



Local Government Act 2000

2000 CHAPTER 22

PART III

CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

CHAPTER IV

ADJUDICATIONS

[^{F1}The Adjudication Panel for Wales]

Textual Amendments

- F1** S. 75 cross-heading substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 56](#) (with Sch. 5)

75 [^{F2}Adjudication Panel for Wales].

^{F3}(1)

(2) There is to be a panel of persons, known as the Adjudication Panel for Wales or Panel Dyfarnu Cymru, eligible for membership of tribunals drawn from the Panel.

^{F4}(3)

^{F4}(4)

(5) The members of the Adjudication Panel for Wales are to be appointed by the National Assembly for Wales on such terms and conditions as it may determine.

(6) The National Assembly for Wales—

- (a) must appoint one of the members of the Adjudication Panel for Wales as president of the Panel, and

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(b) may appoint one of those members as deputy president of the Panel.

^{F5}(7)

(8) Such members of the Adjudication Panel for Wales as the National Assembly for Wales thinks fit must possess such qualifications as may be determined by the National Assembly for Wales.

^{F6}(9)

(10) The president and deputy president (if any) of the Adjudication Panel for Wales are to be responsible—

(a) for training the members of the Panel,

(b) for issuing guidance on how tribunals drawn from the Panel are to reach decisions.

^{F7}(11)

Textual Amendments

- F2** S. 75 heading substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 57\(a\)](#) (with Sch. 5)
- F3** S. 75(1) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 57\(b\)](#) (with Sch. 5)
- F4** S. 75(3)(4) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 57\(b\)](#) (with Sch. 5)
- F5** S. 75(7) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 57\(b\)](#) (with Sch. 5)
- F6** S. 75(9) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 57\(b\)](#) (with Sch. 5)
- F7** S. 75(11) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 57\(b\)](#) (with Sch. 5)

Commencement Information

- I1** S. 75 wholly in force at 28.7.2001; s. 75 not in force at Royal Assent see s. 108; s. 75(2)(5)(6)(8) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), art. 2; s. 75 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), art. 2; s. 75 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Case tribunals and interim case tribunals

76 Case tribunals and interim case tribunals.

(1) Adjudications in respect of matters referred to the president of the [^{F8}Adjudication Panel for Wales] under section ^{F9}... 71(3) are to be conducted by tribunals (referred to in this Part as case tribunals) consisting of not less than three members of the Panel.

(2) Adjudications in respect of matters referred to the president of the [^{F10}Adjudication Panel for Wales] under section ^{F11}... 72(4) are to be conducted by tribunals (referred to in this Part as interim case tribunals) consisting of not less than three members of the Panel.

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- (3) The president of the [^{F12}Adjudication Panel for Wales] (or in his absence the deputy president) is to appoint the members of any case tribunal or interim case tribunal.
- (4) A case tribunal drawn from the [^{F13}Adjudication Panel for Wales] may conduct a single adjudication in relation to two or more matters which are referred to the president of the Panel under section ^{F14} ... 71(3).
- (5) An interim case tribunal drawn from the [^{F15}Adjudication Panel for Wales] may conduct a single adjudication in relation to two or more matters which are referred to the president of the Panel under section ^{F16} ...72(4).
- (6) The president or the deputy president of the [^{F17}Adjudication Panel for Wales] may be a member of a case tribunal or interim case tribunal drawn from the Panel.
- (7) A member of the [^{F18}Adjudication Panel for Wales] may not at any time be a member of a case tribunal or interim case tribunal drawn from the Panel which is to adjudicate on a matter relating 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 member of the Panel 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.
- (8) A member of the [^{F19}Adjudication Panel for Wales] who is directly or indirectly interested in any matter which is, or is likely to be, the subject of an adjudication conducted by a case tribunal or interim case tribunal—
 - (a) must disclose the nature of his interest to the president or deputy president of that Panel, and
 - (b) may not be a member of a case tribunal or interim case tribunal which conducts an adjudication in relation to that matter.
- (9) Where there is no deputy president of the [^{F20}Adjudication Panel for Wales], the reference in subsections (3) and (8) to the deputy president is to be treated as a reference to such member of the Panel as ^{F21} ...the National Assembly for Wales may specify.
^{F22}(9A)
- (10) A person who is a member of an interim case tribunal which, as a result of an investigation under section ^{F23} ... 69, conducts an adjudication in relation to any person may not be a member of a case tribunal which, on the conclusion of that investigation, subsequently conducts an adjudication in relation to that person.
^{F24}(11)
- ^{F25}(12)
- (13) The National Assembly for Wales may issue guidance with respect to the composition of case tribunals or interim case tribunals drawn from the Adjudication Panel for Wales.
- (14) The National Assembly for Wales may incur expenditure for the purpose of providing administrative support to the Adjudication Panel for Wales.
^{F26}(15)

