



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)**

CHAPTER I

CONDUCT OF MEMBERS

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).
- (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,

Status: Point in time view as at 10/11/2004.

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- (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,
 - (b) the Commission for Local Administration in 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 Audit Commission,
 - (c) the Commission for Local Administration in 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,
 - (h) the Metropolitan Police Authority,
 - (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,
 - [^{F1}(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,]
 - (m) a police authority,
 - (n) a joint authority established by Part IV of the ^{M1}Local Government Act 1985,
 - (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.

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Textual Amendments

- F1** S. 49(6)(l) 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

Commencement Information

- II** 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.
- (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

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

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.
- (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,

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- (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—
 - (i) in the case of a relevant authority in England or a police authority in Wales, to the Standards Board for England,
 - (ii) in the case of a relevant authority in Wales, to the Commission for Local Administration in 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).

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 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 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 in performing his functions he will observe the authority's code of conduct for the time being under section 51.

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- (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 in performing his functions he will observe the authority's code of conduct for the time being under section 51.

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) 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) 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.
- (5) 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) 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) 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) 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) 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) 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 the Commission for Local Administration in 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.

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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.
- (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).
- (6) The Standards Board for England may issue guidance with respect to the exercise of functions by standards committees of relevant authorities in England and police authorities in Wales.
- (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).

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)

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[^{F2}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 55 or 56.
- (3) A sub-committee under subsection (1) shall be appointed from among the members of the standards committee by which it is appointed.
- (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 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.]

Textual Amendments

F2 S. 54A inserted (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), **ss. 113(1), 128(2)(d)**

55 Standards committees or sub-committees 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.

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- (3) A standards committee of a district council or unitary county 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 district council or unitary county council must consult the parish councils for which they are the responsible authority.
- (5) The number of members of a sub-committee of a standards committee of a district council or unitary county council, 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.
- (6) Where the standards committee of a district council or unitary county council discharges the functions 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.
- (7) Where a sub-committee of the standards committee of a district council or unitary county council discharges the functions conferred by this section, the sub-committee must include—
 - (a) at least one member of the standards committee who falls within section 53(4)(b), and
 - (b) at least one member of any of the parish councils for which the district council or unitary county council are the responsible authority.
- (8) Regulations under section 53(6)(a) and (c) to (g) may make provision in relation to sub-committees appointed under this section, and 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.
- (9) Subsections (7), (8), (9) and (10) of section 53 apply in relation to sub-committees of standards committees appointed under this section as they apply in relation to standards committees.
- (10) Subsections (4) and (6) of section 54 apply in relation to sub-committees of standards committees appointed under this section as they apply in relation to standards committees.
- (11) 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 parish council is to be exercisable by or in relation to—
 - (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 under this section, that sub-committee;
 and 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 accordingly.
- (12) A district council or unitary county council are the responsible authority—

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- (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.

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
 - (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.

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- (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.

CHAPTER II

INVESTIGATIONS ETC: ENGLAND

Standards Board for England

57 Standards Board for England.

- (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,
 - (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.

Commencement Information

- 18** 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)

Status: Point in time view as at 10/11/2004.

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58 Written allegations.

- (1) A person may make a written allegation to the Standards Board for England that a member or co-opted member (or former member or co-opted member) of a relevant authority in England has failed, or may have failed, to comply with the authority's code of conduct.
- (2) If the Standards Board for England considers that a written allegation under subsection (1) should be investigated, it must refer the case to one of its ethical standards officers.
- (3) If the Standards Board for England considers that a written allegation under subsection (1) should not be investigated, it must take reasonable steps to give written notification to the person who made the allegation of the decision and the reasons for the decision.

Commencement Information

- 19** S. 58 wholly in force at 28.7.2001; s. 58 not in force at Royal Assent see s. 108; s. 58 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 58 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Functions of ethical standards officers

59 Functions of ethical standards officers.

- (1) The functions of ethical standards officers are to investigate—
 - (a) cases referred to them by the Standards Board for England under section 58(2), and
 - (b) other cases in which any such officer considers that a member or co-opted member (or former member or co-opted member) of a relevant authority in England has failed, or may have failed, to comply with the authority's code of conduct and which have come to the attention of any such officer as a result of an investigation under paragraph (a).
- (2) The Standards Board for England may make arrangements in relation to the assignment of investigations under this section to particular ethical standards officers.
- (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 England for adjudication by a tribunal falling within section 76(1).

