



Local Government Act 2000

2000 CHAPTER 22

PART III

CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

CHAPTER V

SUPPLEMENTARY

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** Pt. III applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012 \(S.I. 2012/2734\)](#), regs. 1(1), 3-6, **Sch. Pt. 3**

Disclosure and registration of members' interests etc.

81 Disclosure and registration of members' interests etc.

- (1) The monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority.
- (2) The mandatory provisions of the model code applicable to each relevant authority ("the mandatory provisions") must require the members and co-opted members of each authority to register in that authority's register maintained under subsection (1) such financial and other interests as are specified in the mandatory provisions.
- (3) The mandatory provisions must also—
 - (a) require any member or co-opted member of a relevant authority who has an interest specified in the mandatory provisions under subsection (2) to disclose

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that interest before taking part in any business of the authority relating to that interest,

(b) make provision for preventing or restricting the participation of a member or co-opted member of a relevant authority in any business of the authority to which an interest disclosed under paragraph (a) relates.

(4) Any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority’s code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority’s standards committee^[F1], or by the standards committee of another relevant authority,] in accordance with regulations made under subsection (5).

(5) The ^[F2]Welsh Ministers] may prescribe in regulations the
[^{F3}(a)] circumstances in which standards committees may grant dispensations under subsection (4),
[^{F4}(b)] procedure to be followed for the granting of dispensations.]

(6) A relevant authority must ensure that
[^{F5}(a)] copies of the register for the time being maintained by their monitoring officer under this section are available at an office of the authority for inspection by members of the public at all reasonable hours,
[^{F6}(b)] the register mentioned in paragraph (a) is published electronically.]

(7) As soon as practicable after the establishment by their monitoring officer of a register under this section, a relevant authority must—
(a) publish in one or more newspapers circulating in their area a notice which—
 (i) states that copies of the register are available at an office of the authority for inspection by members of the public at all reasonable hours, and
 (ii) specifies the address of that office, and
 [^{F7}(iii)] states that the register is available to be viewed electronically, and
 (iv) specifies how to access the electronic version,]
^{F8}(b)
[^{F9}(c)] ^{F10}... inform the Public Services Ombudsman for Wales that copies of the register are so available.]

[^{F11}(7A)] For the purposes of this section—
(a) section 83(13) does not apply, and
(b) in relation to a relevant authority which is a community council, the references in this section to a monitoring officer are to be read as references to the proper officer of that council (within the meaning of section 270(3) of the Local Government Act 1972).]

^{F12}(8)

Textual Amendments

F1 Words in s. 81(4) inserted (1.5.2015) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), ss. 69(3)(a), 75(3); S.I. 2015/1182, art. 2(f)

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- F2** Words in s. 81(5) substituted (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 4 para. 48(2)**; S.I. 2012/1463, art. 5(a) (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) (with arts. 3-6)
- F3** Words in s. 81(5) renumbered as s. 81(5)(a) (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), **ss. 69(3)(b)(i)**, 75(3); S.I. 2015/1182, art. 2(f)
- F4** S. 81(5)(b) inserted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), **ss. 69(3)(b)(ii)**, 75(3); S.I. 2015/1182, art. 2(f)
- F5** Words in s. 81(6) renumbered as s. 81(6)(a) (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), **ss. 58(2)(a)**, 75(3); S.I. 2015/1182, art. 2(d)
- F6** S. 81(6)(b) inserted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), **ss. 58(2)(b)**, 75(3); S.I. 2015/1182, art. 2(d)
- F7** S. 81(7)(a)(iii)(iv) inserted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), **ss. 58(3)**, 75(3); S.I. 2015/1182, art. 2(d)
- F8** S. 81(7)(b) repealed (31.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 48(3)(a), **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(o) (with arts. 6, 8)
- F9** S. 81(7)(c) inserted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 4 para. 22(b)**; S.I. 2005/2800, art. 5(1) (with transitional provisions in S.I. 2006/362, art. 4)
- F10** Words in s. 81(7)(c) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 48(3)(b), **Sch. 25 Pt. 5**; 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)
- F11** S. 81(7A) inserted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), **ss. 58(4)**, 75(3); S.I. 2015/1182, art. 2(d)
- F12** S. 81(8) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 48(4), **Sch. 25 Pt. 5**; 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)

Commencement Information

- I1** S. 81 wholly in force at 28.7.2001; s. 81 not in force at Royal Assent see s. 108; s. 81(5)(8) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), **art. 2**; s. 81 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), **art. 2**; s. 81 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Code of conduct for local government employees

