
WELSH STATUTORY INSTRUMENTS

2001 No. 2286 (W. 174)

LOCAL GOVERNMENT, WALES

The Local Commissioner in Wales
(Standards Investigations) Order 2001

Made - - - - 21st June 2001
Coming into force - - 28th July 2001

The National Assembly for Wales makes the following Order in exercise of the powers conferred on it by section 70(1) and (2) of the Local Government Act 2000⁽¹⁾.

Name, commencement, application and interpretation

1.—(1) The name of this Order is the Local Commissioner in Wales (Standards Investigations) Order 2001 and it shall come into force on 28th July 2001.

(2) This Order applies in Wales only.

(3) In this Order —

“the 1974 Act” (“*Deddf 1974*”) means the Local Government Act 1974⁽²⁾,

“the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000.

Application of provisions of the 2000 Act

2. For the purposes of investigations under section 69 of the 2000 Act the provisions of that Act as listed in Schedule 1 to this Order shall apply as if any reference in those provisions to —

- (a) an ethical standards officer were a reference to a Local Commissioner in Wales;
- (b) the Standards Board for England were a reference to the Commission for Local Administration in Wales;
- (c) England were a reference to Wales;
- (d) section 59 were a reference to section 69; and
- (e) the Secretary of State were a reference to the National Assembly for Wales.

(1) 2000 c. 22.
(2) 1974 c. 7.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Application of provisions in the 2000 Act with modifications

3. For the purposes of investigations under section 69 of the 2000 Act the provisions of that Act as listed in Schedule 2 to this Order shall apply subject to the modifications shown in that Schedule.

Application of provisions in the 1974 Act with modifications

4. For the purposes of investigations under section 69 of the 2000 Act the provisions of the 1974 Act as listed in Schedule 3 to this Order shall apply subject to the modifications shown in that Schedule.

Law of Defamation

5.—(1) For the purposes of the law of defamation, any statement (whether written or oral) made by a designated officer in connection with the exercise of functions under Part III of the 2000 Act shall be absolutely privileged.

(2) “designated officer” in paragraph (1) means any person designated in writing by a Local Commissioner.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

21st June 2001

D. Elis-Thomas
The Presiding Officer of the National Assembly

Schedule 1

Article 2

Application of Provisions of the 2000 Act

Section or paragraph	Subject Matter
section 60(1), (4) and (5)	Investigation
section 61	Procedure in respect of investigations
section 62(1), (2), (3), (5), (6), (8), (9), (10), (11)	Further provisions with regard to investigations
section 63(3)	Restrictions on disclosure of information

Schedule 2

Article 3

Application of Provisions in the 2000 Act with modifications

Section 60(6)

1. Section 60(6) of the 2000 Act (Conduct of Investigations) shall apply as if —
 - (a) the words “an ethical standards officer” were replaced by the words “a Local Commissioner in Wales”; and
 - (b) the words “or paragraph 3(2) of Schedule 4 or any breach falling within paragraph 3(3) of that Schedule.” were replaced by the words “paragraph 1(1) and (2) of Schedule 4 of the Local Government Act 1974.”

Section 62(4)

2. Section 62(4) of the 2000 Act (Investigations: further provisions) shall apply as if —
 - (a) the words “An ethical standards officer” were replaced by the words “A Local Commissioner in Wales”; and
 - (b) in paragraph (a) the words “the National Assembly for Wales or” were inserted after “the authority concerned and”.

Section 63(2)

3. Section 63(2) of the 2000 Act (Restrictions on disclosure of information) shall apply as if —
 - (a) the words “The Secretary of State” were replaced by the words “The National Assembly for Wales”;
 - (b) the word “England” were replaced by the word “Wales”;
 - (c) the words “any ethical standards officer” were replaced by the words “a Local Commissioner in Wales”; and
 - (d) the words “his or (as the case may be)” were deleted.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Schedule 3

Article 4

Application of Provisions in the 1974 Act with modifications

Section 32(2)

Section 32(2) of the 1974 Act (Law of defamation and disclosure of information) shall apply as if there were added the following sub-paragraph —

“(d) for the purposes of the investigation and of any report to be made under section 69 of the Local Government Act 2000.”

EXPLANATORY NOTE

(This note is not part of the Order)

The National Assembly for Wales may, under section 70 of the Local Government Act 2000 (the 2000 Act), make provision with respect to standards investigations under section 69 of that Act by a Local Commissioner in Wales. These investigations concern the conduct of members or co-opted members of a relevant authority in Wales where an allegation has been made or there may be a case of a failure to deal with an authority’s code of conduct.

This Order makes provision for the application of sections 60 (Conduct of investigations), 61 (Procedure in respect of investigations), 62 (Investigations: further provisions) and 63 (Restrictions on disclosure of information) to standards investigations. It applies those sections (in some instances with modifications) to the work of a Local Commissioner in Wales.

Article 2 (by reference to Schedule 1 of the Order) applies sections 60(1), (4) and (5), 61, 62(1), (2), (3), (5), (6), (8), (9), (10) and (11) and 63(3) of the 2000 Act to a Commissioner’s investigations under section 69.

Article 3, (by reference to Schedule 2 to the Order) applies sections 60(6), 62(4) and 63(2) to a Commissioner’s investigations under section 69 in the modified form listed in Schedule 2. The modifications address the application of the provisions to Wales.

Article 4, by modification of the provisions in section 32(2) of the Local Government Act 1974, related to disclosure by a Local Commissioner, disapplies that section in respect of standards investigations under section 69 of the 2000 Act.

By virtue of Article 5 absolute privilege, for the purposes of the law of defamation, is extended to the statements of persons designated by a Local Commissioner in relation to functions under Part III of the 2000 Act.