigations) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 12**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F99 Words in s. 69(1) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 13(a)**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F100 Words in s. 69(2) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 13(b)**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F101 Words in s. 69(5) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 13(c)**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

70 Investigations: further provisions.

(1) The National Assembly for Wales may by order make provision with respect to investigations under section 69 (including provision with respect to the obtaining or disclosure of documents or information).

(2) The provision which may be made by virtue of subsection (1) includes provision which applies or reproduces (with or without modifications)—

(a) any provisions of sections 60 to 63, or

[F102(b) any provisions of sections 13 to 15, 25 to 27 and 32 of the Public Services Ombudsman (Wales) Act 2005.**]**

(3) **[**F103The Public Services Ombudsman for Wales**]** may cease an investigation under section 69 at any stage before its completion.

(4) Where **[**F104the Public Services Ombudsman for Wales **]** ceases an investigation under section 69 before its completion, he may refer the matters which are the subject of the investigation to the monitoring officer of the relevant authority concerned.

(5) Where a person 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 in Wales, **[**F104the Public Services Ombudsman for Wales **]** may, if he thinks it more appropriate than making such a reference as is mentioned in subsection (4), refer the matters which are the subject of the investigation to the monitoring officer of that other relevant authority.

Textual Amendments

F102 S. 70(2)(b) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 14(a)**; S.I. 2005/2800, arts. 4(1)(c)(2),5(1) (with art. 4(3))

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

F103 Words in s. 70(3) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 14(b)**; S.I. 2005/2800, art. 5(1) (with transitional provisions in S.I. 2006/362, art. 4)

F104 Words in s. 70(4)(5) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 14(c)**; S.I. 2005/2800, art. 5(1) (with transitional provisions in S.I. 2006/362, art. 4); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

Modifications etc. (not altering text)

C18 S. 70(2) modified (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 201(3)**, 245(5) (with s. 201); S.I. 2008/172, art. 4(l)

Commencement Information

I12 S. 70 wholly in force at 28.7.2001; s. 70 not in force at Royal Assent see s. 108; s. 70(1)(2) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 70 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Reports etc.

71 Reports etc.

(1) Where **[**[F105] the Public Services Ombudsman for Wales**]** determines in relation to any case that a finding under section 69(4)(a) or (b) is appropriate—

(a) he may produce a report on the outcome of his investigation,

(b) he may provide a summary of any such report to any newspapers circulating in the area of the relevant authority concerned,

(c) he must send to the monitoring officer of the relevant authority concerned a copy of any such report, and

(d) where he does not produce any such report, he must inform the monitoring officer of the relevant authority concerned of the outcome of the investigation.

(2) Where **[**[F105] the Public Services Ombudsman for Wales**]** determines in relation to any case that a finding under section 69(4)(c) is appropriate he must—

(a) produce a report on the outcome of his investigation,

(b) subject to subsection (4)(b), refer the matters which are the subject of the investigation to the monitoring officer of the relevant authority concerned, and

(c) send a copy of the report to the monitoring officer, and the standards committee, of the relevant authority concerned.

(3) Where **[**[F105] the Public Services Ombudsman for Wales**]** determines in relation to any case that a finding under section 69(4)(d) is appropriate he must—

(a) produce a report on the outcome of his investigation,

(b) refer the matters which are the subject of the investigation to the president of the Adjudication Panel for Wales for adjudication by a tribunal falling within section 76(1), and

(c) send a copy of the report to the monitoring officer of the relevant authority concerned and to the president of the Adjudication Panel for Wales.

(4) Where a person 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 in Wales—

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(a) the references in subsections (1)(b), (c) and (d), (2)(c) and (3)(c) to the relevant authority concerned are to be treated as including references to that other relevant authority, and

(b) **[**[F106]if the Public Services Ombudsman for Wales reaches a finding under section 69(4)(c) he**]** must refer the matters concerned either to the monitoring officer of the relevant authority concerned or to the monitoring officer of that other relevant authority.

(5) A report under this section may cover more than one investigation under section 69 in relation to any members or co-opted members (or former members or co-opted members) of the same relevant authority.

(6) **[**[F107]The Public Services Ombudsman for Wales**]** must—

(a) inform any person who is the subject of an investigation under section 69, and

(b) take reasonable steps to inform any person who made any allegation which gave rise to the investigation,

of the outcome of the investigation.

Textual Amendments

F105 Words in s. 71(1)-(3) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 15(a)**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F106 Words in s. 71(4)(b) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 15(b)**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F107 Words in s. 71(6) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 15(c)**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

72 Interim reports.

(1) Where he considers it necessary in the public interest, **[**[F108]the Public Services Ombudsman for Wales**]** may, before the completion of an investigation under section 69, produce an interim report on that investigation.

(2) An interim report under this section may cover more than one investigation under section 69 in relation to any members or co-opted members (or former members or co-opted members) of the same relevant authority.

(3) Where the prima facie evidence is such that it appears to **[**[F108]the Public Services Ombudsman for Wales**]**—

(a) that the person who is the subject of the interim report has failed to comply with the code of conduct of the relevant authority concerned,

(b) that the nature of that failure is such as to be likely to lead to disqualification under section 79(4)(b), and

(c) that it is in the public interest to suspend or partially suspend that person immediately,

the interim report may include a recommendation that that person should be suspended or partially suspended from being a member or co-opted member of the relevant

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authority concerned for a period which does not exceed six months or (if shorter) the remainder of the person's term of office.

