



Local Government Act 2000

2000 CHAPTER 22

PART III

CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

CHAPTER II

INVESTIGATIONS ETC: ENGLAND

Modifications etc. (not altering text)

- C1** Pt. III savings for effects of 2005 c. 10, s. 38 (1.4.2006) by [The Public Services Ombudsman \(Wales\) Act 2005 \(Transitional Provisions and Consequential Amendments\) Order 2006 \(S.I. 2006/362\)](#), arts. 1(1), 4

Standards Board for England

57 Standards Board for England.

- (1) There is to be a body corporate known as the Standards Board for England.
- (2) The Standards Board for England is to consist of not less than three members appointed by the Secretary of State.
- (3) The Standards Board for England is to have the functions conferred on it by this Part and such other functions as may be conferred on it by order made by the Secretary of State under this subsection.
- (4) In exercising its functions the Standards Board for England must have regard to the need to promote and maintain high standards of conduct by members and co-opted members of relevant authorities in England.
- (5) The Standards Board for England—

Status: Point in time view as at 28/03/2008.

Changes to legislation: Local Government Act 2000, Chapter II is up to date with all changes known to be in force on or before 30 May 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)

- (a) must appoint employees known as ethical standards officers who are to have the functions conferred on them by this Part,
 - [^{F1}(aa) may issue guidance to ethical standards officers with respect to the exercise by those officers of their functions,]
 - (b) may issue guidance to relevant authorities in England and police authorities in Wales on matters relating to the conduct of members and co-opted members of such authorities,
 - (c) may issue guidance to relevant authorities in England and police authorities in Wales in relation to the qualifications or experience which monitoring officers should possess, and
 - (d) may arrange for any such guidance to be made public.
- (6) Schedule 4 makes further provision in relation to the Standards Board for England.

Textual Amendments

F1 S. 57(5)(aa) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 190(1), 245(5)** (with s. 201); S.I. 2008/172, art. 2(1)(l) (with art. 2(2))

Commencement Information

II S. 57 wholly in force at 28.7.2001; s. 57 not in force at Royal Assent see s. 108; s. 57 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335, art. 2](#); s. 57 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

[^{F2}Written allegations

Textual Amendments

F2 Ss. 57A-57D and 58 substituted for s. 58 (31.1.2008 for specified purposes, 8.5.2008 in so far as not already in force) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 185, 245(5)** (with s. 201); S.I. 2008/172, art. 6; S.I. 2008/1265, art. 2(a) (with art. 3)

57A Written allegations: right to make, and initial assessment

- (1) A person may make a written allegation to the standards committee of a relevant authority in England that a member or co-opted member (or former member or co-opted member) of that authority has failed, or may have failed, to comply with the authority's code of conduct.
- (2) Where a standards committee receives an allegation under subsection (1) it must—
 - (a) refer the allegation to the monitoring officer of the relevant authority concerned (see section 66),
 - (b) refer the allegation to the Standards Board for England (see section 58), or
 - (c) decide that no action should be taken in respect of the allegation.
- (3) Where an allegation under subsection (1) is in respect of a person who—
 - (a) is no longer a member or co-opted member of the relevant authority concerned, but
 - (b) is a member or co-opted member of another relevant authority in England,

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the standards committee may, if it thinks it more appropriate than referring the allegation to the monitoring officer of the relevant authority concerned, refer the allegation to the monitoring officer of that other relevant authority.

- (4) If the standards committee decides that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing, to the person who made the allegation, of the decision and the reasons for the decision.
- (5) Subsections (2) to (4) are subject to any direction under section 57D.
- (6) The Standards Board for England—
 - (a) without prejudice to section 54(6), may issue guidance with respect to the exercise of functions under this section and sections 57B and 57C by standards committees of relevant authorities in England;
 - (b) may give a direction to the standards committee of a relevant authority in England with respect to the exercise of the committee's functions under this section.

57B Right to request review of decision not to act

- (1) This section applies where a decision is made under section 57A(2) that no action should be taken in respect of an allegation.
- (2) The person who made the allegation may make a request to the standards committee of the relevant authority concerned for that decision to be reviewed.
- (3) A request under subsection (2)—
 - (a) must be in writing, and
 - (b) may not be made after 30 days beginning with the date of the notice under section 57A(4).
- (4) Where a request under subsection (2) is received by a standards committee—
 - (a) section 57A(2) to (4) again apply to the standards committee, and
 - (b) it must make a reference under section 57A(2)(a) or (b) or (3), or a decision under section 57A(2)(c), within 3 months beginning with the date it received the request.
- (5) If by virtue of subsection (4) a decision is made under section 57A(2) that no action should be taken in respect of an allegation, this section does not apply in relation to that decision.
- (6) Subsection (4) is subject to any direction under section 57D.

