



Local Government Act 1974

1974 CHAPTER 7

PART III

LOCAL GOVERNMENT ADMINISTRATION

33 Consultation between Local Commissioner, [^{F1}the Parliamentary Commissioner and the Health Service Commissioners][^{F1}and other Commissioners and Ombudsmen].

(1) If, at any stage in the course of conducting an investigation under this Part of this Act, a Local Commissioner forms the opinion that [^{F2} the matters which are the subject of the investigation include] a matter which could be the subject of an investigation—

(a) by the Parliamentary Commissioner, in accordance with section 5 of the Act of 1967,

^{F3}(aza)

^{F4}(aa)

^{F5}...

(b) by the Health Service Commissioner for England ^{F6}..., in accordance with [^{F7}the Act of 1993,]

[^{F8}or

[by the Public Services Ombudsman for Wales, in accordance with the Public ^{F9}(ba) Services Ombudsman (Wales) Act 2005;]

(c) by the Scottish Public Services Ombudsman in accordance with the Act of 2002,]

he shall consult with the appropriate Commissioner [^{F10}or ^{F11}... Ombudsman][^{F12} about the matter and, where a complaint was made about the matter, he shall], if he considers it necessary, inform the person initiating the complaint under this Part of this Act of the steps necessary to initiate a complaint under the Act of 1967 , ^{F13}... [^{F14}the Act of 1993 [^{F15}, the Public Services Ombudsman (Wales) Act 2005] or under the Act of 2002] , as the case may be.

(2) Where, by virtue of subsection (1) above, a Local Commissioner consults the Parliamentary Commissioner, [^{F16}the Public Services Ombudsman for Wales][^{F17}, the

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Scottish Public Services Ombudsman] or [^{F18}the Health Service Commissioner for England] in relation to [^{F19}a matter under investigation under this Part of this Act] , he may consult that Commissioner [^{F20}or [^{F21}that Ombudsman]] about [^{F22} anything relating to the matter] , including—

- (a) the conduct of any investigation into the [^{F23} matter] , and
- (b) the form, content and publication of any report of the results of such an investigation.

[^{F24}(3) If, at any stage in the course of conducting an investigation under the Act of 1967, the Parliamentary Commissioner] forms the opinion that the complaint relates partly to a matter which could be the subject of investigation under this Part of this Act, he shall consult with the appropriate Local Commissioner about the complaint and, if he considers it necessary, inform the person initiating the complaint ^{F25}. . . of the steps necessary to initiate a complaint under this Part of this Act.

(4) Where, by virtue of subsection (3) above, a Local Commissioner is consulted about a complaint under the Act of 1967 ^{F26}. . . , subsection (2) above shall apply (with the necessary modifications) as it applies in relation to consultations held by virtue of subsection (1) above.

(5) Nothing in section 11(2) of the Act of 1967, ^{F27}... in [^{F28}section 15 of the Act of 1993], [^{F29}in][^{F30}section 26 of the Public Services Ombudsman (Wales) Act 2005][^{F31}, in section 19 of the Act of 2002] or in section 32(2) of this Act (restrictions of disclosure of information) shall apply in relation to the disclosure of information [^{F32}. . .] in the course of consultations held in accordance with this section.

(6) In this section the “Act of 1967” means the ^{M1}Parliamentary Commissioner Act 1967 and [^{F33}the “Act of 1993” means the Health Service Commissioners Act 1993.][^{F34}and the Act of 2002” means the Scottish Public Services Ombudsman Act 2002]