(4) Where **[**[F108]the Public Services Ombudsman for Wales**]** produces an interim report under this section which contains such a recommendation as is mentioned in subsection (3), he must refer the matters which are the subject of the report to the president of the Adjudication Panel for Wales for adjudication by a tribunal falling within section 76(2).

(5) A copy of any report under this section must be given—
- (a) to any person who is the subject of the report,
- (b) to the monitoring officer of the relevant authority concerned, and
- (c) to the president of the Adjudication Panel for Wales.

(6) Where a person 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 in Wales—
- (a) the second reference in subsection (3) to the relevant authority concerned is to be treated as a reference to that other relevant authority, and
- (b) the reference in subsection (5)(b) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.

Textual Amendments

F108 Words in s. 72(1)(3)(4) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 16**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

References to monitoring officers

73 Matters referred to monitoring officers.

(1) The National Assembly for Wales may by regulations make provision in relation to the way in which any matters referred to the monitoring officer of a relevant authority under section **[**[F109]70(4) or (5) or 71(2) or (4)**]** are to be dealt with.

(2) The provision which may be made by regulations under subsection (1) includes provision for or in connection with—
- (a) enabling a monitoring officer of a relevant authority to conduct an investigation in respect of any matters referred to him,
- (b) enabling a monitoring officer of a relevant authority to make a report, or recommendations, to the standards committee of the authority in respect of any matters referred to him,
- (c) enabling a standards committee of a relevant authority to consider any report or recommendations made to it by a monitoring officer of the authority (including provision with respect to the procedure to be followed by the standards committee),
- (d) enabling a standards committee of a relevant authority, following its consideration of any such report or recommendations, to take any action prescribed by the regulations (including action against any member or co-

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opted member (or former member or co-opted member) of the authority who is the subject of any such report or recommendation),

(e) the publicity to be given to any such reports, recommendations or action.

(3) The provision which may be made by virtue of subsection (2)(a) includes provision for or in connection with—

(a) conferring powers on a monitoring officer of a relevant authority to enable him to conduct an investigation in respect of any matters referred to him,

(b) conferring rights (including the right to make representations) on any member or co-opted member (or former member or co-opted member) of a relevant authority who is the subject of any such investigation.

(4) The provision which may be made by virtue of subsection (2)(d) includes provision for or in connection with—

(a) enabling a standards committee of a relevant authority to censure a member or co-opted member (or former member or co-opted member) of the authority,

(b) enabling a standards committee of a relevant authority to suspend or partially suspend a person from being a member or co-opted member of the authority for a limited period,

(c) conferring a right of appeal on a member or co-opted member (or former member or co-opted member) of a relevant authority in respect of any action taken against him.

(5) Nothing in subsection (2), (3) or (4) affects the generality of the power under subsection (1).

(6) In its application to police authorities in Wales, subsection (1) has effect as if for the reference to the National Assembly for Wales there were substituted a reference to the Secretary of State.

(7) Where **[**[F110]the Public Services Ombudsman for Wales**]** refers any matters to the monitoring officer of a relevant authority under section **[**[F111] 70(4) or (5) or 71(2) or (4) **]** he may give directions to the monitoring officer as to the way in which those matters are to be dealt with.

Textual Amendments

F109 Words in s. 73(1) substituted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 194(8)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(o)

F110 Words in s. 73(7) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 17**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

F111 Words in s. 73(7) substituted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 194(8)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(o)

Commencement Information

I13 S. 73 wholly in force at 28.7.2001; s. 73 not in force at Royal Assent see s. 108; s. 73 in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 73 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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74 Law of defamation.

For the purposes of the law of defamation, any statement (whether written or oral) made by **[**[F112]the Public Services Ombudsman for Wales**]** in connection with the exercise of his functions under this Part shall be absolutely privileged.

Textual Amendments

F112 Words in s. 74 substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 18**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

CHAPTER IV

ADJUDICATIONS

[[F113]*The Adjudication Panel for Wales]*

Textual Amendments

F113 S. 75 cross-heading substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 56** (with Sch. 5)

75 [F114Adjudication Panel for Wales].

[F115](1) . . . . . .

(2) There is to be a panel of persons, known as the Adjudication Panel for Wales or Panel Dyfarnu Cymru, eligible for membership of tribunals drawn from the Panel.

[F116](3) . . . . . .

[F116](4) . . . . . .

(5) The members of the Adjudication Panel for Wales are to be appointed by the National Assembly for Wales on such terms and conditions as it may determine.

(6) The National Assembly for Wales—

(a) must appoint one of the members of the Adjudication Panel for Wales as president of the Panel, and

(b) may appoint one of those members as deputy president of the Panel.

[F117](7) . . . . . .

(8) Such members of the Adjudication Panel for Wales as the National Assembly for Wales thinks fit must possess such qualifications as may be determined by the National Assembly for Wales.

[F118](9) . . . . . .

(10) The president and deputy president (if any) of the Adjudication Panel for Wales are to be responsible—

(a) for training the members of the Panel,

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(b) for issuing guidance on how tribunals drawn from the Panel are to reach decisions.

[F119](11) . . . . . .

Textual Amendments

F114 S. 75 heading substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 57(a)** (with Sch. 5)

F115 S. 75(1) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 57(b)** (with Sch. 5)

F116 S. 75(3)(4) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 57(b)** (with Sch. 5)

F117 S. 75(7) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 57(b)** (with Sch. 5)

F118 S. 75(9) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 57(b)** (with Sch. 5)

F119 S. 75(11) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 57(b)** (with Sch. 5)

Commencement Information

I14 S. 75 wholly in force at 28.7.2001; s. 75 not in force at Royal Assent see s. 108; s. 75(2)(5)(6)(8) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 75 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 75 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Case tribunals and interim case tribunals

76 Case tribunals and interim case tribunals.

(1) Adjudications in respect of matters referred to the president of the **[**[F120]Adjudication Panel for Wales**]** under section [F121]... 71(3) are to be conducted by tribunals (referred to in this Part as case tribunals) consisting of not less than three members of the Panel.