57C Information to be given to subject of allegation

- (1) Subsections (2) to (4) apply where a person makes an allegation under section 57A to a standards committee.
- (2) The standards committee must take reasonable steps to give a written summary of the allegation to the person who is the subject of the allegation (“P”); but this is subject to regulations under subsection (7).
- (3) If the standards committee makes a decision under section 57A(2) that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing to P of the decision and the reasons for the decision.

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- (4) If the standards committee receives a request under section 57B in relation to the allegation, it must take reasonable steps to give notice in writing to P of the request.
- (5) The reference in subsection (3) to a decision under section 57A(2) includes a decision under section 57A(2) as applied by section 57B(4) or 58(3).
- (6) Subsections (2) to (4) are subject to any direction under section 57D.
- (7) The Secretary of State may by regulations—
 - (a) provide that in circumstances prescribed by the regulations the duty in subsection (2) does not arise at the time the standards committee receives the allegation, and
 - (b) make provision, in relation to cases where that duty has been prevented by the regulations from arising at that time, as to when it does arise.

57D Power to suspend standards committee's functions

- (1) In such circumstances as may be prescribed, the Standards Board for England may direct that, until such time as the direction may be revoked by the Standards Board for England—
 - (a) sections 57A(2) to (4), 57B(4) and 57C(2) to (4) shall not apply to the standards committee of a specified authority in relation to relevant allegations and relevant requests, and
 - (b) that standards committee must refer any such allegations or requests to a specified body.
- (2) The body which is specified in the direction may be—
 - (a) the Standards Board for England, or
 - (b) the standards committee of another relevant authority in England, if that committee has consented to being so specified.
- (3) For the purposes of subsection (1) an allegation is “relevant” if it is an allegation under section 57A which—
 - (a) is received after the direction is given, or
 - (b) was received before then, but is an allegation in respect of which the standards committee has yet to comply with section 57A(2).
- (4) For the purposes of subsection (1) a request is “relevant” if it is a request under section 57B which—
 - (a) is received after the direction is given, or
 - (b) was received before then, but relates to an allegation in respect of which the standards committee has yet to comply with section 57A(2) (as applied by section 57B(4)).
- (5) In subsection (3) “received”, in relation to an allegation, means—
 - (a) received under section 57A, or
 - (b) received on a reference back to the standards committee under section 58 or regulations under section 66.
- (6) The Secretary of State may by regulations make provision—
 - (a) for prescribed provisions of or made under this Part to apply, with or without modifications, where an allegation or request has been referred by reason of a

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- direction (including where it has been referred and subsequently the direction is revoked),
- (b) prescribing the circumstances in which the power to revoke a direction under this section is exercisable,
 - (c) with respect to the procedure to be followed (including the publicity to be given) where a direction has been made or revoked,
 - (d) modifying section 67(2) in relation to any case where a direction under this section is in force at a time when a Local Commissioner is of the opinion mentioned there,
 - (e) modifying section 67(2A) in relation to any case where a direction under this section is in force at a time when the Public Services Ombudsman for Wales is of the opinion mentioned there.
- (7) The Standards Board for England may issue guidance in connection with—
- (a) this section or any regulations under this section, or
 - (b) any direction under this section.
- (8) In this section—
- “prescribed” means prescribed by regulations made by the Secretary of State,
 - “specified” means specified in the direction.]

58 [F2 Written allegations.][F2 Allegations referred to Standards Board]

- [F2(1) Where an allegation is referred to the Standards Board for England under section 57A(2), the Standards Board for England must—
- (a) refer the case to one of its ethical standards officers for investigation under section 59,
 - (b) decide that no action should be taken in respect of the allegation, or
 - (c) refer the allegation back to the standards committee of the relevant authority concerned.
- (2) If the Standards Board for England decides that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing of the decision and the reasons for the decision to—
- (a) the person who made the allegation, and
 - (b) the person who was the subject of the allegation.
- (3) On a reference back under subsection (1)(c), section 57A(2) to (4) again apply to the standards committee but as if section 57A(2)(b) were omitted.
- (4) Subsection (3) is subject to any direction under section 57D.]

Commencement Information

- I2** S. 58 wholly in force at 28.7.2001; s. 58 not in force at Royal Assent see s. 108; s. 58 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 58 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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Functions of ethical standards officers