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Textual Amendments

- F8** Words in s. 76(1) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(a\)\(i\)](#) (with Sch. 5)
- F9** Words in s. 76(1) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(a\)\(ii\)](#) (with Sch. 5)
- F10** Words in s. 76(2) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(b\)\(i\)](#) (with Sch. 5)
- F11** Words in s. 76(2) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(b\)\(ii\)](#) (with Sch. 5)
- F12** Words in s. 76(3) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(c\)](#) (with Sch. 5)
- F13** Words in s. 76(4) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(d\)\(i\)](#) (with Sch. 5)
- F14** Words in s. 76(4) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(d\)\(ii\)](#) (with Sch. 5)
- F15** Words in s. 76(5) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(e\)\(i\)](#) (with Sch. 5)
- F16** Words in s. 76(5) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(e\)\(ii\)](#) (with Sch. 5)
- F17** Words in s. 76(6) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(f\)](#) (with Sch. 5)
- F18** Words in s. 76(7) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(f\)](#) (with Sch. 5)
- F19** Words in s. 76(8) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(f\)](#) (with Sch. 5)
- F20** Words in s. 76(9) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(g\)\(i\)](#) (with Sch. 5)
- F21** Words in s. 76(9) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(g\)\(ii\)](#) (with Sch. 5)
- F22** S. 76(9A) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(h\)](#) (with Sch. 5)
- F23** Words in s. 76(10) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(i\)](#) (with Sch. 5)
- F24** S. 76(11) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(j\)](#) (with Sch. 5)
- F25** S. 76(12) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(j\)](#) (with Sch. 5)
- F26** S. 76(15) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 58\(j\)](#) (with Sch. 5)

Commencement Information

- I2** S. 76 wholly in force at 28.7.2001; s. 76 not in force at Royal Assent see s. 108; s. 76(13) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 76 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 76 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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Adjudications

77 Adjudications.

- (1) A person who is the subject of an adjudication conducted by a case tribunal or interim case tribunal may appear before the tribunal in person or be represented by—
 - (a) counsel or a solicitor, or
 - (b) any other person whom he desires to represent him.
- ^{F27}(2)
- ^{F27}(3)
- (4) The National Assembly for Wales may by regulations make such provision as appears to it to be necessary or expedient with respect to adjudications by case tribunals or interim case tribunals drawn from the Adjudication Panel for Wales.
- (5) The president of the Adjudication Panel for Wales may, after consultation with the National Assembly for Wales, give directions as to the practice and procedure to be followed by tribunals drawn from the Panel.
- (6) Regulations under this section may, in particular, include provision—
 - (a) for requiring persons to attend adjudications to give evidence and produce documents and for authorising the administration of oaths to witnesses,
 - (b) for requiring persons to furnish further particulars,
 - (c) for prescribing the procedure to be followed in adjudications, including provision as to the persons entitled to appear and to be heard on behalf of persons giving evidence,
 - (d) for the award of costs or expenses (including provision with respect to interest and provision with respect to the enforcement of any such award),
 - (e) for taxing or otherwise settling any such costs or expenses (and for enabling such costs to be taxed in a county court),
 - (f) for the registration and proof of decisions and awards of tribunals.
- (7) A person who without reasonable excuse fails to comply with any requirement imposed by virtue of subsection (6)(a) or (b) [^{F28}, or with any corresponding requirement imposed by Tribunal Procedure Rules in relation to proceedings under this Act before the First-tier Tribunal,] is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) 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