(2) Adjudications in respect of matters referred to the president of the **[**[F122]Adjudication Panel for Wales**]** under section [F123]... 72(4) are to be conducted by tribunals (referred to in this Part as interim case tribunals) consisting of not less than three members of the Panel.

(3) The president of the **[**[F124]Adjudication Panel for Wales**]** (or in his absence the deputy president) is to appoint the members of any case tribunal or interim case tribunal.

(4) A case tribunal drawn from the **[**[F125]Adjudication Panel for Wales**]** may conduct a single adjudication in relation to two or more matters which are referred to the president of the Panel under section [F126]... 71(3).

(5) An interim case tribunal drawn from the **[**[F127]Adjudication Panel for Wales**]** may conduct a single adjudication in relation to two or more matters which are referred to the president of the Panel under section [F128]...72(4).

(6) The president or the deputy president of the **[**[F129]Adjudication Panel for Wales**]** may be a member of a case tribunal or interim case tribunal drawn from the Panel.

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(7) A member of the **[**[F130]Adjudication Panel for Wales**]** may not at any time be a member of a case tribunal or interim case tribunal drawn from the Panel which is to adjudicate on a matter relating to a member or co-opted member (or former member or co-opted member) of a relevant authority if, within the period of five years ending with that time, the member of the Panel has been a member or an officer of the authority or a member of any committee, sub-committee, joint committee or joint sub-committee of the authority.

(8) A member of the **[**[F131]Adjudication Panel for Wales**]** who is directly or indirectly interested in any matter which is, or is likely to be, the subject of an adjudication conducted by a case tribunal or interim case tribunal—

(a) must disclose the nature of his interest to the president or deputy president of that Panel, and

(b) may not be a member of a case tribunal or interim case tribunal which conducts an adjudication in relation to that matter.

(9) Where there is no deputy president of the **[**[F132]Adjudication Panel for Wales**]**, the reference in subsections (3) and (8) to the deputy president is to be treated as a reference to such member of the Panel as [F133]...the National Assembly for Wales may specify.

[F134](9A) . . . . . .

(10) A person who is a member of an interim case tribunal which, as a result of an investigation under section [F135]... 69, conducts an adjudication in relation to any person may not be a member of a case tribunal which, on the conclusion of that investigation, subsequently conducts an adjudication in relation to that person.

[F136](11) . . . . . .

[F137](12) . . . . . .

(13) The National Assembly for Wales may issue guidance with respect to the composition of case tribunals or interim case tribunals drawn from the Adjudication Panel for Wales.

(14) The National Assembly for Wales may incur expenditure for the purpose of providing administrative support to the Adjudication Panel for Wales.

[F138](15) . . . . . .

Textual Amendments

F120 Words in s. 76(1) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(a)(i)** (with Sch. 5)

F121 Words in s. 76(1) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(a)(ii)** (with Sch. 5)

F122 Words in s. 76(2) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(b)(i)** (with Sch. 5)

F123 Words in s. 76(2) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(b)(ii)** (with Sch. 5)

F124 Words in s. 76(3) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(c)** (with Sch. 5)

F125 Words in s. 76(4) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(d)(i)** (with Sch. 5)

F126 Words in s. 76(4) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(d)(ii)** (with Sch. 5)

F127 Words in s. 76(5) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(e)(i)** (with Sch. 5)

F128 Words in s. 76(5) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(e)(ii)** (with Sch. 5)

F129 Words in s. 76(6) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(f)** (with Sch. 5)

F130 Words in s. 76(7) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(f)** (with Sch. 5)

F131 Words in s. 76(8) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(f)** (with Sch. 5)

F132 Words in s. 76(9) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(g)(i)** (with Sch. 5)

F133 Words in s. 76(9) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(g)(ii)** (with Sch. 5)

F134 S. 76(9A) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(h)** (with Sch. 5)

F135 Words in s. 76(10) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(i)** (with Sch. 5)

F136 S. 76(11) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(j)** (with Sch. 5)

F137 S. 76(12) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(j)** (with Sch. 5)

F138 S. 76(15) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 58(j)** (with Sch. 5)

Commencement Information

I15 S. 76 wholly in force at 28.7.2001; s. 76 not in force at Royal Assent see s. 108; s. 76(13) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 76 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 76 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Adjudications

77 Adjudications.

(1) A person who is the subject of an adjudication conducted by a case tribunal or interim case tribunal may appear before the tribunal in person or be represented by—

(a) counsel or a solicitor, or

(b) any other person whom he desires to represent him.

F139(2) . . . . . .

F139(3) . . . . . .

(4) The National Assembly for Wales may by regulations make such provision as appears to it to be necessary or expedient with respect to adjudications by case tribunals or interim case tribunals drawn from the Adjudication Panel for Wales.

(5) The president of the Adjudication Panel for Wales may, after consultation with the National Assembly for Wales, give directions as to the practice and procedure to be followed by tribunals drawn from the Panel.

