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Changes to legislation: Local Government Act 1974, SCHEDULE 4 is up to date with all changes known to be in force on or before 08 August 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)

SCHEDULES

SCHEDULE 4

Section 23.

[^{F1}THE COMMISSION]

Textual Amendments

F1 Sch. 4 title substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, [Sch. 6 para. 17](#) (with s. 38); [S.I. 2005/2800](#), art. 5(1)(3)

Modifications etc. (not altering text)

C1 Sch. 4 extended (W.) (28.7.2001) by [S.I. 2001/2275](#), [reg. 3](#)

Disqualifications

- 1 (1) A person shall be disqualified for being appointed as, or for being, a Local Commissioner if—
- (a) he is disqualified for being elected, or being, a member of [^{F2} any authority to which Part 3 of this Act applies] ; or
 - (b) he is a member of any of those authorities ^{F3}....
- (2) A Local Commissioner shall not at any time conduct a case arising in an area if it is wholly or partly within an area for which one of those authorities is responsible and, within the five years ending at that time, the Local Commissioner [^{F4}—
- (a) has been a member of that authority,
 - (b) has taken action on behalf of that authority in the exercise of any of their functions, or
 - (c) has taken action which, by virtue of an enactment, is treated as having been taken by that authority in the exercise of any of their functions.]
- [^{F5}(2A) A Local Commissioner shall not conduct a case which involves an adult social care provider if the Local Commissioner has a financial or other interest in the provider which is likely to affect prejudicially the exercise of his functions.
- (2B) In sub-paragraph (2A) “adult social care provider” has the same meaning as in Part 3A of this Act.]
- [^{F6}(2C) A Local Commissioner may not investigate a complaint against a school under Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009 if the Local Commissioner—
- (a) is a governor of the school;
 - (b) is a parent of—
 - (i) a registered pupil at the school, or
 - (ii) a person who has been a registered pupil at the school within the five years ending with the making of the complaint; or

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(c) works at the school or has worked at the school within those five years.

(2D) In sub-paragraph (2C) “registered pupil” has the same meaning as in the Education Act 1996.]

(3) The acts and proceedings of a person appointed as a Local Commissioner and acting in that office^{F7}... shall, notwithstanding his disqualification under this paragraph, be as valid and effectual as if he had been qualified.

Textual Amendments

- F2** Words in Sch. 4 para. 1(1)(a) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 179(2)(a)**, 245(5); S.I. 2008/917, art. 2(1)(l)
- F3** Words in Sch. 4 para. 1(1)(b) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 179(2)(b)**, 245(5), **Sch. 18 Pt. 14**; S.I. 2008/917, art. 2(1)(l)(ii)(v)
- F4** Words in Sch. 4 para. 1(2) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 179(3)**, 245(5); S.I. 2008/917, art. 2(1)(l)
- F5** Sch. 4 para. 1(2A)(2B) inserted (1.10.2010) by [Health Act 2009 \(c. 21\)](#), s. 40(1), **Sch. 5 para. 12**; S.I. 2010/1863, art. 2
- F6** Sch. 4 para. 1(2C)(2D) inserted (19.4.2010 for specified purposes, 1.9.2010 for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 223(2)**, 269(4); S.I. 2010/303, art. 5, Sch. 4; S.I. 2010/1151, art. 4, Sch. 2
- F7** Words in Sch. 4 para. 1(3) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, Sch. 6 para. 18(2), **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)

[^{F8}2A A Local Commissioner shall be disqualified for being appointed to a paid office by an authority to which Part 3 of this Act applies—

- (a) while the categories of matter for which the Local Commissioner has responsibility pursuant to section 23(8A) include—
 - (i) matters relating to the authority, or
 - (ii) matters of a description which may include matters relating to the authority, and
- (b) for three years after the Local Commissioner ceases to have responsibility for such matters pursuant to section 23(8A).]

Textual Amendments

- F8** Sch. 4 para. 2A substituted for Sch. 4 para. 2 (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 179(4)**, 245(5); S.I. 2008/917, art. 2(1)(l)

^{F8}2

Textual Amendments

- F8** Sch. 4 para. 2A substituted for Sch. 4 para. 2 (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 179(4)**, 245(5); S.I. 2008/917, art. 2(1)(l)

Remuneration, etc.

3 (1) [^{F9}The Commission] shall pay to or in respect of their Local Commissioners and their officers such amounts, by way of remuneration, pensions, allowances or

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gratuities or by way of provision for any such benefits, as the Secretary of State may^{F10}...determine.

(2) If a person ceases to be a Local Commissioner and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, [^{F11}the Commission] may pay to that person a sum of such amount as the Secretary of State may^{F12}... determine.

[^{F13}(3) Sub-paragraphs (1) and (2) above apply in relation to Commissioners who are advisory members of the Commission as they apply in relation to Local Commissioners.]

Textual Amendments

- F9** Words in Sch. 4 para. 3(1) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 18\(4\)\(a\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F10** Words in Sch. 4 para. 3(1) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 12 para. 11\(2\)\(a\), Sch. 18 Pt. 14](#); S.I. 2008/917, art. 2(1)(n)(ii)(v) (with art. 6(5))
- F11** Words in Sch. 4 para. 3(2) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 18\(4\)\(b\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F12** Words in Sch. 4 para. 3(2) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 12 para. 11\(2\)\(b\), Sch. 18 Pt. 14](#); S.I. 2008/917, art. 2(1)(n)(ii)(v) (with art. 6(5))
- F13** Sch. 4 para. 3(3) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\), s. 22\(5\)](#)

Staff and accommodation

- 4 (1) [^{F14}The Commission] may appoint a secretary, and such other officers as they may consider to be required for the discharge of their functions.
- (2) [^{F15}The Commission] shall make arrangements to enable Local Commissioners to investigate [^{F16} matters], and in particular arrangements for—
- (a) allocating members of their staff to assist Local Commissioners, and
 - (b) providing offices and other accommodation.
- (3) An officer of [^{F17}the Commission] shall not be allocated to assist a Local Commissioner without the approval of that Local Commissioner.