- F27** S. 77(2)(3) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 59\(a\)](#) (with [Sch. 5](#))
- F28** Words in s. 77(7) inserted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 59\(b\)](#) (with [Sch. 5](#))

Commencement Information

- I3** S. 77 wholly in force at 28.7.2001; s. 77 not in force at Royal Assent see s. 108; s. 77(4)(6) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 77 in force at 19.12.2000 in relation to

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England and to police authorities in Wales by S.I. 2000/3335, art. 2; s. 77 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

78 Decisions of [F29 the First-tier Tribunal or] interim case tribunals.

(1) [F30 In adjudicating on any of the matters which are the subject of an interim report, the First-tier Tribunal or an interim case tribunal] must reach one of the following decisions—

- (a) that the person to whom the recommendation mentioned in section 65(3) or 72(3) relates should not be suspended or partially suspended from being a member or co-opted member of the relevant authority concerned,
- (b) that that person should be suspended or partially suspended from being a member or co-opted member of the [F31 relevant authority concerned] for a period which does not exceed six months or (if shorter) the remainder of the person’s term of office.

[F32 (2) If the decision of [F33 the tribunal concerned] is as mentioned in subsection (1)(a), the tribunal must give notice of its decision to the standards committee of the relevant authority concerned.

(3) If the decision of [F34 the tribunal concerned] is as mentioned in subsection (1)(b), the tribunal must give notice to the standards committee of the relevant authority concerned stating that the person concerned is suspended or partially suspended for the period, and in the way, that the tribunal has decided.

(3A) The effect of a notice given under subsection (3) is to suspend or partially suspend the person concerned as mentioned in subsection (3).]

[F35 (4)

(5) A decision of an interim case tribunal under this section shall not prevent [F36 the Public Services Ombudsman for Wales] from continuing with the investigation under section 69 which gave rise to the interim report concerned and producing a report under section 71, or a further interim report under section 72, in respect of any matters which are the subject of the investigation.

(6) The suspension or partial suspension of any person under this section shall not extend beyond the day on which a notice [F37 is given by virtue of section 78A or 79] to the standards committee of the relevant authority concerned with respect to that person.

- (7) A copy of any notice under this section must be given—
- (a) to any person who is the subject of the notice, and
 - (b) to the monitoring officer of the relevant authority concerned.

[F38 (8) Where the person concerned 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—

- (a) the references in subsection (1) to the relevant authority concerned are to be treated as references to that other authority,
- (b) the references in subsections (2) and (7)(b) to the relevant authority concerned are to be treated as including a reference to that other relevant authority,
- (c) the duty under subsection (3) to give notice to the standards committee of the relevant authority concerned is to be treated as a duty—

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- (i) to give that notice to the standards committee of that other relevant authority, and
 - (ii) to give a copy of that notice to the standards committee of the relevant authority concerned.
- (8A) Subsection (8) does not apply unless—
- (a) where the relevant authority concerned is in England, the other relevant authority is also in England,
 - (b) where the relevant authority concerned is in Wales, the other relevant authority is also in Wales.]
- (9) [^{F39}The First-tier Tribunal or (as the case may be)] an interim case tribunal must take reasonable steps to inform any person who made any allegation which gave rise to the investigation under section 59 or 69 of its decision under this section.
- [^{F40}(9A) Where a person is suspended or partially suspended under this section by a decision of the First-tier Tribunal, the person may appeal to the Upper Tribunal—
- (a) against the suspension or partial suspension; or
 - (b) against the length of the suspension or partial suspension,
- (unless the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007).
- (9B) An appeal may not be brought under subsection (9A) on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007).
- (9C) An appeal may be brought under subsection (9A) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.
- (9D) In any case where the Upper Tribunal is determining an appeal under subsection (9A), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.]
- (10) [^{F41}Where a person is suspended or partially suspended under this section by a decision of an interim case tribunal, the person] may appeal to the High Court—
- (a) against the suspension or partial suspension, or
 - (b) against the length of the suspension or partial suspension.
- [^{F42}(11) An appeal may not be brought under subsection (10) except with the leave of the High Court.]

