



## 2014 CHAPTER 8

### **PART 9**

#### **CONDUCT OF COUNCILLORS**

##### *Miscellaneous*

##### **[<sup>F1</sup>Extension of 2016 Act**

**63.**—(1) The provisions of the 2016 Act set out below have effect in relation to this Part as follows, and as if the references to the Ombudsman in the 2016 Act were references to the Commissioner.

(2) In section 30 (investigation procedure) of the 2016 Act, subsections (5) and (7)(a) apply in relation to an investigation under section 55 as they apply in relation to an investigation under the 2016 Act.

(3) Section 31 (information, documents, evidence and facilities) of the 2016 Act, except for subsections (2)(a) and (4), applies in relation to an investigation under section 55—

- (a) as it applies in relation to an investigation under the 2016 Act,
- (b) as if the references to the listed authority being investigated were references to the person being investigated under this Part, and
- (c) as if in section 31(5) the references to section 32(1) and (2) had no effect.

(4) Section 33 (obstruction and contempt) of the 2016 Act, except for subsection (3)—

- (a) applies in relation to the functions of the Commissioner under this Part as it applies in relation to the functions of the Ombudsman under the 2016 Act, and

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*Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 2014, Section 63. (See end of Document for details)*

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- (b) applies in relation to an investigation under section 55 as it applies in relation to an investigation under the 2016 Act.
- (5) In section 46 (reports to the Assembly) of the 2016 Act, subsections (1) and (4) apply in relation to functions of the Commissioner under this Part as they apply in relation to functions of the Ombudsman under the 2016 Act.
- (6) Section 48 (privilege for certain publications) of the 2016 Act applies in relation to reports, investigations, adjudications or notices under this Part as it applies in relation to reports and investigations under the 2016 Act.
- (7) Section 49 (disclosure of information) of the 2016 Act –
- (a) applies in relation to information obtained by the Commissioner in accordance with this Part as it applies in relation to information obtained by the Ombudsman in accordance with the 2016 Act,
  - (b) applies as if the references to section 10 (alternative resolution of complaints) of the 2016 Act were references to section 55(2) of this Act,
  - (c) applies as if the reference in section 49(2)(e) to section 51 (consultation and co-operation with other ombudsmen) only applied in respect of the persons listed in section 51(4)(i) and (j) (local government auditor and Comptroller and Auditor General), and
  - (d) applies as if the references to section 54 and 55 (court proceedings) were omitted.
- (8) In Schedule 1 (The Northern Ireland Public Services Ombudsman) of the 2016 Act—
- (a) paragraph 14 (delegation of functions) applies in relation to functions of the Commissioner under this Part as it applies in relation to functions of the Ombudsman under the 2016 Act,
  - (b) paragraph 16 (advisers) applies in relation to the functions of the Commissioner under this Part as it applies in relation to the functions of the Ombudsman under the 2016 Act,
  - (c) in paragraph 18 (budget estimates) references to resources of the Ombudsman include resources used under this Part.
- (9) The following provisions of the 2016 Act apply in relation to an adjudication hearing under section 56A as they apply in relation to an investigation under the 2016 Act—
- (a) section 30(7)(b) of the 2016 Act (legal representation),
  - (b) section 30(8) of the 2016 Act (payments to persons giving evidence),
  - (c) section 31(3) of the 2016 Act (power to compel witnesses and require production of documents), and
  - (d) section 33 of the 2016 Act (obstruction and contempt) except for subsection (3).]

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 2014, Section 63. (See end of Document for details)

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**Textual Amendments**

- F1** S. 63 substituted (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016](#) (c. 4), s. 64, [Sch. 7 para. 5](#) (with [Sch. 2 para. 9](#))
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**Commencement Information**

- I1** S. 63 in operation at 2.6.2014 by [S.R. 2014/153](#), art. 2, [Sch. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 2014, Section 63.