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- (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 England, 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 an ethical standards officer who reaches a finding under subsection (4)(c) must decide to which of those monitoring officers to refer the matters concerned).

Commencement Information

I10 S. 59 wholly in force at 28.7.2001; s. 59 not in force at Royal Assent see s. 108; s. 59 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 59 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Investigations

60 Conduct of investigations.

- (1) An ethical standards officer may arrange for any person to assist him in the conduct of any investigation under section 59.
- (2) An ethical standards officer to whom an investigation under section 59 is assigned may—
- (a) cease the investigation at any stage before its completion, and
 - (b) refer the matters which are the subject of the investigation to the monitoring officer of the relevant authority concerned.
- (3) 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 England, an ethical standards officer may, if he thinks it more appropriate than making such a reference as is mentioned in subsection (2)(b), refer the matters which are the subject of the investigation to the monitoring officer of that other relevant authority.
- (4) An ethical standards officer may not at any time conduct an investigation under section 59 in relation 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 ethical standards officer 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.
- (5) An ethical standards officer who is directly or indirectly interested in any matter which is, or is likely to be, the subject of an investigation under section 59—
- (a) must disclose the nature of his interest to the Standards Board for England, and
 - (b) may not take part in any investigation under that section which relates to that matter.
- (6) The validity of any acts of an ethical standards officer are not to be affected by any contravention of subsection (4) or (5) or paragraph 3(2) of Schedule 4 or any breach falling within paragraph 3(3) of that Schedule.

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Modifications etc. (not altering text)

- C3** S. 60(1)(4)(5) modified (W.) (28.7.2001) by [S.I. 2001/2286, art. 2, Sch. 1](#)
C4 S. 60(6) modified (W.) (28.7.2001) by [S.I. 2001/2286, art. 3, Sch. 2 para. 1](#)

Commencement Information

- I11** S. 60 wholly in force at 28.7.2001; s. 60 not in force at Royal Assent see s. 108; s. 60 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335, art. 2](#); s. 60 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

61 Procedure in respect of investigations.

- (1) The procedure for conducting an investigation under section 59 is to be such as the ethical standards officer considers appropriate in the circumstances of the case.
- (2) Without prejudice to subsection (1), the ethical standards officer must give any person who is the subject of an investigation under section 59 an opportunity to comment on any allegation that he has failed, or may have failed, to comply with the relevant authority concerned's code of conduct.
- (3) An ethical standards officer may, if he thinks fit, pay to persons who attend or furnish information for the purposes of an investigation under section 59—
 - (a) such sums in respect of the expenses properly incurred by them, and
 - (b) such allowances by way of compensation for the loss of their time, as may be determined by the Secretary of State.
- (4) The carrying out of an investigation under section 59 is not to affect—
 - (a) any action taken by the relevant authority concerned, or
 - (b) any power or duty of the relevant authority concerned to take further action with respect to any matters which are the subject of the investigation.
- (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 England, any reference in subsection (4) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.

Modifications etc. (not altering text)

- C5** S. 61 modified (W.) (28.7.2001) by [S.I. 2001/2286, art. 2, Sch. 1](#)

Commencement Information

- I12** S. 61 wholly in force at 28.7.2001; s. 61 not in force at Royal Assent see s. 108; s. 61 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335, art. 2](#); s. 61 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

62 Investigations: further provisions.

- (1) An ethical standards officer, or a person authorised by such an officer, has a right of access at all reasonable times to every document relating to a relevant authority which appears to him necessary for the purpose of conducting an investigation under

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section 59 in relation to a member or co-opted member (or former member or co-opted member) of the authority.