Textual Amendments

- F29** Words in s. 78 heading inserted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 60\(a\)](#) (with Sch. 5)
- F30** Words in s. 78(1) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 60\(b\)](#) (with Sch. 5)
- F31** Words in s. 78(1)(b) substituted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 197\(2\)](#), 245(5) (with s. 201); S.I. 2008/3110, art. 2(d)
- F32** S. 78(2)-(3A) substituted for s. 78(2)(3) (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 197\(3\)](#), 245(5) (with s. 201); S.I. 2008/3110, art. 2(d)
- F33** Words in s. 78(2) inserted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 60\(c\)](#) (with Sch. 5)

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- F34** Words in s. 78(3) inserted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 60(c)** (with Sch. 5)
- F35** S. 78(4) repealed (31.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 43(6), **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(l) (with arts. 6, 8)
- F36** Words in s. 78(5) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 4 para. 19**; S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F37** Words in s. 78(6) substituted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 197(4), 245(5)** (with s. 201); S.I. 2008/3110, art. 2(d)
- F38** S. 78(8)(8A) substituted for s. 78(8) (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 197(5), 245(5)** (with s. 201); S.I. 2008/3110, art. 2(d)
- F39** Words in s. 78(9) inserted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 60(e)** (with Sch. 5)
- F40** S. 78(9A)-(9D) inserted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 60(f)** (with Sch. 5)
- F41** Words in s. 78(10) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 60(g)** (with Sch. 5)
- F42** S. 78(11) inserted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 197(6), 245(5)** (with s. 201); S.I. 2008/3110, art. 2(d)

Modifications etc. (not altering text)

- C1** S. 78(9A)-(9D) modified (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 5 para. 5(c)** (with Sch. 5)

Commencement Information

- I4** S. 78 wholly in force at 28.7.2001; s. 78 not in force at Royal Assent see s. 108; s. 78 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), **art. 2**; s. 78 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

^{F43}78A Decisions of [^{F44}First-tier Tribunal]

- ^{F45}(1)
- (2) [^{F46}Where the First-tier Tribunal adjudicates on any matter under this Act, it] must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.
- (3) Where [^{F47}the tribunal] decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.
- (4) Where [^{F48}the tribunal] decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it may—
- (a) take in respect of him any action authorised by regulations made by the Secretary of State for the purposes of this subsection, or
 - (b) decide to take no action against him.
- (5) Regulations made under subsection (4) may in particular—
- (a) enable the tribunal to censure the person,
 - (b) enable it to suspend, or partially suspend, the person from being a member or co-opted member of the relevant authority concerned for a limited period,

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- (c) enable it to disqualify the person, for a period not exceeding five years, for being or becoming (whether by election or otherwise) a member of that or any other relevant authority.
- (6) The reference in subsection (5)(b) to the relevant authority concerned is to be read, in relation to a person who 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, as a reference to that other relevant authority.
- (7) Regulations made by the Secretary of State may require [^{F49}the First-tier Tribunal] to give a notice to the standards committee of the relevant authority concerned where it decides that a person has failed to comply with the code of conduct of that authority and—
 - (a) decides to suspend or partially suspend the person,
 - (b) decides to disqualify the person,
 - (c) decides to take action against the person other than suspension, partial suspension or disqualification, or
 - (d) decides to take no action against him.
- (8) Regulations under subsection (7) may—
 - (a) prescribe the content of any notice,
 - (b) provide for the effect that any notice is to have,
 - (c) provide for provisions of the regulations to have effect with prescribed modifications where the person concerned 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.

