

These notes refer to the Local Government and Public Involvement in Health Act 2007 (c.28) which received Royal Assent on 30 October 2007

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 17: Final Provisions

Schedule 12: The Commission for Local Administration in England: minor and consequential amendments

593. This Schedule covers the minor and consequential amendments arising from the provisions in Part 9 regarding the Commission for Local Administration.
594. [Paragraphs 4\(4\)\(b\) and 5\(2\)](#) of Schedule 12 repeal the requirements in sections 28(3) and 29(6) of the Local Government Act 1974 that the Minister of the Civil Service is required to consent to the scales on which Local Commissioners pay fees, expenses and allowances. Paragraph 11(2) repeals the requirement in paragraph 3 of Schedule 4 to the Local Government Act 1974 that the Minister of the Civil Service's consent is required to the amount of payments of remuneration, pensions etc to the Local Commissioners and the Commission's staff.
595. [Paragraph 7](#) makes a number of amendments to section 32 of the Local Government Act 1974. Section 32 provides for absolute privilege in defamation proceedings for certain communications relating to the work of the Local Commissioners and for exemption from disclosure for information obtained by Local Commissioners in the course of their investigations, subject to limited exceptions. Paragraph 7(6) extends the defence of absolute privilege in defamation proceedings to the publication of reports, statements or summaries of reports or statements by a Local Commissioner. Paragraph 7(9) clarifies which authorities can give a written notice to prevent the disclosure of information which a Local Commissioner might otherwise be authorised or required to disclose, where the authority considers disclosure would not be in the public interest. The amendments made by paragraph 7 also ensure that the defence of absolute privilege in defamation proceedings and the exemption from disclosure of information obtained during an investigation apply where any person discharges or assists in the discharge of a function of a Local Commissioner.
596. [Paragraph 10](#) replaces the definition of 'person aggrieved' in section 34(1) of the Local Government Act 1974 with a definition of the 'person affected'. A "person aggrieved" is defined as a person who is the subject of a complaint to a Local Commissioner that he or she has suffered injustice. A "person affected" includes such persons but also includes a person who it appears has, or may have, suffered injustice in consequence of a matter which has come to the attention of a Local Commissioner during the course of an investigation. This reflects the Local Commissioners' new powers (in new section 26D inserted by section 174) to investigate such matters.

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597. Paragraphs 13 and 15 amend provisions inserted by the Regulatory Reform (Collaboration etc. between Ombudsmen) Order 2007 which facilitates joint working arrangements between the Parliamentary, Health and Local Commissioners.