59 Functions of ethical standards officers.

- (1) The functions of ethical standards officers are to investigate—
 - (a) cases referred to them by the Standards Board for England under section 58(2), and
 - (b) other cases in which any such officer considers that a member or co-opted member (or former member or co-opted member) of a relevant authority in England has failed, or may have failed, to comply with the authority’s code of conduct and which have come to the attention of any such officer as a result of an investigation under paragraph (a).
- (2) The Standards Board for England may make arrangements in relation to the assignment of investigations under this section to particular ethical standards officers.
- (3) The purpose of an investigation under this section is to determine which of the findings mentioned in subsection (4) is appropriate.
- (4) Those findings are—
 - (a) that there is no evidence of any failure to comply with the code of conduct of the relevant authority concerned,
 - (b) that no action needs to be taken in respect of the matters which are the subject of the investigation,
 - (c) that the matters which are the subject of the investigation should be referred to the monitoring officer of the relevant authority concerned, or
 - (d) that the matters which are the subject of the investigation should be referred to the president of the Adjudication Panel for England for adjudication by a tribunal falling within section 76(1).
- (5) Where a person is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in England, the reference in subsection (4)(c) to the monitoring officer of the relevant authority concerned is to be treated as a reference either to the monitoring officer of the relevant authority concerned or to the monitoring officer of that other relevant authority (and accordingly an ethical standards officer who reaches a finding under subsection (4)(c) must decide to which of those monitoring officers to refer the matters concerned).

Commencement Information

- I3** S. 59 wholly in force at 28.7.2001; s. 59 not in force at Royal Assent see s. 108; s. 59 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 59 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Investigations

60 Conduct of investigations.

- (1) An ethical standards officer may arrange for any person to assist him in the conduct of any investigation under section 59.

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- (2) An ethical standards officer to whom an investigation under section 59 is assigned may—
 - (a) cease the investigation at any stage before its completion, and
 - (b) refer the matters which are the subject of the investigation to the monitoring officer of the relevant authority concerned.
- (3) Where a person is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in England, an ethical standards officer may, if he thinks it more appropriate than making such a reference as is mentioned in subsection (2)(b), refer the matters which are the subject of the investigation to the monitoring officer of that other relevant authority.
- (4) An ethical standards officer may not at any time conduct an investigation under section 59 in relation to a member or co-opted member (or former member or co-opted member) of a relevant authority if, within the period of five years ending with that time, the ethical standards officer has been a member or an officer of the authority or a member of any committee, sub-committee, joint committee or joint sub-committee of the authority.
- (5) An ethical standards officer who is directly or indirectly interested in any matter which is, or is likely to be, the subject of an investigation under section 59—
 - (a) must disclose the nature of his interest to the Standards Board for England, and
 - (b) may not take part in any investigation under that section which relates to that matter.
- (6) The validity of any acts of an ethical standards officer are not to be affected by any contravention of subsection (4) or (5) or paragraph 3(2) of Schedule 4 or any breach falling within paragraph 3(3) of that Schedule.

Modifications etc. (not altering text)

- C2** S. 60(1)(4)(5) modified (W.) (28.7.2001) by [S.I. 2001/2286](#), art. 2, **Sch. 1**
- C3** S. 60(1) applied (with modifications) (W.) (1.4.2006) by [The Public Services Ombudsman for Wales \(Standards Investigations\) Order 2006 \(S.I. 2006/949\)](#), arts. 1(1), 2, **Sch. 1**
- C4** S. 60(4) applied (with modifications) (W.) (1.4.2006) by [The Public Services Ombudsman for Wales \(Standards Investigations\) Order 2006 \(S.I. 2006/949\)](#), arts. 1(1), 3, **Sch. 2 para. 1**
- C5** S. 60(5) applied (with modifications) (W.) (1.4.2006) by [The Public Services Ombudsman for Wales \(Standards Investigations\) Order 2006 \(S.I. 2006/949\)](#), arts. 1(1), 3, **Sch. 2 para. 2**
- C6** S. 60(6) modified (W.) (28.7.2001) by [S.I. 2001/2286](#), art. 3, **Sch. 2 para. 1**
- C7** S. 60(6) applied (with modifications) (W.) (1.4.2006) by [The Public Services Ombudsman for Wales \(Standards Investigations\) Order 2006 \(S.I. 2006/949\)](#), arts. 1(1), 3, **Sch. 2 para. 3**

Commencement Information

- I4** S. 60 wholly in force at 28.7.2001; s. 60 not in force at Royal Assent see s. 108; s. 60 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), art. 2; s. 60 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

61 Procedure in respect of investigations.

- (1) The procedure for conducting an investigation under section 59 is to be such as the ethical standards officer considers appropriate in the circumstances of the case.

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- (2) Without prejudice to subsection (1), the ethical standards officer must give any person who is the subject of an investigation under section 59 an opportunity to comment on any allegation that he has failed, or may have failed, to comply with the relevant authority concerned's code of conduct.
- (3) An ethical standards officer may, if he thinks fit, pay to persons who attend or furnish information for the purposes of an investigation under section 59—
 - (a) such sums in respect of the expenses properly incurred by them, and
 - (b) such allowances by way of compensation for the loss of their time, as may be determined by the Secretary of State.
- (4) The carrying out of an investigation under section 59 is not to affect—
 - (a) any action taken by the relevant authority concerned, or
 - (b) any power or duty of the relevant authority concerned to take further action with respect to any matters which are the subject of the investigation.
- (5) Where a person is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in England, any reference in subsection (4) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.