Textual Amendments

- F43** Ss. 78A, 78B inserted (31.1.2008 for specified purposes, 12.12.2008 in so far as not already in force) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 198**, 245(5) (with s. 201); S.I. 2008/172, art. 8; S.I. 2008/3110, art. 2(e)
- F44** Words in s. 78A heading substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 61(a)** (with Sch. 5)
- F45** S. 78A(1) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 61(b)** (with Sch. 5)
- F46** Words in s. 78A(2) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 61(c)** (with Sch. 5)
- F47** Words in s. 78A(3) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 61(d)** (with Sch. 5)
- F48** Words in s. 78A(4) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 61(d)** (with Sch. 5)
- F49** Words in s. 78A(7) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 61(e)** (with Sch. 5)

78B [^{F50}Section 78A:] supplementary

- [^{F51}(1) A copy of any notice given under section 78A(3) or under regulations made under section 78A(7)—
 - (a) must be given to the Standards Board for England,

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- (b) must be given to any person who is the subject of the decision to which the notice relates, and
 - (c) must be published in one or more newspapers circulating in the area of the relevant authority concerned.
- (2) Where the person concerned 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 following references to the relevant authority concerned are to be treated as including references to that other relevant authority—
- (a) the second reference in section 78A(3);
 - (b) the reference in subsection (1)(c) above.
- (3) Where [^{F52}the First-tier Tribunal adjudicates on any matter under this Act], it must take reasonable steps to give notice of its decision to any person who made any allegation which gave rise to the adjudication.
- (4) Where [^{F53}the First-tier Tribunal] decides under section 78A that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal to [^{F54}the Upper Tribunal] against that decision, or any other decision made by the tribunal by virtue of section 78A which relates to him [^{F55}(unless the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007)].
- [^{F56}(5) An appeal may not be brought under subsection (4) on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007).
- (6) An appeal may be brought under subsection (4) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.
- (7) In any case where the Upper Tribunal is determining an appeal under subsection (4), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.]]]

Textual Amendments

- F43** Ss. 78A, 78B inserted (31.1.2008 for specified purposes, 12.12.2008 in so far as not already in force) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 198**, 245(5) (with s. 201); S.I. 2008/172, art. 8; S.I. 2008/3110, art. 2(e)
- F50** Words in s. 78B heading substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 62(a)** (with Sch. 5)
- F51** S. 78B repealed (31.1.2012 for specified purposes, 1.7.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 45, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(m) (with arts. 6, 8); S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)
- F52** Words in s. 78B(3) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 62(b)** (with Sch. 5)
- F53** Words in s. 78B(4) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 62(c)(i)** (with Sch. 5)
- F54** Words in s. 78B(4) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 62(c)(ii)** (with Sch. 5)
- F55** Words in s. 78B(4) inserted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 62(c)(iii)** (with Sch. 5)
- F56** S. 78B(5)-(7) substituted for s. 78B(5) (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 62(d)** (with Sch. 5)

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Modifications etc. (not altering text)

- C2** S. 78B(4)-(7) modified (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 5 para. 5\(c\)](#) (with [Sch. 5](#))

79 [^{F57}**Decisions of case tribunals: Wales .]**

[^{F58}(A1) In this section “Welsh case tribunal” means a case tribunal drawn from the Adjudication Panel for Wales.]

- (1) A [^{F59}Welsh case tribunal] which adjudicates on any matter must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.
- (2) Where a [^{F59}Welsh case tribunal] decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.
- (3) Where a [^{F59}Welsh case tribunal] decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it must decide whether the nature of the failure is such that the person should be suspended or disqualified in accordance with subsection (4).
- (4) A person may be—
 - (a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or
 - (b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority.
- (5) Where a [^{F59}Welsh case tribunal] makes such a decision as is mentioned in subsection (4)(a), it must decide the period for which the person should be suspended or partially suspended (which must not exceed one year or, if shorter, the remainder of the person’s term of office).
- (6) Where a [^{F59}Welsh case tribunal] makes such a decision as is mentioned in subsection (4)(b), it must decide the period for which the person should be disqualified (which must not exceed five years).
- (7) Where a [^{F59}Welsh case tribunal] decides that a person has failed to comply with the code of conduct of the relevant authority concerned but should not be suspended or disqualified as mentioned in subsection (4), it must give notice to the standards committee of the relevant authority concerned—
 - (a) stating that the person has failed to comply with that code of conduct, and
 - (b) specifying the details of that failure.
- (8) Where a [^{F59}Welsh case tribunal] decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be suspended or partially suspended as mentioned in subsection (4)(a), it must give notice to the standards committee of the relevant authority concerned—
 - (a) stating that the person has failed to comply with that code of conduct,
 - (b) specifying the details of that failure, and
 - (c) stating that the person [^{F60}is suspended or partially suspended] for the period, and in the way, which the tribunal has decided.