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

(6) Regulations under this section may, in particular, include provision—

(a) for requiring persons to attend adjudications to give evidence and produce documents and for authorising the administration of oaths to witnesses,

(b) for requiring persons to furnish further particulars,

(c) for prescribing the procedure to be followed in adjudications, including provision as to the persons entitled to appear and to be heard on behalf of persons giving evidence,

(d) for the award of costs or expenses (including provision with respect to interest and provision with respect to the enforcement of any such award),

(e) for taxing or otherwise settling any such costs or expenses (and for enabling such costs to be taxed in a county court),

(f) for the registration and proof of decisions and awards of tribunals.

(7) A person who without reasonable excuse fails to comply with any requirement imposed by virtue of subsection (6)(a) or (b) **[**[F140], or with any corresponding requirement imposed by Tribunal Procedure Rules in relation to proceedings under this Act before the First-tier Tribunal,**]** is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) In this section any reference to documents includes a reference to information held by means of a computer or in any other electronic form.

Textual Amendments

F139 S. 77(2)(3) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 59(a)** (with Sch. 5)

F140 Words in s. 77(7) inserted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 59(b)** (with Sch. 5)

Commencement Information

I16 S. 77 wholly in force at 28.7.2001; s. 77 not in force at Royal Assent see s. 108; s. 77(4)(6) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 77 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 77 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

78 Decisions of **[**[F141]the First-tier Tribunal or**]** interim case tribunals.

(1) **[**[F142]In adjudicating on any of the matters which are the subject of an interim report, the First-tier Tribunal or an interim case tribunal**]** must reach one of the following decisions—

(a) that the person to whom the recommendation mentioned in section 65(3) or 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 **[**[F143]relevant authority concerned **]** for a period which does not exceed six months or (if shorter) the remainder of the person's term of office.

[[F144](2) If the decision of **[**[F145]the tribunal concerned**]** is as mentioned in subsection (1)(a), the tribunal must give notice of its decision to the standards committee of the relevant authority concerned.

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

(3) If the decision of **[**[F146]the tribunal concerned**]** 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.

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

[F147](4) . . . . . .

(5) A decision of an interim case tribunal under this section shall not prevent **[**[F148] 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 **[**[F149]is given by virtue of section 78A or 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, and
- (b) to the monitoring officer of the relevant authority concerned.

[[F150](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—
- (a) where the relevant authority concerned is in England, the other relevant authority is also in England,
- (b) where the relevant authority concerned is in Wales, the other relevant authority is also in Wales.**]**

(9) **[**[F151]The First-tier Tribunal or (as the case may be)**]** an interim case tribunal must take reasonable steps to inform any person who made any allegation which gave rise to the investigation under section 59 or 69 of its decision under this section.

[[F152](9A) Where a person is suspended or partially suspended under this section by a decision of the First-tier Tribunal, the person may appeal to the Upper Tribunal—
- (a) against the suspension or partial suspension; or
- (b) against the length of the suspension or partial suspension,

(unless the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007).

(9B) An appeal may not be brought under subsection (9A) on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007).

(9C) An appeal may be brought under subsection (9A) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.

(9D) In any case where the Upper Tribunal is determining an appeal under subsection (9A), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.**]**

(10) **[**[F153]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.

[[F154](11) An appeal may not be brought under subsection (10) except with the leave of the High Court.**]**

Textual Amendments

F141 Words in s. 78 heading inserted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 60(a)** (with Sch. 5)

F142 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)

F143 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)

F144 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)

F145 Words in s. 78(2) inserted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 60(c)** (with Sch. 5)

F146 Words in s. 78(3) inserted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 60(c)** (with Sch. 5)

F147 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)

F148 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)

F149 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)

F150 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)

F151 Words in s. 78(9) inserted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 60(e)** (with Sch. 5)

F152 S. 78(9A)-(9D) inserted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 60(f)** (with Sch. 5)

F153 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)

F154 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)

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

Modifications etc. (not altering text)

C19 S. 78(9A)-(9D) modified (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 5 para. 5(c)** (with Sch. 5)

Commencement Information

I17 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)

[F155 78A Decisions of [F156 First-tier Tribunal]

F157 (1) . . . . . .

(2) [F158 Where the First-tier Tribunal adjudicates on any matter under this Act, it] must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.

(3) Where [F159 the tribunal] decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.

(4) Where [F160 the tribunal] decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it may—

(a) take in respect of him any action authorised by regulations made by the Secretary of State for the purposes of this subsection, or

(b) decide to take no action against him.

(5) Regulations made under subsection (4) may in particular—

(a) enable the tribunal to censure the person,

(b) enable it to suspend, or partially suspend, the person from being a member or co-opted member of the relevant authority concerned for a limited period,

(c) enable it to disqualify the person, for a period not exceeding five years, for being or becoming (whether by election or otherwise) a member of that or any other relevant authority.

(6) The reference in subsection (5)(b) to the relevant authority concerned is to be read, in relation to a person who 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 in England, as a reference to that other relevant authority.

(7) Regulations made by the Secretary of State may require [F161 the First-tier Tribunal] to give a notice to the standards committee of the relevant authority concerned where it decides that a person has failed to comply with the code of conduct of that authority and—

(a) decides to suspend or partially suspend the person,

(b) decides to disqualify the person,

(c) decides to take action against the person other than suspension, partial suspension or disqualification, or

(d) decides to take no action against him.

(8) Regulations under subsection (7) may—

(a) prescribe the content of any notice,

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

(b) provide for the effect that any notice is to have,

(c) provide for provisions of the regulations to have effect with prescribed modifications 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 in England.

