



Local Government Act 1974

1974 CHAPTER 7

PART III

LOCAL GOVERNMENT ADMINISTRATION

28 Procedure in respect of investigations.

- (1) Where a Local Commissioner proposes to [^{F1} investigate a matter under this Part of this Act], he shall afford to the authority concerned, and to any person who is alleged in the complaint [^{F2} (if any), or who otherwise appears to the Local Commissioner,] to have taken or authorised [^{F3} the action which would be the subject of the investigation], an opportunity to comment on [^{F4} the matter] .
- (2) Every [^{F5} investigation under this Part of this Act] shall be conducted in private, but except as aforesaid the procedure for conducting an investigation shall be such as the Local Commissioner considers appropriate in the circumstances of the case; and without prejudice to the generality of the preceding provision [^{F6}—
 - (a) the Local Commissioner may, as well as adopting different procedure for different cases, adopt different procedure for cases of different descriptions; and
 - (b)] the Local Commissioner may obtain information from such persons and in such manner, and make such inquiries, as he thinks fit, and may determine whether any person may be represented (by counsel or solicitor or otherwise) in the investigation.
- (3) The Local Commissioner may, if he thinks fit, pay to the person by whom the complaint [^{F7} (if any)] was made, and to any other person who attends or furnishes information for the purposes of an investigation under this Part of this Act—
 - (a) sums in respect of the expenses properly incurred by them;
 - (b) allowances by way of compensation for the loss of their time,

^{F8} ...
- (4) The conduct of an investigation under this Part of this Act shall not affect any action taken by the authority concerned [^{F9} or any other person] , or any power or duty of

Changes to legislation: Local Government Act 1974, Section 28 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F10} the authority concerned or any other person] to take further action with respect to any matters subject to the investigation.

[^{F11}(5) The differential procedure authorised by subsection (2)(a) includes (in particular) procedure for cases of a particular description that is expected to be faster than that for at least some other cases.]

Textual Amendments

- F1** Words in s. 28(1) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 4(2)(a)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F2** Words in s. 28(1) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 4(2)(b)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F3** Words in s. 28(1) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 4(2)(c)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F4** Words in s. 28(1) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 4(2)(d)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F5** Words in s. 28(2) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 4(3)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F6** Words in s. 28(2) inserted (26.5.2015) by Local Government (Review of Decisions) Act 2015 (c. 22), **ss. 2(2), 4(2)**
- F7** Words in s. 28(3) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 4(4)(a)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F8** Words in s. 28(3) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 4(4)(b), Sch. 18 Pt. 14**; S.I. 2008/917, art. 2(1)(n)(ii)(v) (with art. 6(5))
- F9** Words in s. 28(4) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 4(5)(a)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F10** Words in s. 28(4) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 4(5)(b)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F11** S. 28(5) inserted (26.5.2015) by Local Government (Review of Decisions) Act 2015 (c. 22), **ss. 2(3), 4(2)**

Modifications etc. (not altering text)

- C1** S. 28: ss. 26-34 modified by S.I. 1991/559, **art. 2(3)**
- C2** Ss. 27-30 modified by S.I. 1986/452, **art. 8(3)**
- C3** S. 28 power to apply or reproduce (with or without modifications) conferred (W.) (1.11.2000) and (E.) (28.7.2001) by 2000 c. 22, **ss. 70(2), 108(4)-(6)**; S.I. 2000/2948, **art. 2**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

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