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- [^{F61}(9) The effect of a notice given to the standards committee of a relevant authority under subsection (8) is to suspend or partially suspend the person concerned as mentioned in subsection (8)(c).]
- (10) Where a [^{F59}Welsh case tribunal] decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be disqualified as mentioned in subsection (4)(b), it must give notice to the standards committee of the relevant authority concerned—
- (a) stating that the person has failed to comply with that code of conduct,
 - (b) specifying the details of that failure, and
 - (c) stating that the person is disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for the period which the tribunal has decided.
- (11) The effect of a notice given to the standards committee of a relevant authority under subsection (10) is to disqualify the person concerned as mentioned in subsection (10)(c).
- (12) A copy of any notice under this section—
- [^{F62}(a) must be given to the Public Services Ombudsman for Wales,]
 - (b) must be given to any person who is the subject of the decision to which the notice relates, and
 - (c) must be published in one or more newspapers circulating in the area of the relevant authority concerned.
- (13) Where the person concerned 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 [^{F63}Wales]—
- (a) a copy of any notice under subsection (2), (7) or (10) must also be given to the standards committee of that other relevant authority,
 - [^{F64}(b) the reference in subsection (4)(a) to the relevant authority concerned is to be treated as a reference to that other relevant authority,]
 - (c) the duty to give notice to the standards committee of the relevant authority concerned under subsection (8) is to be treated as a duty—
 - (i) to give that notice to the standards committee of that other relevant authority, and
 - (ii) to give a copy of that notice to the standards committee of the relevant authority concerned,
 - (d) the reference in subsection (12)(c) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.
- (14) A [^{F59}Welsh case tribunal] must take reasonable steps to inform any person who made any allegation which gave rise to the adjudication of the decision of the [^{F59}Welsh case tribunal] under this section.
- (15) Where a [^{F59}Welsh case tribunal] decides under this section that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal to the High Court against that decision, or any other decision under this section which relates to him.
- [^{F65}(16) An appeal may not be brought under subsection (15) except with the leave of the High Court.]

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Textual Amendments

- F57** S. 79 sidenote substituted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 199\(2\), 245\(5\)](#) (with s. 201); S.I. 2008/3110, art. 2(f)
- F58** S. 79(A1) inserted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 199\(3\), 245\(5\)](#) (with s. 201); S.I. 2008/3110, art. 2(f)
- F59** Words in s. 79(1)-(15) substituted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 199\(4\), 245\(5\)](#) (with s. 201); S.I. 2008/3110, art. 2(f)
- F60** Words in s. 79(8)(c) substituted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 199\(5\), 245\(5\)](#) (with s. 201); S.I. 2008/3110, art. 2(f)
- F61** S. 79(9) substituted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 199\(6\), 245\(5\)](#) (with s. 201); S.I. 2008/3110, art. 2(f)
- F62** S. 79(12)(a) substituted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 199\(7\), 245\(5\)](#) (with s. 201); S.I. 2008/3110, art. 2(f)
- F63** Words in s. 79(13) substituted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 199\(8\)\(a\), 245\(5\)](#) (with s. 201); S.I. 2008/3110, art. 2(f)
- F64** S. 79(13)(b) substituted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 199\(8\)\(b\), 245\(5\)](#) (with s. 201); S.I. 2008/3110, art. 2(f)
- F65** S. 79(16) inserted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 199\(9\), 245\(5\)](#) (with s. 201); S.I. 2008/3110, art. 2(f)

