



Local Government Act 2000

2000 CHAPTER 22

PART III

CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

CHAPTER II

INVESTIGATIONS ETC: ENGLAND

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 [F157A, 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-

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- 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.
- [^{F2}(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—
- (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.
- [^{F3}(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.
- [^{F4}(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 [^{F5}subsections (2) to (4A) or section 66A] affects the generality of the power under subsection (1).
- (6) [^{F6}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

- F1** 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)
- F2** 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)

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- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)

Commencement Information

- II** 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)

[^{F7}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

- F7** 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 [^{F8}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 ^{M1}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.

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- [^{F9}(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.]
- (2) If, at any stage in the course of conducting an investigation under Part III of [^{F10}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.
- [^{F11}(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 [^{F12}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 ^{M2}Local Government Act 1974[^{F13}, 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 ^{M3}Local Government Act 1974.

Textual Amendments

- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)

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Marginal Citations

M1 1974 c. 7.

M2 1974 c. 7.

M3 1974 c. 7.

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