Modifications etc. (not altering text)

C8 S. 61 modified (W.) (28.7.2001) by [S.I. 2001/2286, art. 2, Sch. 1](#)

C9 S. 61 applied (with modifications) (W.) (1.4.2006) by [The Public Services Ombudsman for Wales \(Standards Investigations\) Order 2006 \(S.I. 2006/949\), arts. 1\(1\), 2, Sch. 1](#)

Commencement Information

I5 S. 61 wholly in force at 28.7.2001; s. 61 not in force at Royal Assent see s. 108; s. 61 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335, art. 2](#); s. 61 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

62 Investigations: further provisions.

- (1) An ethical standards officer, or a person authorised by such an officer, has a right of access at all reasonable times to every document ^{F3}...which appears to him necessary for the purpose of conducting an investigation under section 59 ^{F4}...
- (2) An ethical standards officer, or a person authorised by such an officer, may—
 - (a) make such inquiries of any person as he thinks necessary for the purpose of conducting such an investigation,
 - (b) require any person to give him such information or explanation as he thinks necessary for the purpose of conducting such an investigation, and
 - (c) if he thinks necessary, require any person to attend before him in person for the purpose of making inquiries of that person or requiring that person to give any information or explanation.
- (3) Without prejudice to subsections (1) and (2), a relevant authority must provide an ethical standards officer, or a person authorised by such an officer, with every facility and all information which he may reasonably require for the purposes of conducting an

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- investigation under section 59 in relation to a member or co-opted member (or former member or co-opted member) of the authority.
- (4) An ethical standards officer, or a person authorised by such an officer, may under this section require any person—
- (a) to furnish information concerning communications between the authority concerned and any Government department, or
 - (b) to produce any correspondence or other documents forming part of any such communications.
- (5) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in Her Majesty's service, whether imposed by any enactment or by any rule of law, is to apply to the disclosure of information in accordance with subsection (4).
- (6) Where subsection (4) applies, the Crown is not to be entitled to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.
- (7) Nothing in this section affects—
- (a) the restriction, imposed by section 11(2) of the ^{M1}Parliamentary Commissioner Act 1967, on the disclosure of information by the Parliamentary Commissioner or his officers,
 - (b) the restriction, imposed by section 32(2) of the ^{M2}Local Government Act 1974, on the disclosure of information by any members or officers of the Commission for Local Administration in England ^{F5}..., or
 - (c) the restriction, imposed by section 15 of the ^{M3}Health Service Commissioners Act 1993, on the disclosure of information by the Health Service Commissioner for England [^{F6}or by his officers][^{F7}, or
 - (d) the restriction imposed by section 26 of the Public Services Ombudsman (Wales) Act 2005.]
- (8) To assist him in any investigation under section 59, an ethical standards officer may obtain advice from any person who in his opinion is qualified to give it and may pay to any such person such fees or allowances as he may determine with the approval of the Secretary of State.
- (9) Subject to subsections (5) and (6), no person may be compelled for the purposes of an investigation under section 59 to give any evidence or produce any document which he could not be compelled to give or produce in civil proceedings before the High Court.
- (10) A person who without reasonable excuse fails to comply with any requirement under subsection (2) or (4) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (11) In this section any reference to documents includes a reference to information held by means of a computer or in any other electronic form.

Textual Amendments

- F3** Words in s. 62(1) repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 191(3)(a), 245(5), **Sch. 18 Pt. 15** (with s. 201); S.I. 2008/172, arts. 2(u)(ii), 7(1) (with art. 2(2))

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- F4** Words in s. 62(1) repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 191\(3\)\(b\), 245\(5\), Sch. 18 Pt. 15](#) (with s. 201); S.I. 2008/172, arts. 2(u)(ii), 7(1) (with art. 2(2))
- F5** Words in s. 62(7)(b) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 5\(a\), 7](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F6** Words in s. 62(7)(c) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 5\(b\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F7** S. 62(7)(d) and word inserted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 5\(c\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

Modifications etc. (not altering text)

- C10** S. 62(1)-(3)(5)(6)(8)-(11) modified (W.) (28.7.2001) by [S.I. 2001/2286, art. 2, Sch. 1](#)
- C11** S. 62(1)-(3) (5) (6) s. 62(8)-(11) applied (with modifications) (W.) (1.4.2006) by [The Public Services Ombudsman for Wales \(Standards Investigations\) Order 2006 \(S.I. 2006/949\), arts. 1\(1\), 2, Sch. 1](#)
- C12** S. 62(4) modified (W.) (28.7.2001) by [S.I. 2001/2286, art. 3, Sch. 2 para. 2](#)
- C13** S. 62(4) applied (with modifications) (W.) (1.4.2006) by [The Public Services Ombudsman for Wales \(Standards Investigations\) Order 2006 \(S.I. 2006/949\), arts. 1\(1\), 3, Sch. 2 para. 4](#)

Commencement Information

- I6** S. 62 wholly in force at 28.7.2001; s. 62 not in force at Royal Assent see s. 108; s. 62 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335, art. 2](#); s. 62 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

- M1** 1967 c. 13.
M2 1974 c. 7.
M3 1993 c. 46.