Textual Amendments

F155 Ss. 78A, 78B inserted (31.1.2008 for specified purposes, 12.12.2008 in so far as not already in force) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 198**, 245(5) (with s. 201); S.I. 2008/172, art. 8; S.I. 2008/3110, art. 2(e)

F156 Words in s. 78A heading substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 61(a)** (with Sch. 5)

F157 S. 78A(1) omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 61(b)** (with Sch. 5)

F158 Words in s. 78A(2) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 61(c)** (with Sch. 5)

F159 Words in s. 78A(3) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 61(d)** (with Sch. 5)

F160 Words in s. 78A(4) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 61(d)** (with Sch. 5)

F161 Words in s. 78A(7) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 61(e)** (with Sch. 5)

78B [F162Section 78A:] supplementary

[F163(1) A copy of any notice given under section 78A(3) or under regulations made under section 78A(7)—

(a) must be given to the Standards Board for England,

(b) must be given to any person who is the subject of the decision to which the notice relates, and

(c) must be published in one or more newspapers circulating in the area of the relevant authority concerned.

(2) 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 in England, the following references to the relevant authority concerned are to be treated as including references to that other relevant authority—

(a) the second reference in section 78A(3);

(b) the reference in subsection (1)(c) above.

(3) Where [F164the First-tier Tribunal adjudicates on any matter under this Act], it must take reasonable steps to give notice of its decision to any person who made any allegation which gave rise to the adjudication.

(4) Where [F165the First-tier Tribunal] decides under section 78A that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal to [F166the Upper Tribunal] against that decision, or any other decision made by the tribunal by virtue of section 78A which relates to him [F167(unless the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007)].

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

[[F168](5) An appeal may not be brought under subsection (4) on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007).

(6) An appeal may be brought under subsection (4) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.

(7) In any case where the Upper Tribunal is determining an appeal under subsection (4), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.**]]**

Textual Amendments

F155 Ss. 78A, 78B inserted (31.1.2008 for specified purposes, 12.12.2008 in so far as not already in force) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 198**, 245(5) (with s. 201); S.I. 2008/172, art. 8; S.I. 2008/3110, art. 2(e)

F162 Words in s. 78B heading substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 62(a)** (with Sch. 5)

F163 S. 78B repealed (31.1.2012 for specified purposes, 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. 45, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(m) (with arts. 6, 8); S.I. 2012/1463, art. 5(a)(d) (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)(c) (with arts. 3-6)

F164 Words in s. 78B(3) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 62(b)** (with Sch. 5)

F165 Words in s. 78B(4) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 62(c)(i)** (with Sch. 5)

F166 Words in s. 78B(4) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 62(c)(ii)** (with Sch. 5)

F167 Words in s. 78B(4) inserted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 62(c)(iii)** (with Sch. 5)

F168 S. 78B(5)-(7) substituted for s. 78B(5) (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 62(d)** (with Sch. 5)

Modifications etc. (not altering text)

C20 S. 78B(4)-(7) modified (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 5 para. 5(c)** (with Sch. 5)

79 [[F169]Decisions of case tribunals: Wales .]

[[F170](A1) In this section "Welsh case tribunal" means a case tribunal drawn from the Adjudication Panel for Wales.**]**

(1) A **[**[F171]Welsh case tribunal **]** which adjudicates on any matter must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.

(2) Where a **[**[F171]Welsh case tribunal **]** decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.

(3) Where a **[**[F171]Welsh case tribunal **]** decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it must decide whether the nature

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of the failure is such that the person should be suspended or disqualified in accordance with subsection (4).

(4) A person may be—

(a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or

(b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority.

(5) Where a **[**[F171]Welsh case tribunal**]** makes such a decision as is mentioned in subsection (4)(a), it must decide the period for which the person should be suspended or partially suspended (which must not exceed one year or, if shorter, the remainder of the person's term of office).

(6) Where a **[**[F171]Welsh case tribunal**]** makes such a decision as is mentioned in subsection (4)(b), it must decide the period for which the person should be disqualified (which must not exceed five years).

(7) Where a **[**[F171]Welsh case tribunal**]** decides that a person has failed to comply with the code of conduct of the relevant authority concerned but should not be suspended or disqualified as mentioned in subsection (4), it must give notice to the standards committee of the relevant authority concerned—

(a) stating that the person has failed to comply with that code of conduct, and

(b) specifying the details of that failure.

(8) Where a **[**[F171]Welsh case tribunal **]** decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be suspended or partially suspended as mentioned in subsection (4)(a), it must give notice to the standards committee of the relevant authority concerned—

(a) stating that the person has failed to comply with that code of conduct,

(b) specifying the details of that failure, and

(c) stating that the person **[**[F172]is suspended or partially suspended **]** for the period, and in the way, which the tribunal has decided.

[[F173](9) The effect of a notice given to the standards committee of a relevant authority under subsection (8) is to suspend or partially suspend the person concerned as mentioned in subsection (8)(c).**]**

(10) Where a **[**[F171]Welsh case tribunal **]** decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be disqualified as mentioned in subsection (4)(b), it must give notice to the standards committee of the relevant authority concerned—

(a) stating that the person has failed to comply with that code of conduct,

(b) specifying the details of that failure, and

(c) stating that the person is disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for the period which the tribunal has decided.

(11) The effect of a notice given to the standards committee of a relevant authority under subsection (10) is to disqualify the person concerned as mentioned in subsection (10)(c).

(12) A copy of any notice under this section—

[[F174](a) must be given to the Public Services Ombudsman for Wales,**]**

Status: *Point in time view as at 31/01/2012.*
Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

(b) must be given to any person who is the subject of the decision to which the notice relates, and

(c) must be published in one or more newspapers circulating in the area of the relevant authority concerned.

