



# Local Audit and Accountability Act 2014

## 2014 CHAPTER 2

### PART 7

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Miscellaneous*

### **39 Code of practice on local authority publicity**

(1) After section 4 of the Local Government Act 1986 insert—

**“4A Power to direct compliance with code**

- (1) The Secretary of State may direct one or more specified local authorities in England to comply with a code issued under section 4 that applies to that authority or those authorities.
- (2) A direction may require compliance with—
  - (a) one or more specified provisions of a code, or
  - (b) all of the provisions of a specified code.
- (3) A direction may—
  - (a) specify the steps that an authority to which it is given must take to comply with it;
  - (b) specify the time within which such an authority must comply with it.
- (4) The Secretary of State may give a direction to an authority whether or not the Secretary of State thinks that the authority is complying with the code to which it relates.
- (5) Before giving a direction to an authority, the Secretary of State must give the authority notice in writing of the proposed direction.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The Secretary of State may not give a direction to an authority before the end of the period of 14 days beginning with the day on which notice under subsection (5) was given to it.
- (7) The authority may make written representations to the Secretary of State about the proposed direction within that period.
- (8) The Secretary of State may modify or withdraw a direction under this section by notice in writing to the authority or authorities to which it was given.
- (9) Subsections (5) to (7) apply to the modification or withdrawal of a direction as they apply to the giving of a direction, but as if—
  - (a) the reference to the proposed direction were to the proposed modification or proposal to withdraw the direction, and
  - (b) subsection (6) permitted the Secretary of State to withdraw the direction before the end of the 14 day period with the agreement of the authorities to which it applies.
- (10) In this section “specified” means specified in a direction under this section.

#### **4B Power to make order requiring compliance with code**

- (1) The Secretary of State may by order made by statutory instrument impose a duty on all local authorities in England, or all local authorities in England of a specified description, to comply with a code issued under section 4 that applies to those authorities.
- (2) An order under this section may impose a duty to comply with—
  - (a) one or more specified provisions of a code, or
  - (b) all of the provisions of a specified code.
- (3) An order under this section may—
  - (a) specify the steps that an authority to which the duty applies must take to comply with it;
  - (b) specify the time within which such an authority must comply with the duty.
- (4) The Secretary of State may make an order under this section which applies to an authority whether or not the Secretary of State thinks that the authority is complying with the code to which the order relates.
- (5) An order under this section—
  - (a) may make different provision for different cases or classes of case, including different provision for different descriptions of local authority;
  - (b) may make incidental, supplementary, consequential, transitional or transitory provision or savings.
- (6) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (7) In this section “specified” means specified in an order under this section.”

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*Status: This is the original version (as it was originally enacted).*

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- (2) In section 12(3) of that Act (extent), after “Part II” insert “, other than sections 4A and 4B,”.