63 Restrictions on disclosure of information.

- (1) Information obtained by ethical standards officers under section 61 or 62 must not be disclosed unless one or more of the following conditions is satisfied—
- (a) the disclosure is made for the purposes of enabling the Standards Board for England, an ethical standards officer, [^{F8}the Public Services Ombudsman for Wales] or the president, deputy president or any tribunal of either of the Adjudication Panels to perform their functions under this Part,
 - (b) the person to whom the information relates has consented to its disclosure,
 - (c) the information has previously been disclosed to the public with lawful authority,
 - (d) the disclosure is for the purposes of criminal proceedings in any part of the United Kingdom and the information in question was not obtained under section 62(2),
 - (e) the disclosure is made to the Audit Commission for the purposes of any functions of the Audit Commission or an auditor under the ^{M4}Audit Commission Act 1998.
 - [^{F9}(f) the disclosure is made to the Auditor General for Wales for the purposes of any functions of the Auditor General for Wales or an auditor under Part 2 of the Public Audit (Wales) Act 2004]

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- (2) The Secretary of State or a relevant authority in England may give notice in writing to any ethical standards officer with respect to—
- (a) any document or information specified in the notice, or
 - (b) any class of documents or information so specified,
- that, in his or (as the case may be) their opinion, the disclosure of that document or information, or of documents or information of that class, would be contrary to the public interest.
- (3) Where notice is given under subsection (2) to an ethical standards officer, any document or information specified in the notice, or any document or information of a class so specified, may not be disclosed by the ethical standards officer or any other person.
- (4) A person who discloses information or a document in contravention of subsection (1) is guilty of an offence and liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Textual Amendments

- F8** Words in s. 63(1)(a) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 6](#); [S.I. 2005/2800, art. 5\(1\)\(3\)](#) (with transitional provisions in [S.I. 2006/362, art. 4](#))
- F9** S. 63(1)(f) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 2 para. 54](#); [S.I. 2005/558, art. 2, Sch. 1](#)

Modifications etc. (not altering text)

- C14** S. 63(1) disclosure powers extended (14.12.2001) by [2001 c. 24, ss. 17, 127\(2\)](#) (with s. 14(3))
- C15** S. 63(1) applied (with modifications) (30.6.2003) by [Local Authorities \(Code of Conduct\) \(Local Determination\) Regulations 2003 \(S.I. 2003/1483\), regs. 1\(1\)\(2\), 4](#)
- C16** S. 63(1) applied (with modifications) (1.4.2006) by [The Public Services Ombudsman for Wales \(Standards Investigations\) Order 2006 \(S.I. 2006/949\), arts. 1\(1\), 3, Sch. 2 para. 5](#)
- C17** S. 63(2) modified (W.) (28.7.2001) by [S.I. 2001/2286, art. 3, Sch. 2 para. 3](#)
- C18** S. 63(2) applied (with modifications) (W.) (1.4.2006) by [The Public Services Ombudsman for Wales \(Standards Investigations\) Order 2006 \(S.I. 2006/949\), arts. 1\(1\), 3, Sch. 2 para. 6](#)
- C19** S. 63(3) modified (W.) (28.7.2001) by [S.I. 2001/2286, art. 2, Sch. 1](#)
- C20** S. 63(3) applied (with modifications) (W.) (1.4.2006) by [The Public Services Ombudsman for Wales \(Standards Investigations\) Order 2006 \(S.I. 2006/949\), arts. 1\(1\), 2, Sch. 1](#)

Commencement Information

- I7** S. 63 wholly in force at 28.7.2001; s. 63 not in force at Royal Assent see s. 108; s. 63 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335, art. 2](#); s. 63 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

- M4** [1998 c. 18.](#)

Status: Point in time view as at 28/03/2008.

Changes to legislation: Local Government Act 2000, Chapter II is up to date with all changes known to be in force on or before 30 May 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)

Reports etc. [F¹⁰by ethical standards officers]

Textual Amendments

F10 Words in s. 64 cross-heading inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 192(1)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(m)

