



Local Government Act 1974

1974 CHAPTER 7

PART III

LOCAL GOVERNMENT ADMINISTRATION

23 The Commissions for Local Administration.

(1) For the purpose of conducting investigations in accordance with this Part [^{F1}and Part 3A] of this Act, there shall be—

(a) a body of commissioners to be known as the Commission for Local Administration in England, and

^{F2}(b)

[^{F3}but [^{F4}the Commission] may include persons appointed to act as advisers, not exceeding the number appointed to conduct investigations.]

(2) The Parliamentary Commissioner shall be a member of [^{F5}the Commission] .

^{F6}(2A)

(3) In the following provisions of this Part of this Act the expression “Local Commissioner” means a person, other than the Parliamentary Commissioner ^{F7}... [^{F8}or an advisory member], who is a member of [^{F9}the Commission] .

^{F10}(3A)

(4) Appointments to the office of . . . ^{F11}Commissioner shall be made by Her Majesty on the recommendation of the Secretary of State ^{F12}....

[^{F13}(4A) Subject to subsections (5) to (6), a Commissioner shall hold and vacate office in accordance with the terms of his appointment.]

[^{F14}(5) A Commissioner's appointment may be a full-time or part-time appointment and, with the Commissioner's consent, the terms of the appointment may be varied as to whether it is full-time or part-time.]

[^{F14}(5A) A Commissioner must be appointed for a period of not more than 7 years.

Changes to legislation: Local Government Act 1974, Section 23 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(5B) A Commissioner shall, subject to subsection (6), hold office until the end of the period for which he is appointed.]

(6) A . . . ^{F15}Commissioner may be relieved of office by Her Majesty at his own request or may be removed from office by Her Majesty on grounds of incapacity or misbehaviour ^{F16}....

[^{F17}(6A) A person appointed to be a Commissioner is not eligible for re-appointment.]

(7) The Secretary of State shall designate two of the Local Commissioners for England as chairman and vice-chairman respectively of the Commission for Local Administration in England ^{F18}....

^{F19}(8)

[^{F19}(8A) The Commission must—

- (a) divide the matters which may be investigated under this Part of this Act into such categories as they consider appropriate, and
- (b) allocate, or make arrangements for allocating, responsibility for each category of matter to one or more of the Local Commissioners.]

^{F19}(9)

(10) [^{F20}The Commission] —

- (a) shall make arrangements for Local Commissioners [^{F21} to deal with matters for which they do not have responsibility pursuant to subsection (8A)]^{F22}..., and
- (b) shall publish information about the procedures for making complaints under this Part of this Act.

(11) For the year ending on 31st March 1975, and for each subsequent financial year, every Local Commissioner shall prepare a general report on the discharge of his functions [^{F23}(other than those under Part 3A of this Act)] and shall submit it to [^{F24}the Commission] .

Any such report shall be submitted ^{F25}... not later than two months after the end of the year to which it relates.

(12) [^{F26}In the financial year beginning on 1st April 1990, and in every third financial year afterwards, [^{F27}the Commission] shall review the operation (since the last review was made under this subsection) of the provisions of this Part of this Act about the investigation of [^{F28} matters] , and shall have power to convey to authorities to which this Part of this Act applies] . . . ^{F29}, or to government departments ^{F30}..., any recommendations or conclusions reached in the course of their reviews [^{F31}and shall send copies of those recommendations or conclusions to the representative persons and authorities concerned].

[^{F32}(12A) [^{F33}The Commission] may, after consultation with the representative persons and authorities concerned, provide to the authorities or any of the authorities to which this Part of this Act applies such advice and guidance about good administrative practice as appears to the Commission to be appropriate and may arrange for it to be published for the information of the public.

(12B) The representative persons and authorities concerned are—

- (a) for the purposes of subsection (12) above, such persons appearing to the Commission to represent authorities ^{F34}... to which this Part of this Act applies,

Changes to legislation: Local Government Act 1974, Section 23 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

and in the case of such authorities as are not so represented, those authorities;
and

- (b) for the purposes of subsection (12A) above, such of those persons and authorities as the Commission think appropriate.]

(13) Schedule 4 to this Act shall have effect as respects ^{F35}the Commission] .