^{F18}(4)

^{F19}(5)

^{F20}[^{F21}(6)]

Textual Amendments

- F14** Words in Sch. 4 para. 4(1) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 18\(5\)\(a\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F15** Words in Sch. 4 para. 4(2) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 18\(5\)\(b\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)

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- F16** Word in Sch. 4 para. 4(2) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 12 para. 11\(3\)\(a\)](#); S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F17** Words in Sch. 4 para. 4(3) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 18\(5\)\(c\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F18** Sch. 4 para. 4(4) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 18\(5\)\(d\), Sch. 7](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F19** Sch. 4 para. 4(5) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 12 para. 11\(3\)\(b\), Sch. 18 Pt. 14](#); S.I. 2008/917, art. 2(1)(n)(ii)(v) (with art. 6(5))
- F20** Sch. 4 para. 4(6) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 12 para. 11\(3\)\(b\), Sch. 18 Pt. 14](#); S.I. 2008/917, art. 2(1)(n)(ii)(v) (with art. 6(5))
- F21** Sch. 4 para. 4(6) inserted (1.8.2007) by [The Regulatory Reform \(Collaboration etc. between Ombudsmen\) Order 2007 \(S.I. 2007/1889\), arts. 1\(1\), 5](#)

Proceedings of [F22 the Commission]

Textual Amendments

- F22** Words in Sch. 4 para. 5 cross-heading substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 18\(6\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)

- 5 (1) [F23 The Commission] may determine their own procedure, including the quorum necessary for their meetings.
- (2) The validity of any proceedings of [F24 the Commission] shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment of any member of the Commission.
- (3) [F25 The Commission] shall be a body corporate, and their common seal shall be authenticated by the signature of a member of the Commission, or of some other person authorised in that behalf by the Commission.

Textual Amendments

- F23** Words in Sch. 4 para. 5(1) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 18\(7\)\(a\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F24** Words in Sch. 4 para. 5(2) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 18\(7\)\(b\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F25** Words in Sch. 4 para. 5(3) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 18\(7\)\(c\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)

Expenses of [F26 the Commission]

Textual Amendments

- F26** Words in Sch. 4 para. 6 cross-heading substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 18\(8\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)

- [F27 5A (1) The Secretary of State must pay to the Commission in respect of each financial year such amount as he determines to be the amount required for the discharge during that year of the functions of the Commission.

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(2) A determination under sub-paragraph (1) must be approved by the Treasury.]

Textual Amendments

F27 Sch. 4 para. 5A substituted (1.4.2009) for Sch. 4 paras. 6-8 by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 180**, 245(5); S.I. 2008/917, art. 3(b)

Modifications etc. (not altering text)

C2 Sch. 4 para. 6 extended (W.) (28.7.2001) by [S.I. 2001/2275](#), **reg. 4**

6 **F28**

Textual Amendments

F28 Sch. 4 para. 5A substituted (1.4.2009) for Sch. 4 paras. 6-8 by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 180**, 245(5); S.I. 2008/917, art. 3(b)

7 **F28**

Textual Amendments

F28 Sch. 4 para. 5A substituted (1.4.2009) for Sch. 4 paras. 6-8 by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 180**, 245(5); S.I. 2008/917, art. 3(b)

8 **F28**

Textual Amendments

F28 Sch. 4 para. 5A substituted (1.4.2009) for Sch. 4 paras. 6-8 by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 180**, 245(5); S.I. 2008/917, art. 3(b)

F298A

Textual Amendments

F29 Sch. 4 paras. 6-8 substituted for paras. 6-11 by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), **s. 24(1)(3)**

F299

Textual Amendments

F29 Sch. 4 paras. 6-8 substituted for paras. 6-11 by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), **s. 24(1)(3)**

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Textual Amendments

F29 Sch. 4 paras. 6–8 substituted for paras. 6–11 by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), [s. 24\(1\)\(3\)](#)

F29 11

Textual Amendments

F29 Sch. 4 paras. 6–8 substituted for paras. 6–11 by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), [s. 24\(1\)\(3\)](#)

12 **F30**

Textual Amendments

F30 Sch. 4 para. 12 repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#) and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25\)](#), [Sch. 3 Pt. I](#)

Delegation

[^{F31}13 (1) Any function of a Commissioner may be discharged on the Commissioner's behalf—
(a) by any person authorised by the Commissioner to do so, and
(b) to the extent so authorised.

(2) Sub-paragraph (1) does not affect the responsibility of the Commissioner for the discharge of the function.

[Any function of the Commission may be discharged on the Commission's behalf—
^{F32}(3) (a) by any person authorised by the Commission to do so, and
(b) to the extent so authorised.

(4) Sub-paragraph (3) does not affect the responsibility of the Commission for the discharge of the function.]]

Textual Amendments

F31 Sch. 4 para. 13 and cross-heading inserted (1.4.2008 in relation to matters coming to the attention of the Commission on or after 1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 181, 245\(5\)](#); [S.I. 2008/917](#), [art. 2\(1\)\(m\)](#) (with [art. 6\(5\)](#))

F32 Sch. 4 para. 13(3)(4) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 44\(2\)](#), [240\(1\)\(c\)](#)

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