64 Reports etc.

- (1) Where an ethical standards officer determines in relation to any case that a finding under section 59(4)(a) or (b) is appropriate—
 - (a) he may produce a report on the outcome of his investigation,
 - (b) he may provide a summary of any such report to any newspapers circulating in the area of the relevant authority concerned,
 - (c) he must send to the monitoring officer of the relevant authority concerned a copy of any such report, and
 - (d) where he does not produce any such report, he must inform the monitoring officer of the relevant authority concerned of the outcome of the investigation.
- (2) Where an ethical standards officer determines in relation to any case that a finding under section 59(4)(c) is appropriate he must—
 - (a) produce a report on the outcome of his investigation,
 - (b) subject to subsection (4)(b), refer the matters which are the subject of the investigation to the monitoring officer of the relevant authority concerned, and
 - (c) send a copy of the report to the monitoring officer, and the standards committee, of the relevant authority concerned.
- (3) Where an ethical standards officer determines in relation to any case that a finding under section 59(4)(d) is appropriate he must—
 - (a) produce a report on the outcome of his investigation,
 - (b) refer the matters which are the subject of the investigation to the president of the Adjudication Panel for England for adjudication by a tribunal falling within section 76(1), and
 - (c) send a copy of the report to the monitoring officer of the relevant authority concerned and to the president of the Adjudication Panel for England.

[F¹¹(3A) Where an ethical standards officer produces a report under subsection (1) or (3), he may send a copy of it to the standards committee of the relevant authority concerned if he believes that it will assist that committee in the discharge of its functions under this Part.]

- (4) Where a person is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in England—
 - (a) the references in subsections (1)(b), (c) and (d), (2)(c) [F¹², (3)(c) and (3A)] to the relevant authority concerned are to be treated as including references to that other relevant authority, and
 - (b) an ethical standards officer who reaches a finding under section 59(4)(c) must refer the matters concerned either to the monitoring officer of the relevant authority concerned or to the monitoring officer of that other relevant authority.

Status: Point in time view as at 28/03/2008.

Changes to legislation: Local Government Act 2000, Chapter II is up to date with all changes known to be in force on or before 30 May 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)

- (5) A report under this section may cover more than one investigation under section 59 in relation to any members or co-opted members (or former members or co-opted members) of the same relevant authority.
- (6) An ethical standards officer must—
 - (a) inform any person who is the subject of an investigation under section 59, and
 - (b) take reasonable steps to inform any person who made any allegation which gave rise to the investigation, of the outcome of the investigation.
- [^{F13}(7) The Secretary of State may by regulations make provision for or in connection with the withdrawal of a reference under subsection (3)(b).]

Textual Amendments

- F11** S. 64(3A) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 192\(3\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(m)
- F12** Words in s. 64(4)(a) substituted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 192\(4\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(m)
- F13** S. 64(7) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 192\(5\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(m)

Commencement Information

- I8** S. 64 wholly in force at 28.7.2001; s. 64 not in force at Royal Assent see s. 108; s. 64 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 64 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

65 Interim reports.

- (1) Where he considers it necessary in the public interest, an ethical standards officer may, before the completion of an investigation under section 59, produce an interim report on that investigation.
- (2) An interim report under this section may cover more than one investigation under section 59 in relation to any members or co-opted members (or former members or co-opted members) of the same relevant authority.
- (3) Where the prima facie evidence is such that it appears to the ethical standards officer producing the interim report—
 - (a) that the person who is the subject of the report has failed to comply with the code of conduct of the relevant authority concerned,
 - (b) that the nature of that failure is such as to be likely to lead to disqualification under section 79(4)(b), and
 - (c) that it is in the public interest to suspend or partially suspend that person immediately,

the interim report may include a recommendation that that person should be suspended or partially suspended from being a member or co-opted member of the relevant authority concerned for a period which does not exceed six months or (if shorter) the remainder of the person's term of office.

Status: Point in time view as at 28/03/2008.

Changes to legislation: Local Government Act 2000, Chapter II is up to date with all changes known to be in force on or before 30 May 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)

- (4) Where an ethical standards officer produces an interim report under this section which contains such a recommendation as is mentioned in subsection (3), he must refer the matters which are the subject of the report to the president of the Adjudication Panel for England for adjudication by a tribunal falling within section 76(2).
- [^{F14}(4A) The Secretary of State may by regulations make provision for or in connection with the withdrawal of a reference under subsection (4).]
- (5) A copy of any report under this section must be given—
- (a) to any person who is the subject of the report,
 - (b) to the monitoring officer of the relevant authority concerned, and
 - (c) to the president of the Adjudication Panel for England.
- [^{F15}(5A) A copy of any report under this section may be given to the standards committee of the relevant authority concerned if the ethical standards officer believes that it will assist that committee in the discharge of its functions under this Part.]
- (6) Where a person is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in England—
- (a) the second reference in subsection (3) to the relevant authority concerned is to be treated as a reference to that other relevant authority, and
 - (b) [^{F16}any reference in subsection (5)(b) or (5A)] to the relevant authority concerned is to be treated as including a reference to that other relevant authority.
- (7) In this Part “partially suspended” and cognate expressions are to be construed in accordance with section 83(7) and (8).

