



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 9

THE COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

171 Power to investigate

Before section 25 of the Local Government Act 1974 insert—

“24A Power to investigate

- (1) Under this Part of this Act, a Local Commissioner may investigate a matter—
 - (a) which relates to action taken by or on behalf of an authority to which this Part of this Act applies,
 - (b) which is subject to investigation under this Part of this Act by virtue of section 26, and
 - (c) in relation to which subsection (2), (3) or (5) is satisfied.
- (2) This subsection is satisfied if, in relation to the matter, a complaint which satisfies sections 26A and 26B has been made to a Local Commissioner.
- (3) This subsection is satisfied if, in relation to the matter—
 - (a) a complaint which satisfies sections 26A and 26B has been made to a member of an authority to which this Part of this Act applies, and
 - (b) the complaint has been referred, or is treated as having been referred, to a Local Commissioner under section 26C.
- (4) Any question whether subsection (2) or (3) is satisfied in relation to a matter shall be determined by a Local Commissioner.
- (5) This subsection is satisfied if—
 - (a) the matter has come to the attention of a Local Commissioner, and

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Section 171. (See end of Document for details)

- (b) section 26D applies to the matter.
- (6) In determining whether to initiate, continue or discontinue an investigation, a Local Commissioner shall, subject to the provisions of this section and sections 26 to 26D, act in accordance with his own discretion.
- (7) Without prejudice to the discretion conferred by subsection (6), a Local Commissioner may in particular decide—
 - (a) not to investigate a matter, or
 - (b) to discontinue an investigation of a matter,if he is satisfied with action which the authority concerned have taken or propose to take.”

Commencement Information

- II** S. 171 in force at 1.4.2008 in relation to matters coming to the attention of the Commission on or after 1.4.2008 by S.I. 2008/917, **art. 2(1)(i)** (with **art. 6(5)**)

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