(13) 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 in **[**[F175]Wales **]**—

(a) a copy of any notice under subsection (2), (7) or (10) must also be given to the standards committee of that other relevant authority,

[[F176](b) the reference in subsection (4)(a) to the relevant authority concerned is to be treated as a reference to that other relevant authority,**]**

(c) the duty to give notice to the standards committee of the relevant authority concerned under subsection (8) 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,

(d) the reference in subsection (12)(c) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.

(14) A **[**[F171]Welsh case tribunal **]** must take reasonable steps to inform any person who made any allegation which gave rise to the adjudication of the decision of the **[**[F171]Welsh case tribunal**]** under this section.

(15) Where a **[**[F171]Welsh case tribunal**]** decides under this section that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal to the High Court against that decision, or any other decision under this section which relates to him.

[[F177](16) An appeal may not be brought under subsection (15) except with the leave of the High Court.**]**

Textual Amendments

F169 S. 79 sidenote substituted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 199(2)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(f)

F170 S. 79(A1) inserted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 199(3)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(f)

F171 Words in s. 79(1)-(15) substituted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 199(4)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(f)

F172 Words in s. 79(8)(c) substituted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 199(5)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(f)

F173 S. 79(9) substituted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 199(6)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(f)

F174 S. 79(12)(a) substituted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 199(7)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(f)

F175 Words in s. 79(13) substituted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 199(8)(a)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(f)

F176 S. 79(13)(b) substituted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 199(8)(b)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(f)

F177 S. 79(16) inserted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 199(9)**, 245(5) (with s. 201); S.I. 2008/3110, art. 2(f)

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Commencement Information

I18 S. 79 wholly in force at 28.7.2001; s. 79 not in force at Royal Assent see s. 108; s. 79 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 79 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

80 Recommendations by [F178First-tier Tribunal or] case tribunals.

(1) **[**F179Where the First-tier Tribunal or a case tribunal has adjudicated on any matter under this Act, it**]** may make recommendations to a relevant authority about any matters relating to—

(a) the exercise of the authority's functions,

(b) the authority's code of conduct, or

(c) the authority's standards committee.

(2) **[**F180The tribunal concerned**]** must send a copy of any recommendations it makes under subsection (1) to the relevant person.

(3) A relevant authority to whom recommendations are made under subsection (1) must consider the recommendations and, within a period of three months beginning with the day on which the recommendations are received, prepare a report for the **[**F181relevant person**][**F181Public Services Ombudsman for Wales**]** giving details of what action the authority have taken or are proposing to take as a result of the recommendations.

(4) A relevant authority's function of considering a report under subsection (3) may be discharged only by the authority or by the standards committee of that authority (and accordingly, in the case of a relevant authority to which section 101 of the M10Local Government Act 1972 applies, is not to be a function to which that section applies).

(5) If the **[**F182relevant person**][**F182Public Services Ombudsman for Wales**]** is not satisfied with the action the relevant authority have taken or propose to take in relation to the recommendations, the **[**F182relevant person**][**F182Public Services Ombudsman for Wales**]** may require the authority to publish a statement giving details of the recommendations made by the tribunal and of the authority's reasons for not fully implementing the recommendations.

(6) **[**F183In this section "the relevant person" means—

(a) the Standards Board for England where the relevant authority concerned is in England,

(b) **[**F184the Public Services Ombudsman for Wales**]** where the relevant authority concerned is in Wales.**]**

Textual Amendments

F178 Words in s. 80 heading inserted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 63(a)** (with Sch. 5)

F179 Words in s. 80(1) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 63(b)** (with Sch. 5)

F180 Words in s. 80(2) inserted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 63(c)** (with Sch. 5)

F181 Words in s. 80(3) substituted (31.1.2012 for specified purposes, 1.7.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 4 para. 47(5)**; S.I. 2012/57, art. 5(1)(a)(c)(2)(n) (with arts. 6, 8); S.I. 2012/1463, art. 5(a) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)

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F182 Words in s. 80(5) substituted (31.1.2012 for specified purposes, 1.7.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 4 para. 47(6)**; S.I. 2012/57, art. 5(1)(a)(c)(2)(n) (with arts. 6, 8); S.I. 2012/1463, art. 5(a) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)

F183 S. 80(6) repealed (31.1.2012 for specified purposes, 1.7.2012 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 47(7), **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(n) (with arts. 6, 8); S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)

F184 Words in s. 80(6)(b) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 21**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

Commencement Information

I19 S. 80 wholly in force at 28.7.2001; s. 80 not in force at Royal Assent see s. 108; s. 80 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 80 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

M10 1972 c. 70.

CHAPTER V

SUPPLEMENTARY

Disclosure and registration of members' interests etc.

81 Disclosure and registration of members' interests etc.

(1) The monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority.

(2) The mandatory provisions of the model code applicable to each relevant authority ("the mandatory provisions") must require the members and co-opted members of each authority to register in that authority's register maintained under subsection (1) such financial and other interests as are specified in the mandatory provisions.

(3) The mandatory provisions must also—

(a) require any member or co-opted member of a relevant authority who has an interest specified in the mandatory provisions under subsection (2) to disclose that interest before taking part in any business of the authority relating to that interest,

(b) make provision for preventing or restricting the participation of a member or co-opted member of a relevant authority in any business of the authority to which an interest disclosed under paragraph (a) relates.

(4) Any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).