Textual Amendments

- F14** S. 65(4A) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 192\(8\), 245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(m)
- F15** S. 65(5A) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 192\(9\), 245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(m)
- F16** Words in s. 65(6)(b) substituted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 192\(10\), 245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(m)

Commencement Information

- I9** S. 65 wholly in force at 28.7.2001; s. 65 not in force at Royal Assent see s. 108; s. 65 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335, art. 2](#); s. 65 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

[^{F17}65A Disclosure by monitoring officers of ethical standards officers' reports

- (1) Where by virtue of section 64(1)(c) or (d) the monitoring officer of a relevant authority—
- (a) receives a copy of a report on the outcome of an investigation, or
 - (b) is informed of the outcome of an investigation,
- he may inform any relevant person of the outcome of the investigation.

Status: Point in time view as at 28/03/2008.

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- (2) Where by virtue of section 64(1)(c) or 65(5) the monitoring officer of a relevant authority receives a copy of a report, he may send a copy of it or of any part of it to any relevant person; but this is subject to subsection (3).
- (3) A monitoring officer may exercise a power under subsection (2) only where he believes that it will assist in promoting high standards of conduct by the members and co-opted members of the relevant authority.
- (4) In this section “relevant person” means—
 - (a) any member or co-opted member of the relevant authority;
 - (b) any officer of that authority;
 - (c) where that authority has an executive, any member of the executive.]

Textual Amendments

F17 S. 65A inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 193\(1\), 245\(5\)](#) (with s. 201); [S.I. 2008/172](#), art. 2(1)(n)

References to monitoring officers

66 Matters referred to monitoring officers.

- (1) The Secretary of State may by regulations make provision in relation to the way in which any matters referred to the monitoring officer of a relevant authority under section [^{F18}57A, 60(2) or (3) or 64(2) or (4)] are to be dealt with.
- (2) The provision which may be made by regulations under subsection (1) includes provision for or in connection with—
 - (a) enabling a monitoring officer of a relevant authority to conduct an investigation in respect of any matters referred to him,
 - (b) enabling a monitoring officer of a relevant authority to make a report, or recommendations, to the standards committee of the authority in respect of any matters referred to him,
 - (c) enabling a standards committee of a relevant authority to consider any report or recommendations made to it by a monitoring officer of the authority (including provision with respect to the procedure to be followed by the standards committee),
 - (d) enabling a standards committee of a relevant authority, following its consideration of any such report or recommendations, to take any action prescribed by the regulations (including action against any member or co-opted member (or former member or co-opted member) of the authority who is the subject of any such report or recommendation),
 - (e) the publicity to be given to any such reports, recommendations or action.
 - [^{F19}(f) enabling a monitoring officer of a relevant authority, in such circumstances as may be prescribed by the regulations, to refer back any matters that were referred to him under section 57A.]
- (3) The provision which may be made by virtue of subsection (2)(a) includes provision for or in connection with—

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- (a) conferring powers on a monitoring officer of a relevant authority to enable him to conduct an investigation in respect of any matters referred to him,
 - (b) conferring rights (including the right to make representations) on any member or co-opted member (or former member or co-opted member) of a relevant authority who is the subject of any such investigation.
- [^{F20}(3A) Provision made by virtue of subsection (2)(a) and (3) may make provision corresponding to or applying, with or without modifications, any provisions of sections 62 and 63 (including sections 62(10) and 63(4)) or section 67(1), (1A) and (3) to (5).
- (3B) The provision which may be made by virtue of subsection (2)(b) includes provision for or in connection with—
- (a) interim reports;
 - (b) the disclosure of reports.]
- (4) The provision which may be made by virtue of subsection (2)(d) includes provision for or in connection with—
- (a) enabling a standards committee of a relevant authority to censure a member or co-opted member (or former member or co-opted member) of the authority,
 - (b) enabling a standards committee of a relevant authority to suspend or partially suspend a person from being a member or co-opted member of the authority for a limited period,
 - (c) conferring a right of appeal on a member or co-opted member (or former member or co-opted member) of a relevant authority in respect of any action taken against him.
- [^{F21}(4A) The provision which may be made by virtue of subsection (2)(f) includes provision applying any provisions of section 57A or 57C, with or without modifications, where matters have been referred back by the monitoring officer.]
- (5) Nothing in [^{F22}subsections (2) to (4A) or section 66A] affects the generality of the power under subsection (1).
- (6) [^{F23}A person who refers any matters to the monitoring officer of a relevant authority under section 57A, 60(2) or (3) or 64(2) or (4),] may give directions to the monitoring officer as to the way in which those matters are to be dealt with.

Textual Amendments

- F18** Words in s. 66(1) substituted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 194\(2\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(o)
- F19** S. 66(2)(f) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 194\(3\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(o)
- F20** S. 66(3A)(3B) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 194\(4\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(o)
- F21** S. 66(4A) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 194\(5\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(o)
- F22** Words in s. 66(5) substituted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 194\(6\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(o)
- F23** Words in s. 66(6) substituted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 194\(7\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(o)

Status: Point in time view as at 28/03/2008.