- (2) An ethical standards officer, or a person authorised by such an officer, may—
 - (a) make such inquiries of any person as he thinks necessary for the purpose of conducting such an investigation,
 - (b) require any person to give him such information or explanation as he thinks necessary for the purpose of conducting such an investigation, and
 - (c) if he thinks necessary, require any person to attend before him in person for the purpose of making inquiries of that person or requiring that person to give any information or explanation.
- (3) Without prejudice to subsections (1) and (2), a relevant authority must provide an ethical standards officer, or a person authorised by such an officer, with every facility and all information which he may reasonably require for the purposes of conducting an investigation under section 59 in relation to a member or co-opted member (or former member or co-opted member) of the authority.
- (4) An ethical standards officer, or a person authorised by such an officer, may under this section require any person—
 - (a) to furnish information concerning communications between the authority concerned and any Government department, or
 - (b) to produce any correspondence or other documents forming part of any such communications.
- (5) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in Her Majesty's service, whether imposed by any enactment or by any rule of law, is to apply to the disclosure of information in accordance with subsection (4).
- (6) Where subsection (4) applies, the Crown is not to be entitled to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.
- (7) Nothing in this section affects—
 - (a) the restriction, imposed by section 11(2) of the ^{M7}Parliamentary Commissioner Act 1967, on the disclosure of information by the Parliamentary Commissioner or his officers,
 - (b) the restriction, imposed by section 32(2) of the ^{M8}Local Government Act 1974, on the disclosure of information by any members or officers of the Commission for Local Administration in England or the Commission for Local Administration in Wales, or
 - (c) the restriction, imposed by section 15 of the ^{M9}Health Service Commissioners Act 1993, on the disclosure of information by the Health Service Commissioner for England or the Health Service Commissioner for Wales, or by their officers.
- (8) To assist him in any investigation under section 59, an ethical standards officer may obtain advice from any person who in his opinion is qualified to give it and may pay to any such person such fees or allowances as he may determine with the approval of the Secretary of State.

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- (9) Subject to subsections (5) and (6), no person may be compelled for the purposes of an investigation under section 59 to give any evidence or produce any document which he could not be compelled to give or produce in civil proceedings before the High Court.
- (10) A person who without reasonable excuse fails to comply with any requirement under subsection (2) or (4) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (11) In this section any reference to documents includes a reference to information held by means of a computer or in any other electronic form.

Modifications etc. (not altering text)

- C6** S. 62(1)-(3)(5)(6)(8)-(11) modified (W.) (28.7.2001) by [S.I. 2001/2286, art. 2, Sch. 1](#)
- C7** S. 62(4) modified (W.) (28.7.2001) by [S.I. 2001/2286, art. 3, Sch. 2 para. 2](#)

Commencement Information

- I13** S. 62 wholly in force at 28.7.2001; s. 62 not in force at Royal Assent see s. 108; s. 62 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335, art. 2](#); s. 62 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

- M7** 1967 c. 13.
- M8** 1974 c. 7.
- M9** 1993 c. 46.

63 Restrictions on disclosure of information.

- (1) Information obtained by ethical standards officers under section 61 or 62 must not be disclosed unless one or more of the following conditions is satisfied—
- (a) the disclosure is made for the purposes of enabling the Standards Board for England, an ethical standards officer, the Commission for Local Administration in Wales, a Local Commissioner in Wales or the president, deputy president or any tribunal of either of the Adjudication Panels to perform their functions under this Part,
 - (b) the person to whom the information relates has consented to its disclosure,
 - (c) the information has previously been disclosed to the public with lawful authority,
 - (d) the disclosure is for the purposes of criminal proceedings in any part of the United Kingdom and the information in question was not obtained under section 62(2),
 - (e) the disclosure is made to the Audit Commission for the purposes of any functions of the Audit Commission or an auditor under the ^{M10}Audit Commission Act 1998.
- (2) The Secretary of State or a relevant authority in England may give notice in writing to any ethical standards officer with respect to—
- (a) any document or information specified in the notice, or
 - (b) any class of documents or information so specified,

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that, in his or (as the case may be) their opinion, the disclosure of that document or information, or of documents or information of that class, would be contrary to the public interest.

