



Local Government Act 2000

2000 CHAPTER 22

PART III

CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

CHAPTER II

INVESTIGATIONS ETC: ENGLAND

Investigations

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 relating to a relevant authority which appears to him necessary for the purpose of conducting an investigation under section 59 in relation to a member or co-opted member (or former member or co-opted member) of the authority.
- (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 investigation under section 59 in relation to a member or co-opted member (or former member or co-opted member) of the authority.

Status: Point in time view as at 01/04/2006. This version of this provision has been superseded.

Changes to legislation: Local Government Act 2000, Section 62 is up to date with all changes known to be in force on or before 05 June 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) 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 ^{F1}..., 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 [^{F2}or by his officers][^{F3}, 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

- F1** 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)
- F2** 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)

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- F3** 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)

- 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. 62(1)-(3)(5)(6)(8)-(11) modified (W.) (28.7.2001) by [S.I. 2001/2286](#), art. 2, [Sch. 1](#)
- C3** 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](#)
- C4** S. 62(4) modified (W.) (28.7.2001) by [S.I. 2001/2286](#), art. 3, [Sch. 2 para. 2](#)
- C5** 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

- II** 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.

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