



Local Government Act 2000

2000 CHAPTER 22

PART III

CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

CHAPTER IV

ADJUDICATIONS

Adjudications

[^{F1}78A Decisions of [^{F2}First-tier Tribunal]

^{F3}[^{F4}(1)

- (2) [^{F5}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 [^{F6}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 [^{F7}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,

Status: Point in time view as at 01/07/2012.

Changes to legislation: Local Government Act 2000, Section 78A is up to date with all changes known to be in force on or before 31 July 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)

- (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 [^{F8}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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** S. 78A 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. 44, **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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)

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