82 Code of conduct for local government employees.

- F13**(1)
- (2) The National Assembly for Wales may by order issue a code as regards the conduct which is expected of qualifying employees of relevant authorities **F14**
- (3) The power under subsection **F15** ... (2) to issue a code includes power—
 - (a) to issue a separate code for council managers (within the meaning of Part II of this Act), and
 - (b) to revise any code which has been issued.
- F16**(4)
- F16**(5)

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- (6) Before making an order under this section, the National Assembly for Wales must consult—
- (a) such representatives of relevant authorities^{F17} ... and of employees of [^{F15}those] authorities, as it considers appropriate,
 - (b) the [^{F18}Auditor General for Wales], and
 - (c) [^{F19}the Public Services Ombudsman for Wales].
- (7) The terms of appointment or conditions of employment of every qualifying employee of a relevant authority (whether appointed or employed before or after the commencement of this section) are to be deemed to incorporate any code for the time being under this section which is applicable.
- (8) In this section “qualifying employee”, in relation to a relevant authority, means an employee of the authority other than an employee falling within any description of employee specified in regulations under this subsection.
- (9) The power to make regulations under subsection (8) is to be exercised—
- ^{F20}(a)
 - (b) ^{F21}... by the National Assembly for Wales.

Textual Amendments

- F13** S. 82(1) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 49(2), **Sch. 25 Pt. 5**; 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)
- F14** Words in s. 82(2) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 49(3), **Sch. 25 Pt. 5**; 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)
- F15** Word in s. 82(6)(a) substituted (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 4 para. 49(6)(b)**; S.I. 2012/1463, art. 5(a) (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) (with arts. 3-6)
- F16** S. 82(4)(5) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 49(5), **Sch. 25 Pt. 5**; 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)
- F17** Words in s. 82(6)(a) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 49(6)(a), **Sch. 25 Pt. 5**; 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)
- F18** Words in s. 82(6)(b) substituted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, Sch. 2 para. 55(1)(3); S.I. 2005/558, art. 2, Sch. 1
- F19** Words in s. 82(6)(c) 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. 23**; S.I. 2005/2800, arts. 4(1)(d)(2), 5(1) (with art. 4(3))
- F20** S. 82(9)(a) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 49(7)(a), **Sch. 25 Pt. 5**; 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)

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F21 Words in s. 82(9)(b) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 49(7)(b), [Sch. 25 Pt. 5](#); [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)

Commencement Information

I2 S. 82 wholly in force at 28.7.2001; s. 82 not in force at Royal Assent see s. 108; s. 82(2)(3)(6)(8)(9) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 82 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 82 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

[^{F22}Delegation by monitoring officers

Textual Amendments

F22 S. 82A and cross-heading inserted (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), [ss. 113\(2\), 128\(2\)\(d\)](#)

82A Monitoring officers: delegation of functions under Part 3

- (1) This section applies to functions of a monitoring officer of a relevant authority in relation to matters referred to him under section ^{F23}[^{F24}... 70(4) or (5) or 71(2) or (4)] .
- (2) Where the monitoring officer considers that in a particular case he himself ought not to perform particular functions to which this section applies, those particular functions shall in that case be performed personally by a person nominated for the purpose by the monitoring officer.
- (3) Where a deputy nominated by the monitoring officer under section 5(7) of the Local Government and Housing Act 1989 (nomination of member of monitoring officer's staff to act as deputy when monitoring officer absent or ill) considers that in a particular case he himself ought not to perform particular functions—
 - (a) to which this section applies, and
 - (b) which, by reason of the absence or illness of the monitoring officer, would but for this subsection fall to be performed by the deputy,those particular functions shall, while the monitoring officer continues to be unable to act by reason of absence or illness, be performed in that case personally by a person nominated for the purpose by the deputy.
- (4) Where functions to which this section applies are to be performed by a person nominated under subsection (2) or (3) who is an officer of the relevant authority, the authority shall provide the officer with such staff, accommodation and other resources as are, in the officer's opinion, sufficient to allow those functions to be performed.
- (5) Where functions to which this section applies are to be performed by a person nominated under subsection (2) or (3) who is not an officer of the relevant authority, the authority shall—
 - (a) pay the person a reasonable fee for performing the functions,
 - (b) reimburse expenses properly incurred by the person in performing the functions, but only to the extent that the amount of the expenses is reasonable, and

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- (c) provide the person with such staff, accommodation and other resources as are reasonably necessary for the person’s performance of the functions.]

Textual Amendments

- F23** Words in s. 82A repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 50, **Sch. 25 Pt. 5**; 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)
- F24** Words in s. 82A(1) substituted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 194(9)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(o)

Interpretation

83 Interpretation of Part III.

- (1) In this Part—

F25
...

“case tribunal” has the meaning given by section 76(1),

“code of conduct” means a code of conduct under section 51,

“co-opted member” has the meaning given by section 49(7),

“elected mayor” and “elected executive member” have the meaning given by section 39(1) and (4),

F26
...

