

SCHEDULES

SCHEDULE 7

Section 62.

AMENDMENTS TO PART 9 OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 2014

1. Part 9 of the Local Government Act (Northern Ireland) 2014 (conduct of councillors) is amended as follows.
2. After section 56 insert—

“Adjudication hearings

56A Adjudication hearings

(1) Where the Commissioner proposes to make an adjudication under section 55(5)(c), the Commissioner may first hold an adjudication hearing.

(2) The adjudication hearing must be held in public save to the extent that the Commissioner determines that this would not be in the public interest.

(3) Subject to—

(a) subsection (2), and

(b) the provisions of the 2016 Act which apply to adjudication hearings by virtue of section 63,

the procedure for an adjudication hearing is to be such as the Commissioner considers appropriate in the circumstances of the case.”.

3. In section 59 (decision following report) after subsection (7) insert—

“(7A) Where the Commissioner censures a person under subsection (4), the Commissioner must give notice to the clerk of the council concerned—

(a) stating that the person has failed to comply with the code of conduct;

(b) specifying the details of that failure; and

(c) stating that the person is censured in the terms the Commissioner has decided.”.

4. In section 59(10)—

(a) in subsection (a) omit “and”,

(b) in subsection (b), at the end insert—

“and

(c) may be published elsewhere.”.

5. For section 63 (extension of 1996 Order) substitute—

“63 Extension of 2016 Act

(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
- (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).”.

6. In section 65(1)—

- (a) for the entry relating to the 1996 Order substitute—
 - ““the 2016 Act” means the Public Services Ombudsman Act (Northern Ireland) 2016;”
- (b) for the entry relating to the Commissioner substitute—
 - ““the Commissioner” means the Ombudsman (within the meaning of the 2016 Act) who is to be known, for the purposes of exercising functions under this Part, as the Northern Ireland Local Government Commissioner for Standards;”.