Changes to legislation: Local Government Act 2000, Chapter II is up to date with all changes known to be in force on or before 30 May 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)

Commencement Information

- I10** S. 66 wholly in force at 28.7.2001; s. 66 not in force at Royal Assent see s. 108; s. 66 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 66 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

[^{F24}66A References to Adjudication Panel for action in respect of misconduct

- (1) The provision which may be made by regulations under section 66 by virtue of subsection (2)(d) of that section also includes provision for or in connection with—
- enabling a standards committee, where it considers that the action it could take against a person is insufficient, to refer the case to the president of the Adjudication Panel for England for a decision by members of that Panel on the action that should be taken against the person,
 - the appointment of members of that Panel to deal with such a reference,
 - enabling those members (“the panel”) to decide what action, of a kind authorised by the regulations, should be taken against the person and enabling them to take that action,
 - the composition, practice and procedure of the panel (including provision corresponding to or applying, with or without modifications, any provision of section 76(6) to (12) and (15)),
 - conferring a right of appeal on a person in respect of action taken against him by the panel.
- (2) The kinds of action that may be authorised by virtue of subsection (1)(c) include any kinds of action that may be authorised in relation to a tribunal by regulations under section 78A(4) to (6).]

Textual Amendments

- F24** S. 66A inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 195, 245\(5\)](#) (with s. 201); [S.I. 2008/172](#), [art. 2\(1\)\(p\)](#)

67 Consultation with [^{F25}ombudsmen].

- (1) If, at any stage in the course of conducting an investigation under section 59, an ethical standards officer forms the opinion that the matters which are the subject of the investigation relate partly to a matter which could be the subject of an investigation under Part III of the ^{M5}Local Government Act 1974, he may consult the appropriate Local Commissioner about the investigation and, if he considers it necessary, inform any person who made the allegation which gave rise to the investigation of the steps necessary to initiate a complaint under Part III of that Act.

- [^{F26}(1A) If, at any stage in the course of conducting an investigation under section 59, an ethical standards officer forms the opinion that the matters which are the subject of the investigation relate partly to a matter which could be the subject of an investigation under Part 2 of the Public Services Ombudsman (Wales) Act 2005, he may consult the Public Services Ombudsman for Wales about the investigation and, if he considers it necessary, inform any person who made the allegation which gave rise to the investigation of the steps necessary to initiate a complaint under Part 2 of that Act.]

Status: Point in time view as at 28/03/2008.

Changes to legislation: Local Government Act 2000, Chapter II is up to date with all changes known to be in force on or before 30 May 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)

- (2) If, at any stage in the course of conducting an investigation under Part III of ^{F27}the Local Government Act 1974], a Local Commissioner forms the opinion that the complaint relates partly to a matter which could be the subject of an investigation under section 59 of this Act, he may consult the Standards Board for England about the investigation and, if he considers it necessary, inform the person initiating the complaint of the steps necessary to make an allegation under section 58.
- ^{F28}(2A) If, at any stage in the course of conducting an investigation under Part 2 of the Public Services Ombudsman (Wales) Act 2005, the Public Services Ombudsman for Wales forms the opinion that the complaint relates partly to a matter which could be the subject of an investigation under section 59 of this Act, he may consult the Standards Board for England about the investigation and, if he considers it necessary, inform the person initiating the complaint of the steps necessary to make an allegation under section 58.]
- (3) Consultation under ^{F29}any of subsections (1) to (2A)] may relate to any matter concerned with the investigation, including—
- (a) the conduct of the investigation, and
 - (b) the form, content and publication of any report relating to the investigation.
- (4) Nothing in section 32(2) of the ^{M6}Local Government Act 1974^{F30}, section 26 of the Public Services Ombudsman (Wales) Act 2005] or section 63(1) of this Act shall apply in relation to the disclosure of information in the course of consultation held in accordance with this section.
- (5) In this section “Local Commissioner” has the same meaning as in Part III of the ^{M7}Local Government Act 1974.

Textual Amendments

- F25** Word in s. 67 heading substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 7](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F26** S. 67(1A) inserted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 8\(a\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F27** Words in s. 67(2) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 8\(b\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F28** S. 67(2A) inserted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 8\(c\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F29** Words in s. 67(3) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 8\(d\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F30** Words in s. 67(4) inserted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 8\(e\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

Commencement Information

- I11** S. 67 wholly in force at 28.7.2001; s. 67 not in force at Royal Assent see s. 108; s. 67 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335, art. 2](#); s. 67 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

- M5** 1974 c. 7.
M6 1974 c. 7.
M7 1974 c. 7.

Status:

Point in time view as at 28/03/2008.

Changes to legislation:

Local Government Act 2000, Chapter II is up to date with all changes known to be in force on or before 30 May 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.