(5) The Secretary of State may prescribe in regulations the circumstances in which standards committees may grant dispensations under subsection (4).

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(6) A relevant authority must ensure that copies of the register for the time being maintained by their monitoring officer under this section are available at an office of the authority for inspection by members of the public at all reasonable hours.

(7) As soon as practicable after the establishment by their monitoring officer of a register under this section, a relevant authority must—

(a) publish in one or more newspapers circulating in their area a notice which—

(i) states that copies of the register are available at an office of the authority for inspection by members of the public at all reasonable hours, and

(ii) specifies the address of that office, and

[F185](b) . . . . . .

[[F186](c) if it is a relevant authority in Wales, inform the Public Services Ombudsman for Wales that copies of the register are so available.**]**

(8) In its application to standards committees of relevant authorities in Wales (other than police authorities), subsection (5) has effect as if for the reference to the Secretary of State there were substituted a reference to the National Assembly for Wales.

Textual Amendments

F185 S. 81(7)(b) repealed (31.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 48(3)(a), **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(o) (with arts. 6, 8)

F186 S. 81(7)(c) inserted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 22(b)**; S.I. 2005/2800, art. 5(1) (with transitional provisions in S.I. 2006/362, art. 4)

Commencement Information

I20 S. 81 wholly in force at 28.7.2001; s. 81 not in force at Royal Assent see s. 108; s. 81(5)(8) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 81 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 81 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Code of conduct for local government employees

82 Code of conduct for local government employees.

(1) The Secretary of State may by order issue a code as regards the conduct which is expected of qualifying employees of relevant authorities in England and police authorities in Wales.

(2) The National Assembly for Wales may by order issue a code as regards the conduct which is expected of qualifying employees of relevant authorities in Wales (other than police authorities).

(3) The power under subsection (1) or (2) to issue a code includes power—

(a) to issue a separate code for council managers (within the meaning of Part II of this Act), and

(b) to revise any code which has been issued.

(4) Before making an order under this section, the Secretary of State must consult—

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(a) such representatives of relevant authorities in England, and of employees of such authorities, as he considers appropriate,
(b) the Audit Commission, and
(c) the Commission for Local Administration in England.

(5) Before making an order under this section so far as it relates to police authorities in Wales, the Secretary of State must consult—
(a) such representatives of police authorities in Wales, and of employees of such authorities, as he considers appropriate,
[[F187](aa) the Auditor General for Wales,**]**
(b) **[**[F188]the Public Services Ombudsman for Wales **]**, and
(c) the National Assembly for Wales.

(6) Before making an order under this section, the National Assembly for Wales must consult—
(a) such representatives of relevant authorities in Wales, and of employees of such authorities, as it considers appropriate,
(b) the **[**[F189]Auditor General for Wales**]**, and
(c) **[**[F190]the Public Services Ombudsman for Wales **]**.

(7) The terms of appointment or conditions of employment of every qualifying employee of a relevant authority (whether appointed or employed before or after the commencement of this section) are to be deemed to incorporate any code for the time being under this section which is applicable.

(8) In this section "qualifying employee", in relation to a relevant authority, means an employee of the authority other than an employee falling within any description of employee specified in regulations under this subsection.

(9) The power to make regulations under subsection (8) is to be exercised—
(a) in relation to England, by the Secretary of State, and
(b) in relation to Wales, by the National Assembly for Wales.

Textual Amendments

F187 S. 82(5)(aa) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 55(1)**(2)**; S.I. 2005/558, art. 2, Sch. 1

F188 Words in s. 82(5)(b) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 23**; S.I. 2005/2800, arts. 4(1)(d)(2), 5(1) (with art. 4(3))

F189 Words in s. 82(6)(b) substituted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 55(1)**(3)**; S.I. 2005/558, art. 2, Sch. 1

F190 Words in s. 82(6)(c) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 4 para. 23**; S.I. 2005/2800, arts. 4(1)(d)(2), 5(1) (with art. 4(3))

Commencement Information

I21 S. 82 wholly in force at 28.7.2001; s. 82 not in force at Royal Assent see s. 108; s. 82(2)(3)(6)(8)(9) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 82 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 82 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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[F191 Delegation by monitoring officers

Textual Amendments

F191 S. 82A and cross-heading inserted (18.11.2003) by Local Government Act 2003 (c. 26), **ss. 113(2)**, 128(2)(d)

82A Monitoring officers: delegation of functions under Part 3

(1) This section applies to functions of a monitoring officer of a relevant authority in relation to matters referred to him under section **[F192** 57A, 60(2) or (3), 64(2) or (4), 70(4) or (5) or 71(2) or (4) **]** .

(2) Where the monitoring officer considers that in a particular case he himself ought not to perform particular functions to which this section applies, those particular functions shall in that case be performed personally by a person nominated for the purpose by the monitoring officer.

(3) Where a deputy nominated by the monitoring officer under section 5(7) of the Local Government and Housing Act 1989 (nomination of member of monitoring officer's staff to act as deputy when monitoring officer absent or ill) considers that in a particular case he himself ought not to perform particular functions—

(a) to which this section applies, and

(b) which, by reason of the absence or illness of the monitoring officer, would but for this subsection fall to be performed by the deputy,

those particular functions shall, while the monitoring officer continues to be unable to act by reason of absence or illness, be performed in that case personally by a person nominated for the purpose by the deputy.

(4) Where functions to which this section applies are to be performed by a person nominated under subsection (2) or (3) who is an officer of the relevant authority, the authority shall provide the officer with such staff, accommodation and other resources as are, in the officer's opinion, sufficient to allow those functions to be performed.