- (3) Where notice is given under subsection (2) to an ethical standards officer, any document or information specified in the notice, or any document or information of a class so specified, may not be disclosed by the ethical standards officer or any other person.
- (4) A person who discloses information or a document in contravention of subsection (1) is guilty of an offence and liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Modifications etc. (not altering text)

- C8** S. 63(1) disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2) (with s. 14(3))
- C9** S. 63(1) applied (with modifications) (30.6.2003) by [Local Authorities \(Code of Conduct\) \(Local Determination\) Regulations 2003 \(S.I. 2003/1483\)](#), regs. 1(1)(2), 4
- C10** S. 63(2) modified (W.) (28.7.2001) by [S.I. 2001/2286](#), art. 3, [Sch. 2 para. 3](#)
- C11** S. 63(3) modified (W.) (28.7.2001) by [S.I. 2001/2286](#), art. 2, [Sch. 1](#)

Commencement Information

- I14** S. 63 wholly in force at 28.7.2001; s. 63 not in force at Royal Assent see s. 108; s. 63 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 63 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

- M10** 1998 c. 18.

Reports etc.

64 Reports etc.

- (1) Where an ethical standards officer determines in relation to any case that a finding under section 59(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 an ethical standards officer determines in relation to any case that a finding under section 59(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

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- (c) send a copy of the report to the monitoring officer, and the standards committee, of the relevant authority concerned.
- (3) Where an ethical standards officer determines in relation to any case that a finding under section 59(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 England 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 England.
- (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 England—
 - (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) an ethical standards officer who reaches a finding under section 59(4)(c) 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 59 in relation to any members or co-opted members (or former members or co-opted members) of the same relevant authority.
- (6) An ethical standards officer must—
 - (a) inform any person who is the subject of an investigation under section 59, 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.

Commencement Information

I15 S. 64 wholly in force at 28.7.2001; s. 64 not in force at Royal Assent see s. 108; s. 64 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 64 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

65 Interim reports.

- (1) Where he considers it necessary in the public interest, an ethical standards officer may, before the completion of an investigation under section 59, produce an interim report on that investigation.
- (2) An interim report under this section may cover more than one investigation under section 59 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 the ethical standards officer producing the interim report—

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- (a) that the person who is the subject of the 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 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 an ethical standards officer 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 England 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 England.
- (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 England—
 - (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.
- (7) In this Part “partially suspended” and cognate expressions are to be construed in accordance with section 83(7) and (8).

Commencement Information

I16 S. 65 wholly in force at 28.7.2001; s. 65 not in force at Royal Assent see s. 108; s. 65 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 65 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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 60(2) or 64(2) 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,

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- (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.
- (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) An ethical standards officer who refers any matters to the monitoring officer of a relevant authority under section 60(2) or 64(2) may give directions to the monitoring officer as to the way in which those matters are to be dealt with.

Commencement Information

I17 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)

67 Consultation with Local Commissioner.

- (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 ^{M11}Local Government Act 1974, he may consult the appropriate

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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.

- (2) If, at any stage in the course of conducting an investigation under Part III of that Act, a Local Commissioner 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, he may consult the Standards Board for England 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 58.
- (3) Consultation under subsection (1) or (2) may relate to any matter concerned with the investigation, including—
 - (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 ^{M12}Local Government Act 1974 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 ^{M13}Local Government Act 1974.

Commencement Information

I18 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

M11 1974 c. 7.
M12 1974 c. 7.
M13 1974 c. 7.

CHAPTER III

INVESTIGATIONS ETC: WALES

Local Commissioner and Commission for Local Administration in Wales

68 Local Commissioner and Commission for Local Administration in Wales.

- (1) A Local Commissioner in 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) The Commission for Local Administration in 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,

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- (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.
- (3) The National Assembly for Wales may by regulations make provision which, for the purpose of any provisions of Part III of the ^{M14}Local Government Act 1974 specified in the regulations, treats—
- (a) functions of a Local Commissioner in Wales under Part III of that Act as including his functions under this Part,
 - (b) functions of the Commission for Local Administration in Wales under Part III of that Act as including functions of the Commission under this Part, or
 - (c) expenses of the Commission for Local Administration in Wales under Part III of that Act as including expenses of the Commission, or a Local Commissioner in Wales, 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 Part III of that Act.
- (5) In this Part “Local Commissioner in Wales” means a Local Commissioner (within the meaning of Part III of that Act) who is a member of the Commission for Local Administration in Wales.

Commencement Information

I19 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)

Marginal Citations

M14 [1974 c. 7](#).

Investigations

69 Investigations by Local Commissioner in Wales.

- (1) A Local Commissioner in 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 a Local Commissioner in Wales considers that a written allegation under subsection (1)(a) should not be investigated, he must take reasonable steps to give

Status: Point in time view as at 10/11/2004.

