



# Local Government Act 1974

## 1974 CHAPTER 7

### PART III

#### LOCAL GOVERNMENT ADMINISTRATION

#### **31 Reports on investigations: further provisions.**

- [<sup>F1</sup>][<sup>F2</sup>(1) This section applies where a Local Commissioner reports that there has been—
- (a) maladministration in connection with the exercise of the authority's administrative functions,
  - (b) a failure in a service which it was the function of an authority to provide, or
  - (c) a failure to provide such a service.]
- (2) The report shall be laid before the authority concerned and it shall be the duty of that authority to consider the report and, within the period of three months beginning with the date on which they received the report, or such longer period as the Local Commissioner may agree in writing, to notify the Local Commissioner of the action which the authority have taken or propose to take.
- (2A) If the Local Commissioner—
- (a) does not receive the notification required by subsection (2) above within the period allowed by or under that subsection, or
  - (b) is not satisfied with the action which the authority concerned have taken or propose to take, or
  - (c) does not within a period of three months beginning with the end of the period so allowed, or such longer period as the Local Commissioner may agree in writing, receive confirmation from the authority concerned that they have taken action, as proposed, to the satisfaction of the Local Commissioner,
- he shall make a further report setting out those facts and making recommendations.
- [<sup>F3</sup>(2B) Where the report relates to maladministration, those recommendations are recommendations with respect to action which, in the Local Commissioner's opinion, the authority concerned should take—

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- (a) to remedy any injustice sustained by the person affected in consequence of the maladministration, and
- (b) to prevent injustice being caused in the future in consequence of similar maladministration in connection with the exercise of the authority's administrative functions.]

[ Where the report relates to a failure in, or to provide, a service which it was the function  
<sup>F3</sup>(2BA) of the authority to provide, those recommendations are recommendations with respect to action which, in the Local Commissioner's opinion, the authority concerned should take—

- (a) to remedy any injustice sustained by the person affected in consequence of the failure, and
- (b) to prevent injustice being caused in the future in consequence of a similar failure in, or to provide, a service which it is the function of the authority to provide.]

(2C) Section 30 above, with any necessary modifications, and subsection (2) above shall apply to a report under subsection (2A) above as they apply to a report under that section.

(2D) If the Local Commissioner—

- (a) does not receive the notification required by subsection (2) above as applied by subsection (2C) above within the period allowed by or under that subsection or is satisfied before the period allowed by that subsection has expired that the authority concerned have decided to take no action, or
- (b) is not satisfied with the action which the authority concerned have taken or propose to take, or
- (c) does not within a period of three months beginning with the end of the period allowed by or under subsection (2) above as applied by subsection (2C) above, or such longer period as the Local Commissioner may agree in writing, receive confirmation from the authority concerned that they have taken action, as proposed, to the satisfaction of the Local Commissioner,

he may, by notice to the authority, require them to arrange for a statement to be published in accordance with subsections (2E) and (2F) below.

(2E) The statement referred to in subsection (2D) above is a statement, in such form as the authority concerned and the Local Commissioner may agree, consisting of—

- (a) details of any action recommended by the Local Commissioner in his further report which the authority have not taken;
- (b) such supporting material as the Local Commissioner may require; and
- (c) if the authority so require, a statement of the reasons for their having taken no action on, or not the action recommended in, the report.

(2F) The requirements for the publication of the statement are that—

- (a) publication shall be in any two editions within a fortnight of a newspaper circulating in the area of the authority agreed with the Local Commissioner or, in default of agreement, nominated by him; and
- (b) publication in the first such edition shall be arranged for the earliest practicable date.

(2G) If the authority concerned—

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- (a) fail to arrange for the publication of the statement in accordance with subsections (2E) and (2F) above, or
- (b) are unable, within the period of one month beginning with the date on which they received the notice under subsection (2D) above, or such longer period as the Local Commissioner may agree in writing, to agree with the Local Commissioner the form of the statement to be published,

the Local Commissioner shall arrange for such a statement as is mentioned in subsection (2E) above to be published in any two editions within a fortnight of a newspaper circulating within the authority's area.

(2H) The authority concerned shall reimburse the Commission on demand any reasonable expenses incurred by the Local Commissioner in performing his duty under subsection (2G) above.]

[<sup>F4</sup>(3) In any case where—

- (a) a report is laid before an authority under subsection [<sup>F5</sup>(2) or (2C)] above, and
- (b) on consideration of the report, it appears to the authority that a payment should be made to, or some other benefit should be provided for, a person who has suffered injustice in consequence of [<sup>F6</sup> the maladministration or failure ][<sup>F7</sup> to which the report relates],

the authority may incur such expenditure as appears to them to be appropriate in making such a payment or providing such a benefit.]

<sup>F8</sup>[(4) Where the authority concerned is the Greater London Authority, any functions exercisable under this section by or in relation to the Authority shall be exercisable by or in relation to the Mayor and the Assembly acting jointly on behalf of the Authority, and references to the authority concerned (other than references to a member of the authority concerned) shall be construed accordingly.]

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#### Textual Amendments

- F1** S. 31(1) substituted (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. 176\(2\), 245\(5\); S.I. 2008/917, art. 2\(1\)\(i\) \(with art. 6\(5\)\)](#)
- F2** S. 31 subsections (1)–(2H) substituted for subsections (1)(2) by virtue of [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\), s. 26\(1\)\(2\)](#)
- F3** S. 31(2B)(2BA) substituted for s. 31(2B) (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. 176\(3\), 245\(5\); S.I. 2008/917, art. 2\(1\)\(i\) \(with art. 6\(5\)\)](#)
- F4** S. 31(3) added by [Local Government Act 1978 \(c. 39\), s. 1](#)
- F5** Words substituted by virtue of [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\), s. 194\(1\), Sch. 11 para. 39\(1\)\(2\)](#)
- F6** Words in s. 31(3)(b) substituted (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. 176\(4\), 245\(5\); S.I. 2008/917, art. 2\(1\)\(i\) \(with art. 6\(5\)\)](#)
- F7** Words substituted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\), s. 29, Sch. 3 para. 7\(1\)\(4\)\(5\)](#)
- F8** S. 31(4) added (8.5.2000) by [1999 c. 29, s. 74\(1\)\(7\), \(with Sch. 12 para. 9\(1\)\); S.I. 2000/801, art. 2\(2\)\(b\), Sch. Pt. 2](#)

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#### Modifications etc. (not altering text)

- C1** S. 31: ss. 26–34 modified by [S.I. 1991/559, art. 2\(3\)](#)
- C2** Ss. 31–34 modified by [S.I. 1986/452, art. 8\(3\)](#)

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**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(3B) inserted by [2022 c. 30 Sch. 10 para. 2\(4\)](#)
- s. 33ZA(1)(d) and word inserted by [2022 c. 30 Sch. 10 para. 3\(2\)\(b\)](#)
- s. 33ZA(3)(d) and word inserted by [2022 c. 30 Sch. 10 para. 3\(4\)\(b\)](#)
- s. 33ZB(4)(e)(f) inserted by [2022 c. 30 Sch. 10 para. 4\(b\)](#)