(5) Where functions to which this section applies are to be performed by a person nominated under subsection (2) or (3) who is not an officer of the relevant authority, the authority shall—

(a) pay the person a reasonable fee for performing the functions,

(b) reimburse expenses properly incurred by the person in performing the functions, but only to the extent that the amount of the expenses is reasonable, and

(c) provide the person with such staff, accommodation and other resources as are reasonably necessary for the person's performance of the functions.**]**

Textual Amendments

F192 Words in s. 82A(1) substituted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 194(9)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(o)

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Changes to legislation: *Local Government Act 2000, Part III is up to date with all changes known to be in force on or before 01 October 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)*

Interpretation

83 Interpretation of Part III.

(1) In this Part—

"the Audit Commission" means the Audit Commission for Local Authorities and the National Health Service in England [F193]...,

"case tribunal" has the meaning given by section 76(1),

"code of conduct" means a code of conduct under section 51,

"co-opted member" has the meaning given by section 49(7),

"elected mayor" and "elected executive member" have the meaning given by section 39(1) and (4),

"ethical standards officer" means a person appointed under section 57(5)(a),

"executive" is to be construed in accordance with section 11,

"executive arrangements" has the meaning given by section 10,

"executive leader" has the meaning given by **[**[F194]section 11(2A)(a) or (3)(a)**]**,

"interim case tribunal" has the meaning given by section 76(2),

[F195]...

"model code of conduct" is to be construed in accordance with section 50(1) and (2),

"police authority" means a police authority established under section 3 of the [M11]Police Act 1996,

[F196]...

"relevant authority" has the meaning given by section 49(6).

(2) Any reference in this Part to a committee of a relevant authority, in the case of a relevant authority to which Part II of this Act applies, includes a reference to a committee of an executive of the authority.

(3) Any reference in this Part to a member of a relevant authority, in the case of a relevant authority to which Part II of this Act applies, includes a reference to an elected mayor or elected executive member of the authority.

(4) Any reference in this Part to a member of a relevant authority, in the case of the Greater London Authority, is a reference to the Mayor of London or a London Assembly member.

(5) Any reference in this Part to a joint committee or joint sub-committee of a relevant authority is a reference to a joint committee on which the authority is represented or a sub-committee of such a committee.

(6) Any reference in this Part to a failure to comply with a relevant authority's code of conduct includes a reference to a failure to comply with the mandatory provisions which apply to the members or co-opted members of the authority by virtue of section 51(5)(b).

(7) Any reference in this Part to a person being partially suspended from being a member or co-opted member of a relevant authority includes a reference to a person being prevented from exercising particular functions or having particular responsibilities as such a member or co-opted member.

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(8) The reference in subsection (7) to particular functions or particular responsibilities as a member of a relevant authority, in the case of a relevant authority to which Part II of this Act applies, includes a reference to particular functions or particular responsibilities as a member of an executive of the authority.

(9) A person who is suspended under this Part from being a member of a relevant authority shall also be suspended from being a member of any committee, sub-committee, joint committee or joint sub-committee of the authority, but this subsection does not apply to a person who is partially suspended under this Part.

(10) A person who is suspended under this Part from being a member of a relevant authority to which Part II of this Act applies shall also be suspended, if he is a member of an executive of the authority, from being such a member; but this subsection does not apply to a person who is partially suspended under this Part.

(11) A person who is disqualified under this Part for being or becoming a member of a relevant authority shall also be disqualified—

(a) for being or becoming a member of any committee, sub-committee, joint committee or joint sub-committee of the authority, and

(b) if the authority is one to which Part II of this Act applies, for being or becoming a member of an executive of the authority.

(12) Any function which by virtue of this Part is exercisable by or in relation to the monitoring officer of a relevant authority which is a parish council is to be exercisable by or in relation to the monitoring officer of the district council or unitary county council which are the responsible authority in relation to the parish council; and any reference in this Part to the monitoring officer of a relevant authority which is a parish council is to be construed accordingly.

(13) Any function which by virtue of this Part is exercisable by or in relation to the monitoring officer of a relevant authority which is a community council is to be exercisable by or in relation to the monitoring officer of the county council or county borough council in whose area the community council is situated; and any reference in this Part to the monitoring officer of a relevant authority which is a community council is to be construed accordingly.

(14) Any functions which are conferred by virtue of this Part on a relevant authority to which Part II of this Act applies are not to be the responsibility of an executive of the authority under executive arrangements.

(15) Any functions which are conferred on the Greater London Authority by virtue of this Part are to be exercisable by the Mayor of London and the London Assembly acting jointly on behalf of the Authority.

(16) Subsections (12) and (13) of section 55 are to apply for the purposes of subsection (12) as they apply for the purposes of that section.

Textual Amendments

F193 Words in s. 83(1) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 9 para. 1(2)(p), **Sch. 18 Pt. 9**; S.I. 2008/172, art. 4(a)(n)(i)

F194 Words in s. 83 substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(2), **Sch. 3 para. 26**

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F195 Words in s. 83(1) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 4 para. 24(a), **7**; S.I. 2005/2800, art. 5(1) (with transitional provisions in S.I. 2006/362, art. 4)

F196 Words in s. 83 omitted (18.1.2010) by virtue of The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(1), **Sch. 2 para. 64** (with Sch. 5)

Commencement Information

I22 S. 83 wholly in force at 28.7.2001; s. 83 not in force at Royal Assent see s. 108; s. 83(1)-(3)(5)-(14) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 83 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 83 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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M11 1996 c. 16.

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