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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, 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 a Local Commissioner in Wales who reaches a finding under subsection (4) (c) must decide to which of those monitoring officers to refer the matters concerned).

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
 - (b) any provisions of section 28, 29, 32 or 33 of the ^{M15}Local Government Act 1974.
- (3) A Local Commissioner in Wales may cease an investigation under section 69 at any stage before its completion.
- (4) Where a Local Commissioner in 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, a Local Commissioner in 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.

Status: Point in time view as at 10/11/2004.

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Commencement Information

I20 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)

Marginal Citations

M15 1974 c. 7.

Reports etc.

71 Reports etc.

- (1) Where a Local Commissioner in 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 a Local Commissioner in 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 a Local Commissioner in 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—
 - (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) a Local Commissioner in Wales who reaches a finding under section 69(4)(c) 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.

Status: Point in time view as at 10/11/2004.

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- (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) A Local Commissioner in 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.

72 **Interim reports.**

- (1) Where he considers it necessary in the public interest, a Local Commissioner in 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 a Local Commissioner in 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 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 a Local Commissioner in 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.

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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 70(4) or 71(2) 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.
- (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.

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- (7) Where a Local Commissioner in Wales refers any matters to the monitoring officer of a relevant authority under section 70(4) or 71(2) he may give directions to the monitoring officer as to the way in which those matters are to be dealt with.

Commencement Information

I21 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)

74 Law of defamation.

For the purposes of the law of defamation, any statement (whether written or oral) made by a Local Commissioner in Wales in connection with the exercise of his functions under this Part shall be absolutely privileged.

CHAPTER IV

ADJUDICATIONS

Adjudication Panels

75 Adjudication Panels.

- (1) There is to be a panel of persons, known as the Adjudication Panel for England, eligible for membership of tribunals drawn from the Panel.
- (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.
- (3) The members of the Adjudication Panel for England are to be appointed by the Lord Chancellor.
- (4) The Lord Chancellor—
 - (a) must appoint one of the members of the Adjudication Panel for England as president of the Panel, and
 - (b) may appoint one of those members as deputy president of the Panel.
- (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.
- (7) Such members of the Adjudication Panel for England as the Lord Chancellor thinks fit must possess such qualifications as may be determined by the Lord Chancellor.

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- (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.
- (9) The president and deputy president (if any) of the Adjudication Panel for England are to be responsible—
 - (a) for training the members of the Panel,
 - (b) for issuing guidance on how tribunals drawn from the Panel are to reach decisions.
- (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,
 - (b) for issuing guidance on how tribunals drawn from the Panel are to reach decisions.
- (11) The Lord Chancellor must obtain the consent of the Secretary of State before making any appointment under subsection (3) or (4) or any determination under subsection (7).

Commencement Information

I22 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 relevant Adjudication Panel under section 64(3) or 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 relevant Adjudication Panel under section 65(4) or 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 relevant Adjudication Panel (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 relevant Adjudication Panel may conduct a single adjudication in relation to two or more matters which are referred to the president of the Panel under section 64(3) or 71(3).
- (5) An interim case tribunal drawn from the relevant Adjudication Panel may conduct a single adjudication in relation to two or more matters which are referred to the president of the Panel under section 65(4) or 72(4).
- (6) The president or the deputy president of the relevant Adjudication Panel 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 relevant Adjudication Panel 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 relevant Adjudication Panel 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 relevant Adjudication Panel, 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 the Lord Chancellor or (as the case may require) the National Assembly for Wales may specify.
- (10) A person who is a member of an interim case tribunal which, as a result of an investigation under section 59 or 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.
- (11) The Lord Chancellor may issue guidance with respect to the composition of case tribunals or interim case tribunals drawn from the Adjudication Panel for England.
- (12) The Lord Chancellor must obtain the consent of the Secretary of State before issuing any guidance under subsection (11).
- (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.

Commencement Information

I23 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—

Status: Point in time view as at 10/11/2004.

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- (a) counsel or a solicitor, or
 - (b) any other person whom he desires to represent him.
- (2) The Secretary of State may by regulations make such provision as appears to him to be necessary or expedient with respect to adjudications by case tribunals or interim case tribunals drawn from the Adjudication Panel for England.
- (3) The president of the Adjudication Panel for England may, after consultation with the Secretary of State, give directions as to the practice and procedure to be followed by tribunals drawn from the Panel.
- (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.
- (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) 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.