Commencement Information

- I5** S. 79 wholly in force at 28.7.2001; s. 79 not in force at Royal Assent see s. 108; s. 79 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335, art. 2](#); s. 79 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

80 Recommendations by [^{F66}First-tier Tribunal or] case tribunals.

- (1) [^{F67}Where the First-tier Tribunal or a case tribunal has adjudicated on any matter under this Act, it] may make recommendations to a relevant authority about any matters relating to—
- the exercise of the authority's functions,
 - the authority's code of conduct, or
 - the authority's standards committee.
- (2) [^{F68}The tribunal concerned] must send a copy of any recommendations it makes under subsection (1) to the relevant person.
- (3) A relevant authority to whom recommendations are made under subsection (1) must consider the recommendations and, within a period of three months beginning with the day on which the recommendations are received, prepare a report for the [^{F69}relevant person][^{F69}Public Services Ombudsman for Wales] giving details of what action the authority have taken or are proposing to take as a result of the recommendations.
- (4) A relevant authority's function of considering a report under subsection (3) may be discharged only by the authority or by the standards committee of that authority (and accordingly, in the case of a relevant authority to which section 101 of the ^{MI}Local Government Act 1972 applies, is not to be a function to which that section applies).
- (5) If the [^{F70}relevant person][^{F70}Public Services Ombudsman for Wales] is not satisfied with the action the relevant authority have taken or propose to take in relation to the recommendations, the [^{F70}relevant person][^{F70}Public Services Ombudsman for Wales]

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may require the authority to publish a statement giving details of the recommendations made by the tribunal and of the authority's reasons for not fully implementing the recommendations.

- (6) [^{F71}In this section “the relevant person” means—
- (a) the Standards Board for England where the relevant authority concerned is in England,
 - (b) [^{F72}the Public Services Ombudsman for Wales] where the relevant authority concerned is in Wales.]

Textual Amendments

- F66** Words in s. 80 heading inserted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 63\(a\)](#) (with [Sch. 5](#))
- F67** Words in s. 80(1) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 63\(b\)](#) (with [Sch. 5](#))
- F68** Words in s. 80(2) inserted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 63\(c\)](#) (with [Sch. 5](#))
- F69** Words in s. 80(3) substituted (31.1.2012 for specified purposes, 1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 4 para. 47\(5\)](#); [S.I. 2012/57](#), [art. 5\(1\)\(a\)\(c\)\(2\)\(n\)](#) (with [arts. 6, 8](#)); [S.I. 2012/1463](#), [art. 5\(a\)](#) (with [arts. 6, 7](#)) (as amended (3.7.2012) by [S.I. 2012/1714](#), [art. 2](#))
- F70** Words in s. 80(5) substituted (31.1.2012 for specified purposes, 1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 4 para. 47\(6\)](#); [S.I. 2012/57](#), [art. 5\(1\)\(a\)\(c\)\(2\)\(n\)](#) (with [arts. 6, 8](#)); [S.I. 2012/1463](#), [art. 5\(a\)](#) (with [arts. 6, 7](#)) (as amended (3.7.2012) by [S.I. 2012/1714](#), [art. 2](#))
- F71** S. 80(6) repealed (31.1.2012 for specified purposes, 1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 4 para. 47\(7\)](#), [Sch. 25 Pt. 5](#); [S.I. 2012/57](#), [art. 5\(1\)\(a\)\(c\)\(2\)\(n\)](#) (with [arts. 6, 8](#)); [S.I. 2012/1463](#), [art. 5\(a\)\(d\)](#) (with [arts. 6, 7](#)) (as amended (3.7.2012) by [S.I. 2012/1714](#), [art. 2](#))
- F72** Words in s. 80(6)(b) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), [s. 40](#), [Sch. 4 para. 21](#); [S.I. 2005/2800](#), [art. 5\(1\)\(3\)](#) (with transitional provisions in [S.I. 2006/362](#), [art. 4](#))

Commencement Information

- I6** S. 80 wholly in force at 28.7.2001; s. 80 not in force at Royal Assent see s. 108; s. 80 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 80 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

- M1** 1972 c. 70.

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Changes to legislation:

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