



Local Government Act 1974

1974 CHAPTER 7

PART III

LOCAL GOVERNMENT ADMINISTRATION

32 Law of defamation, and disclosure of information.

- (1) For the purposes of the law of defamation, any such publication as is hereinafter mentioned shall be absolutely privileged, that is to say—
- (a) the publication of any matter in communications between a member [^{F1}or officer] of an authority and a Local Commissioner, or any officer of [^{F2}the Commission], for the purposes of this Part of this Act;
 - (b) the publication of any matter by a Local Commissioner or by any officer of [^{F2}the Commission], in communicating with a complainant for the purposes of this Part of this Act;
 - (c) the publication of any matter in preparing, making and sending a report or statement in accordance with section 30 or section 31 above, or, subject to section 30(7) above, in making a report available to the public [^{F3}or in supplying a copy under section 30(4A) above];
 - (d) the publication of any matter contained in a report by a Local Commissioner which has been made available to the public, being publication by inclusion in a report made or published under section 24 above.
 - [^{F4}(e) the publication of any matter by inclusion in a statement published in accordance with section 31(2D), (2E) and (2F) or (2G) above.]
- (2) Information obtained by a Local Commissioner, or any officer of [^{F5}the Commission] , in the course of or for the purposes of an investigation under this Part of this Act shall not be disclosed except—
- (a) for the purposes of the investigation and of any report to be made under section 30 or section 31 above; or
 - (b) for the purposes of any proceedings for an offence under the Official Secrets Acts 1911 to 1939 alleged to have been committed in respect of information obtained, by virtue of this Part of this Act, by a Local Commissioner or by an

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officer of [^{F5}the Commission] or for an offence of perjury alleged to have been committed in the course of an investigation under this Part of this Act or for the purposes of an inquiry with a view to the taking of such proceedings, or

(c) for the purpose of any proceedings under section 29(9) above,

and a Local Commissioner and the officers of [^{F6}the Commission] shall not be called upon to give evidence in any proceedings (other than proceedings within paragraph (b) or (c) above) of matters coming to his or their knowledge in the course of an investigation under this Part of this Act.

- (3) A Minister of the Crown or any of the authorities mentioned in section 25(1) above may give notice in writing to a Local Commissioner with respect to any document or information specified in the notice, or any class of documents or information so specified, that in the opinion of the Minister, or as the case may be of the authority, the disclosure of that document or information, or of documents or information of that class, would be contrary to the public interest; and where such a notice is given nothing in this Part of this Act shall be construed as authorising or requiring [^{F7}the Local Commissioner or any member of the staff of [^{F8}the Commission] who is allocated to assist him] to communicate to any other person, or for any purpose, any document or information specified in the notice, or any document or information of a class so specified:

Provided that a notice given under this subsection by any authority may be discharged by the Secretary of State.

- (4) Nothing in subsection (3) above shall affect the obligations imposed by subsections (3) and (4) of section 29 above.
- (5) Where information is disclosed in accordance with section 29(3) above, being information which is derived from a communication from a government department ^{F9}..., and which has not been made public, a Local Commissioner shall not without the written consent of an officer of the government department ^{F10}... make a report which includes all or any of that information unless he has given the department ^{F11}... not less than one month's notice in writing of his intention.
- (6) The provisions of this section shall apply to the Commissioners of Customs and Excise and Commissioners of Inland Revenue as they apply to a Minister of the Crown.

[^{F12}(7) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of subsection (2) above as obtained for the purposes of an investigation under this Part of this Act and, in relation to such information, the reference in paragraph (a) of that subsection to the investigation shall have effect as a reference to any investigation.]

Textual Amendments

- F1** Words inserted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 29, **Sch. 3 para. 8(2)(4)**
- F2** Words in s. 32(1)(a)(b) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 6 para. 13(2)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F3** Words inserted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 29, **Sch. 3 para. 8(3)(4)**
- F4** S. 32(1)(e) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), s. 194(1), **Sch. 11 para. 40**
- F5** Words in s. 32(2) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 6 para. 13(3)(a)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)

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- F6** Words in s. 32(2) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 13(3)(b)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F7** Words substituted by Local Government, Planning and Land Act 1980 (c. 65), **s. 184(1)**
- F8** Words in s. 32(3) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 13(4)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F9** Words in s. 32(5) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 13(5)(a), **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F10** Words in s. 32(5) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 13(5)(b), **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F11** Words in s. 32(5) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 13(5)(c), **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F12** S. 32(7) inserted (30.1.2001) by 2000 c. 36, ss. 76(2), 87(2), **Sch. 7 para. 3** (with ss. 56, 78)

Modifications etc. (not altering text)

- C1** S. 32: 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)**
- C3** S. 32 applied (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**
- C4** S. 32(2) modified (28.7.2001) by S.I. 2001/2286, art. 4, **Sch. 3**
- C5** S. 32(2) excluded (19.12.2000 with application in relation to England and to police authorities in Wales and 28.7.2001 otherwise) by 2000 c. 22, **ss. 67(4), 108(4)-(6)**; S.I. 2000/3335, **art. 2**
- C6** S. 32(2)(b) amended by Official Secrets Act 1989 (c. 6, SIF 39:2), s. 16(3), **Sch. 1 para. 1(e)**

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