Commencement Information

I24 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 interim case tribunals.

- (1) An interim case tribunal which adjudicates on any matters which are the subject of an interim report 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,

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- (b) that that person should be suspended or partially suspended from being a member or co-opted member of the authority concerned for a period which does not exceed six months or (if shorter) the remainder of the person's term of office.
- (2) An interim case tribunal must give notice of its decision to the standards committee of the relevant authority concerned.
- (3) If the decision of an interim case tribunal is that a person should be suspended or partially suspended from being a member or co-opted member of the relevant authority concerned—
 - (a) the notice must give details of the suspension or partial suspension and specify the date on which the suspension or partial suspension is to begin, and
 - (b) the relevant authority must suspend or partially suspend the person in accordance with the notice.
- (4) A decision of an interim case tribunal under this section shall not prevent an ethical standards officer from continuing with the investigation under section 59 which gave rise to the interim report concerned and producing a report under section 64, or a further interim report under section 65, in respect of any matters which are the subject of the investigation.
- (5) A decision of an interim case tribunal under this section shall not prevent a Local Commissioner in 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 under section 79 is given 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.
- (8) In a case where section 65(6) or 72(6) applies, the references in subsections (2) and (7)(b) to the relevant authority concerned are to be treated as including a reference to the relevant authority of which the person concerned was formerly a member or co-opted member.
- (9) 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.
- (10) A person who is suspended or partially suspended under this section may appeal to the High Court—
 - (a) against the suspension or partial suspension, or
 - (b) against the length of the suspension or partial suspension.

Status: Point in time view as at 10/11/2004.

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Commencement Information

I25 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)

79 Decisions of case tribunals.

- (1) A 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 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 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 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 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 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 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 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 must be suspended or partially suspended by the relevant authority concerned for the period, and in the way, which the tribunal has decided.

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- (9) A relevant authority must comply with any notice given to its standards committee under subsection (8).
- (10) Where a 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—
- (a) must be given—
 - (i) to the Standards Board for England, where the relevant authority concerned is in England,
 - (ii) to the Commission for Local Administration in Wales, where the relevant authority concerned is in Wales,
 - (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 the same country (that is to say, England or 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,
 - (b) the references in subsections (4)(a) and (8)(c) to the relevant authority concerned are to be treated as references 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 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 case tribunal under this section.
- (15) Where a 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.

Status: Point in time view as at 10/11/2004.

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Commencement Information

I26 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 case tribunals.

- (1) A case tribunal which has adjudicated on any matter 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) A case tribunal 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 relevant person 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 ^{M16}Local Government Act 1972 applies, is not to be a function to which that section applies).
- (5) If the relevant person is not satisfied with the action the relevant authority have taken or propose to take in relation to the recommendations, the relevant person 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) In this section “the relevant person” means—
 - (a) the Standards Board for England where the relevant authority concerned is in England,
 - (b) a Local Commissioner in Wales where the relevant authority concerned is in Wales.

Commencement Information

I27 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

M16 1972 c. 70.

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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).
- (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
 - (b) inform the Standards Board for England 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.

Status: Point in time view as at 10/11/2004.

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Commencement Information

I28 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—
 - (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,
 - (b) the Commission for Local Administration in 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 Audit Commission, and
 - (c) the Commission for Local Administration in 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.

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- (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.

Commencement Information

- I29** 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)

[F3] Delegation by monitoring officers

Textual Amendments

- F3** 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 60(2), 64(2), 70(4) or 71(2).
- (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—

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- (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.]

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 and Wales,

“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 section 11(3)(a),

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

“Local Commissioner in Wales” has the meaning given by section 68(5),

“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 ^{M17}Police Act 1996,

“the relevant Adjudication Panel” means—

(a) in relation to matters referred or to be referred by an ethical standards officer, the Adjudication Panel for England,

(b) in relation to matters referred or to be referred by a Local Commissioner in Wales, the Adjudication Panel for Wales,

“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.

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- (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.
- (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.

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- (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.

Commencement Information

I30 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)

Marginal Citations

M17 1996 c. 16.

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