

2003 No. 199

LOCAL GOVERNMENT

ETHICAL STANDARDS

**The Ethical Standards in Public Life etc. (Scotland) Act 2000
(Modification of Enactments) Order 2003**

Made

18th March 2003

Coming into force

1st May 2003

The Scottish Ministers, in exercise of the powers conferred by section 30(1) of the Ethical Standards in Public Life etc. (Scotland) Act 2000(a), and all other powers enabling them in that behalf, hereby make the following Order, a draft of which has, in accordance with section 30(3) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Modification of Enactments) Order 2003, and shall come into force on 1st May 2003.

Amendment of enactments

2. The enactments mentioned in column 1 of the Schedule to this Order are amended to the extent specified in column 2 of that Schedule.

PETER J PEACOCK
A member of the Scottish Executive

St Andrew's House,
Edinburgh
18th March 2003

SCHEDULE

<i>1</i>	<i>2</i>
<i>Enactment</i>	<i>Extent of amendment</i>
The Further and Higher Education (Scotland) Act 1992 (a)	In Schedule 2– (a) omit paragraphs 9(a), 14 and 15; (b) in paragraph 9(c) after “board,” insert “except where such inability or unfitness relates to a contravention or alleged contravention of a member’s code as defined in section 3(8) of the Ethical Standards in Public Life etc. (Scotland) Act 2000,”; and (c) in paragraph 11(1) for “to 14” substitute “and 13”.
The Local Authorities (Councillors) (Declaration of Acceptance of Office) (Scotland) Order 1990 (b)	In the Schedule, in the second paragraph for “to be guided by the National Code of Local Government Conduct” substitute “to meet the requirements of the councillors’ code issued under the Ethical Standards in Public Life etc. (Scotland) Act 2000 (c) ”.
The Local Authorities (Members’ Interests) Regulations 1992 (d)	The whole instrument is revoked.
The Local Authorities (Members’ Interests) (Amendment) Regulations 1996 (e)	The whole instrument is revoked.

(a) 1992 c.37. Schedule 2 is amended by the Public Finance and Accountability (Scotland) 2000 (asp 4), schedule 4, paragraph 11.

(b) S.I. 1990/956.

(c) The councillors’ code is defined in section 28 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7), and is issued by the Scottish Ministers under section 1 of that Act.

(d) S.I. 1992/618, amended by S.I. 1995/789, 1996/974 and 1215, and 1998/1003.

(e) S.I. 1996/1215.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies existing primary and subordinate legislation relating to local authorities and public bodies that are subject to the jurisdiction of the Standards Commission in terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (“the 2000 Act”).

The 2000 Act establishes the Standards Commission and introduces codes of conduct for councillors, and for members of a “devolved public body” as defined in section 28(1) of that Act. The Standards Commission is responsible for investigating any allegations of a failure by a councillor or member of a devolved public body to comply with the applicable code.

This Order removes existing powers that those local authorities and other bodies have to conduct similar investigations, and makes consequential amendments. This avoids any overlap of powers and functions by making the enactments and instruments modified consistent with the 2000 Act.

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