Textual Amendments

- F1** Words in s. 23(1) inserted (1.10.2010) by [Health Act 2009 \(c. 21\), s. 40\(1\), Sch. 5 para. 5\(2\)](#); S.I. 2010/1863, art. 2
- F2** S. 23(1)(b) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 8\(2\)\(a\), Sch. 7 \(with s. 38\)](#); S.I. 2005/2800, art. 5(1)(3)
- F3** Words added by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\), s. 22\(2\)](#)
- F4** Words in s. 23(1) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 8\(2\)\(b\) \(with s. 38\)](#); S.I. 2005/2800, art. 5(1)(3)
- F5** Words in s. 23(2) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 8\(3\) \(with s. 38\)](#); S.I. 2005/2800, art. 5(1)(3)
- F6** S. 23(2A) omitted (24.9.2004) by virtue of [Regulatory Reform \(Local Commissioner for Wales\) Order 2004 \(S.I. 2004/2359\), arts. 1\(3\), 2\(2\)\(a\)](#)
- F7** Words in s. 23(3) omitted (24.9.2004) by virtue of [Regulatory Reform \(Local Commissioner for Wales\) Order 2004 \(S.I. 2004/2359\), arts. 1\(3\), 2\(2\)\(b\)](#)
- F8** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\), s. 22\(3\)](#)
- F9** Words in s. 23(3) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 8\(4\) \(with s. 38\)](#); S.I. 2005/2800, art. 5(1)(3)
- F10** S. 23(3A) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 8\(5\), Sch. 7 \(with s. 38\)](#); S.I. 2005/2800, art. 5(1)(3)
- F11** Word repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\), ss. 22\(4\), 194\(4\), Sch. 12 Pt. II](#)
- F12** Words in s. 23(4) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 168\(2\), 245\(5\), Sch. 18 Pt. 14](#); S.I. 2008/917, art. 2(1)(f)(ii)(v) (with art. 6(4))
- F13** S. 23(4A) inserted (1.4.2008 in so far as it relates to appointments of Local Commissioners made on or after 1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 168\(3\), 245\(5\)](#); S.I. 2008/917, art. 2(1)(f) (with art. 6(4))
- F14** S. 23(5)-(5B) substituted for s. 23(5) (1.4.2008 in so far as it relates to appointments of Local Commissioners made on or after 1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 168\(4\), 245\(5\)](#); S.I. 2008/917, art. 2(1)(f) (with art. 6(4))
- F15** Word repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\), ss. 22\(4\), 194\(4\), Sch. 12 Pt. II](#)
- F16** Words in s. 23(6) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 168\(5\), 245\(5\), Sch. 18 Pt. 14](#); S.I. 2008/917, art. 2(1)(f)(ii)(v) (with art. 6(4))
- F17** S. 23(6A) inserted (1.4.2008 in so far as it relates to appointments of Local Commissioners made on or after 1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 168\(6\), 245\(5\)](#); S.I. 2008/917, art. 2(1)(f) (with art. 6(4))
- F18** Words in s. 23(7) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 8\(6\) \(with s. 38\)](#); S.I. 2005/2800, art. 5(1)(3)
- F19** S. 23(8A) substituted for substituted for s. 23(8)(9) (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 169\(2\), 245\(5\)](#); S.I. 2008/917, art. 2(1)(g)
- F20** Words in s. 23(10) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 8\(8\)\(a\) \(with s. 38\)](#); S.I. 2005/2800, art. 5(1)(3)
- F21** Words in s. 23(10)(a) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 169\(3\), 245\(5\)](#); S.I. 2008/917, art. 2(1)(g)

Changes to legislation: Local Government Act 1974, Section 23 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F22** Words in s. 23(10)(a) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 8(8)(b)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F23** Words in s. 23(11) inserted (1.10.2010) by Health Act 2009 (c. 21), s. 40(1), **Sch. 5 para. 5(3)**; S.I. 2010/1863, art. 2
- F24** Words in s. 23(11) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 8(9)(a)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F25** Words in s. 23(11) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 8(9)(b), **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F26** Words substituted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 29, **Sch. 3 para. 2(1)**
- F27** Words in s. 23(12) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 8(10)(a)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F28** Word in s. 23(12) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 2**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F29** Words repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 194(1)(4), Sch. 11 para. 38, **Sch. 12 Pt. II**
- F30** Words in s. 23(12) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 8(10)(b), **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F31** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 194(1), **Sch. 11 para. 38**
- F32** S. 23(12A)(12B) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 23(1)
- F33** Words in s. 23(12A) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 8(11)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F34** Words in s. 23(12B)(a) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 8(12), **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F35** Words in s. 23(13) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 8(13)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)

Modifications etc. (not altering text)

- C1** S. 23(12) restricted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 29, **Sch. 3 para. 2(2)**
- C2** S. 23(12)(12A)(12B)(13) extended (W.) (28.7.2001) by S.I. 2001/2275, **reg. 3**

Changes to legislation:

Local Government Act 1974, Section 23 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

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

- s. 33(1)(bzb) inserted by [2022 c. 30 Sch. 10 para. 2\(2\)\(a\)](#)
- s. 33(1)(bzc) inserted by [2024 c. 22 Sch. 13 para. 2\(2\)\(a\)](#)
- s. 33(3B) inserted by [2022 c. 30 Sch. 10 para. 2\(4\)](#)
- s. 33(3C) inserted by [2024 c. 22 Sch. 13 para. 2\(4\)](#)
- s. 33ZA(1)(d) and word inserted by [2022 c. 30 Sch. 10 para. 3\(2\)\(b\)](#)
- s. 33ZA(1)(e) and word inserted by [2024 c. 22 Sch. 13 para. 3\(2\)\(b\)](#)
- s. 33ZA(1B) inserted by [2024 c. 22 Sch. 13 para. 3\(4\)](#)
- s. 33ZA(3)(d) and word inserted by [2022 c. 30 Sch. 10 para. 3\(4\)\(b\)](#)
- s. 33ZA(3)(e) and word inserted by [2024 c. 22 Sch. 13 para. 3\(5\)\(b\)](#)
- s. 33ZB(4)(e)(f) inserted by [2022 c. 30 Sch. 10 para. 4\(b\)](#)
- s. 33ZB(4)(e) word omitted by [2024 c. 22 Sch. 13 para. 4\(a\)](#)
- s. 33ZB(4)(g) and word inserted by [2024 c. 22 Sch. 13 para. 4\(b\)](#)