



# Local Government Act 2000

## 2000 CHAPTER 22

### PART III

#### CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

#### CHAPTER IV

#### ADJUDICATIONS

#### *Adjudications*

#### 79 [F1]Decisions of case tribunals: Wales .]

[F2](A1) In this section “Welsh case tribunal” means a case tribunal drawn from the Adjudication Panel for Wales.]

- (1) A [F3]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 [F3]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 [F3]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.

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*Status: Point in time view as at 12/12/2008. This version of this provision has been superseded.*

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- (5) Where a [<sup>F3</sup>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 [<sup>F3</sup>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 [<sup>F3</sup>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 [<sup>F3</sup>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 [<sup>F4</sup>is suspended or partially suspended ] for the period, and in the way, which the tribunal has decided.
- [<sup>F5</sup>(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 [<sup>F3</sup>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—
- [<sup>F6</sup>(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 [<sup>F7</sup>Wales ] —

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- (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,
  - [<sup>F8</sup>(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 [<sup>F3</sup>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 [<sup>F3</sup>Welsh case tribunal] under this section.
- (15) Where a [<sup>F3</sup>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.
- [<sup>F9</sup>(16) An appeal may not be brought under subsection (15) except with the leave of the High Court.]

#### Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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

- I1** 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)

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