Textual Amendments

- F1** Words in s. 33 sidenote substituted (14.7.2005 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\)\(f\), Sch. 15 para. 7\(2\)](#); S.I. 2005/1814, arts. 1(2), 2(f)(ii)
- F2** Words in s. 33(1) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 12 para. 8\(2\)\(a\)](#); S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F3** S. 33(1)(aza) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 15\(2\)\(a\), Sch. 7 \(with s. 38\)](#); S.I. 2005/2800, art. 5(1)(3)
- F4** S. 33(1)(aa) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 15\(2\)\(a\), Sch. 7 \(with s. 38\)](#); S.I. 2005/2800, art. 5(1)(3)
- F5** Word in s. 33(1)(aa) omitted (14.7.2004) by virtue of [Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\), arts. 1, 6\(a\)\(i\)](#)
- F6** Words in s. 33(1)(b) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 15\(2\)\(b\), Sch. 7 \(with s. 38\)](#); S.I. 2005/2800, art. 5(1)(3)
- F7** Words in s. 33(1) substituted (5.2.1994) by virtue of 1993 c. 46, ss. 20(1), 22(4), [Sch. 2 para. 4\(2\)](#).
- F8** S. 33(1)(c) and word inserted (14.7.2004) by [Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\), arts. 1, 6\(a\)\(ii\)](#)
- F9** S. 33(1)(ba) inserted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 15\(2\)\(c\) \(with s. 38\)](#); S.I. 2005/2800, art. 5(1)(3)
- F10** S. 33(1)(aa) and words in s. 33(1) inserted (1.4.1999) by 1998 c. 38, s. 125, [Sch. 12 para. 17\(2\) \(with ss. 139\(2\), 143\(2\)\)](#); S.I. 1999/782, [art. 2](#)
- F11** Word in s. 33(1) omitted (14.7.2004) by virtue of [Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\), arts. 1, 6\(a\)\(iii\)](#)

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- F12** Words in s. 33(1) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 8(2)(b)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F13** Words in s. 33(1) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 15(2)(d)**, **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F14** Words in s. 33(1) substituted (14.7.2004) by Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **6(a)(iv)**
- F15** Words in s. 33(1) inserted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 15(2)(e)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F16** Words in s. 33(2) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 15(3)(a)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F17** Words in s. 33(2) inserted (14.7.2004) by Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **6(b)(i)**
- F18** Words in s. 33(2) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 15(3)(b)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F19** Words in s. 33(2) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 8(3)(a)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F20** Words in s. 33(2) inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 17(3)(b)** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**
- F21** Words in s. 33(2) substituted (14.7.2004) by Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **6(b)(ii)**
- F22** Words in s. 33(2) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 8(3)(b)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F23** Word in s. 33(2)(a) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 12 para. 8(3)(c)**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F24** Words in s. 33(3) substituted (5.2.1994) by virtue of 1993 c. 46, ss. 20(1), 22(4), **Sch. 2 para. 4(3)(a)**.
- F25** Words in s. 33(3) repealed (5.2.1994) by 1993 c. 46, ss. 20(1), 20(2), 22(4), **Sch. 2 para. 4(3)(b)**, **Sch. 3**.
- F26** Words in s. 33(4) repealed (5.2.1994) by 1993 c. 46, ss. 20(1), 20(2), 22(4), **Sch. 2 para. 4(4)**, **Sch. 3**.
- F27** Words in s. 33(5) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 15(4)(a)**, **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F28** Words in s. 33(5) substituted (5.2.1994) by virtue of 1993 c. 46, ss. 20(1), 22(4), **Sch. 2 para. 4(5)**.
- F29** Words in s. 33(5) inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 17(4)(a)** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**
- F30** Words in s. 33(5) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 15(4)(b)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F31** Words in s. 33(5) inserted (14.7.2004) by Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **6(c)**
- F32** Words in s. 33(5) repealed (1.4.1999) by 1998 c. 38, s. 125, 152, **Sch. 12 para. 17(4)(b)**, **Sch. 18 Pt. I** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**
- F33** Words in s. 33(6) substituted (5.2.1994) by virtue of 1993 c. 46, ss. 20(1), 22(4), **Sch. 2 para. 4(6)**.
- F34** Words in s. 33(6) inserted (14.7.2004) by Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **6(d)**

Modifications etc. (not altering text)

- C1** S. 33: ss. 26-34 modified by S.I. 1991/559, **art. 2(3)**

Marginal Citations

- M1** 1967 c. 13.

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