



Local Government and Housing Act 1989

1989 CHAPTER 42

PART II

LOCAL GOVERNMENT ADMINISTRATION

32 Anonymity in reports on investigations.

(1) In section 30 of the ^{M1}Local Government Act 1974 (reports on investigations by Local Commissioners)—

- (a) in subsection (3) (report only to identify a person if the Local Commissioner thinks it necessary), after the words “shall not” there shall be inserted the words “, except where subsection (3A) below applies,”; and
- (b) the following subsection shall be inserted after subsection (3)—

“(3A) Where the Local Commissioner is of the opinion—

- (a) that action constituting maladministration was taken which involved a member of the authority concerned, and
- (b) that the member’s conduct constituted a breach of the National Code of Local Government Conduct,

then, unless the Local Commissioner is satisfied that it would be unjust to do so, the report shall name the member and give particulars of the breach.”

(2) In section 28 of the ^{M2}Local Government (Scotland) Act 1975 (reports on investigations by Commissioner)—

- (a) in subsection (3) (report only to identify a person if the Commissioner thinks it necessary), after the words “shall not” there shall be inserted the words “, except where subsection (3A) below applies,”; and
- (b) the following subsection shall be inserted after subsection (3)—

“(3A) Where the Commissioner is of the opinion—

- (a) that action constituting maladministration was taken which involved a member of the authority concerned, and

Status: Point in time view as at 16/10/1992. This version of this provision has been superseded.

Changes to legislation: Local Government and Housing Act 1989, Section 32 is up to date with all changes known to be in force on or before 18 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)

(b) that the member’s conduct constituted a breach of the National Code of Local Government Conduct, then, unless the Commissioner is satisfied that it would be unjust to do so, the report shall name the member and give particulars of the breach.”

Marginal Citations

M1 1974 c. 7.

M2 1975 c. 30.

Status:

Point in time view as at 16/10/1992. This version of this provision has been superseded.

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