



# Local Government Act 2000

## 2000 CHAPTER 22

### PART III

#### CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

### CHAPTER III

#### INVESTIGATIONS ETC: WALES

#### *Investigations*

#### 69 [F1]Investigations by the Public Services Ombudsman for Wales.]

- (1) [F2]The Public Services Ombudsman for Wales] may investigate—
  - (a) cases in which a written allegation is made to him by any person that a member or co-opted member (or former member or co-opted member) of a relevant authority in Wales has failed, or may have failed, to comply with the authority's code of conduct, and
  - (b) other cases in which he considers that a member or co-opted member (or former member or co-opted member) of a relevant authority in Wales has failed, or may have failed, to comply with the authority's code of conduct and which have come to his attention as a result of an investigation under paragraph (a).
- (2) If [F3]the Public Services Ombudsman for Wales] considers that a written allegation under subsection (1)(a) should not be investigated, he must take reasonable steps to give written notification to the person who made the allegation of the decision and the reasons for the decision.
- (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—

*Status: Point in time view as at 06/04/2011.*

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- (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 Wales 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 Wales, 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 [<sup>F4</sup>if the Public Services Ombudsman for Wales reaches a finding under subsection (4)(c) he] must decide to which of those monitoring officers to refer the matters concerned).

#### Textual Amendments

- F1** Pt. III Ch. III(crossheading)(investigations) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 12](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F2** Words in s. 69(1) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 13\(a\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F3** Words in s. 69(2) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 13\(b\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F4** Words in s. 69(5) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 13\(c\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

## 70 Investigations: further provisions.

- (1) The National Assembly for Wales may by order make provision with respect to investigations under section 69 (including provision with respect to the obtaining or disclosure of documents or information).
- (2) The provision which may be made by virtue of subsection (1) includes provision which applies or reproduces (with or without modifications)—
  - (a) any provisions of sections 60 to 63, or
  - [<sup>F5</sup>(b) any provisions of sections 13 to 15, 25 to 27 and 32 of the Public Services Ombudsman (Wales) Act 2005.]
- (3) [<sup>F6</sup>The Public Services Ombudsman for Wales] may cease an investigation under section 69 at any stage before its completion.
- (4) Where [<sup>F7</sup>the Public Services Ombudsman for Wales ] ceases an investigation under section 69 before its completion, he may refer the matters which are the subject of the investigation to the monitoring officer of the relevant authority concerned.

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- (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 Wales, [F7the Public Services Ombudsman for Wales ] may, if he thinks it more appropriate than making such a reference as is mentioned in subsection (4), refer the matters which are the subject of the investigation to the monitoring officer of that other relevant authority.

#### Textual Amendments

- F5** S. 70(2)(b) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, [Sch. 4 para. 14\(a\)](#); S.I. 2005/2800, arts. 4(1)(c)(2),5(1) (with art. 4(3))
- F6** Words in s. 70(3) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, [Sch. 4 para. 14\(b\)](#); S.I. 2005/2800, art. 5(1) (with transitional provisions in S.I. 2006/362, art. 4)
- F7** Words in s. 70(4)(5) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, [Sch. 4 para. 14\(c\)](#); S.I. 2005/2800, art. 5(1) (with transitional provisions in S.I. 2006/362, art. 4); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

#### 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
- C2** S. 70(2) modified (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 201\(3\)](#), 245(5) (with s. 201); S.I. 2008/172, art. 4(1)

#### Commencement Information

- I1** S. 70 wholly in force at 28.7.2001; s. 70 not in force at Royal Assent see s. 108; s. 70(1)(2) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 70 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

**Status:**

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