



# Local Government and Housing Act 1989

## 1989 CHAPTER 42

### PART II

#### LOCAL GOVERNMENT ADMINISTRATION

#### **28 Consideration of adverse reports: England and Wales**

- (1) The following section shall be inserted after section 31 of the Local Government Act 1974—

#### **“31A Consideration of adverse reports**

- (1) Subject to subsection (3) below, any power of an authority to have their functions discharged by any person or body of persons acting for the authority shall, as respects the consideration of a further report of the Local Commissioner under section 31(2A) above, be subject to the restriction that, if it is proposed that the authority should take no action on, or not the action recommended in, the report, consideration of the report shall be referred to the authority.
- (2) Consideration of a further report of the Local Commissioner under section 31(2A) above by any such committee of a local authority as is referred to in an enactment specified in section 101(9) of the Local Government Act 1972 or by any appeal committee constituted in accordance with paragraph 1 of Schedule 2 to the Education Act 1980 shall be subject to a corresponding restriction.
- (3) The restriction imposed by subsections (1) and (2) above does not apply where the report recommends action to be taken by—
  - (a) a joint committee established under the said section 101, or
  - (b) any committee referred to in an enactment specified in paragraph (c), (d) or (h) of the said section 101(9).
- (4) If an authority considering a further report of the Local Commissioner under section 31(2A) above take into consideration a report by a person or body

---

*Status: This is the original version (as it was originally enacted).*

---

with an interest in the Local Commissioner's report, they shall not conclude their consideration of the Local Commissioner's report without also having taken into consideration a report by a person or body with no interest in the Local Commissioner's report.

(5) No member of an authority to which this Part of this Act applies or of a committee mentioned in subsection (2) or (3) above shall vote on any question with respect to a report or further report under this Part of this Act in which he is named and criticised by a Local Commissioner.

(6) Section 25(4) and (5) above do not apply to this section.”

(2) This section shall not have effect in relation to a report made before the coming into force of section 26 above.