“executive” is to be construed in accordance with section 11,

“executive arrangements” has the meaning given by section 10,

“executive leader” has the meaning given by [^{F27}section 11(2A)(a) or (3) (a)],

“interim case tribunal” has the meaning given by section 76(2),

F28
...

“model code of conduct” is to be construed in accordance with section 50
 ... (2),

F30
...

F31
...

“relevant authority” has the meaning given by section 49(6).

- (2) Any reference in this Part to a committee of a relevant authority, in the case of a relevant authority to which Part II of this Act applies, includes a reference to a committee of an executive of the authority.

- (3) Any reference in this Part to a member of a relevant authority, in the case of a relevant authority to which Part II of this Act applies, includes a reference to an elected mayor or elected executive member of the authority.

^{F32}(4)

- (5) Any reference in this Part to a joint committee or joint sub-committee of a relevant authority is a reference to a joint committee on which the authority is represented or a sub-committee of such a committee.

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- (6) Any reference in this Part to a failure to comply with a relevant authority’s code of conduct includes a reference to a failure to comply with the mandatory provisions which apply to the members or co-opted members of the authority by virtue of section 51(5)(b).
- (7) Any reference in this Part to a person being partially suspended from being a member or co-opted member of a relevant authority includes a reference to a person being prevented from exercising particular functions or having particular responsibilities as such a member or co-opted member.
- (8) The reference in subsection (7) to particular functions or particular responsibilities as a member of a relevant authority, in the case of a relevant authority to which Part II of this Act applies, includes a reference to particular functions or particular responsibilities as a member of an executive of the authority.
- (9) A person who is suspended under this Part from being a member of a relevant authority shall also be suspended from being a member of any committee, sub-committee, joint committee or joint sub-committee of the authority, but this subsection does not apply to a person who is partially suspended under this Part.
- [^{F33}(9A) A person who is suspended under this Part from being a member of a relevant authority shall also be suspended from being a member of any strategic planning panel in relation to which that authority is a constituent local planning authority, but this subsection does not apply to a person who is partially suspended under this Part.]
- (10) A person who is suspended under this Part from being a member of a relevant authority to which Part II of this Act applies shall also be suspended, if he is a member of an executive of the authority, from being such a member; but this subsection does not apply to a person who is partially suspended under this Part.
- (11) A person who is disqualified under this Part for being or becoming a member of a relevant authority shall also be disqualified—
 - (a) for being or becoming a member of any committee, sub-committee, joint committee or joint sub-committee of the authority, and
 - (b) if the authority is one to which Part II of this Act applies, for being or becoming a member of an executive of the authority.
- ^{F34}(12)
- (13) Any function which by virtue of this Part is exercisable by or in relation to the monitoring officer of a relevant authority which is a community council is to be exercisable by or in relation to the monitoring officer of the county council or county borough council in whose area the community council is situated; and any reference in this Part to the monitoring officer of a relevant authority which is a community council is to be construed accordingly.
- (14) Any functions which are conferred by virtue of this Part on a relevant authority to which Part II of this Act applies are not to be the responsibility of an executive of the authority under executive arrangements.
- ^{F35}(15)
- ^{F35}(16)

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Textual Amendments

- F25** Words in s. 83(1) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 51(2)(a)(i), **Sch. 25 Pt. 5**; 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)
- F26** Words in s. 83(1) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 51(2)(a)(ii), **Sch. 25 Pt. 5**; 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)
- F27** Words in s. 83 substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(2), **Sch. 3 para. 26**
- F28** Words in s. 83(1) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, Sch. 4 para. 24(a), 7; S.I. 2005/2800, art. 5(1) (with transitional provisions in S.I. 2006/362, art. 4)
- F29** Words in s. 83(1) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 51(2)(b), **Sch. 25 Pt. 5**; 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)
- F30** Words in s. 83(1) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 51(2)(a)(iii), **Sch. 25 Pt. 5**; 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)
- F31** Words in s. 83 omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 64** (with Sch. 5)
- F32** S. 83(4) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 51(3), **Sch. 25 Pt. 5**; 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)
- F33** S. 83(9A) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 1 para. 4**
- F34** S. 83(12) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 51(3), **Sch. 25 Pt. 5**; 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)
- F35** S. 83(15)(16) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 51(3), **Sch. 25 Pt. 5**; 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)

Commencement Information

- I3** S. 83 wholly in force at 28.7.2001; s. 83 not in force at Royal Assent see s. 108; s. 83(1)-(3)(5)-(14) in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**; s. 83 in force at 19.12.2000 in relation to England and to police authorities in Wales by S.I. 2000/3335, **art. 2**; s. 83 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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