Status: Point in time view as at 27/11/2003. This version of this provision has been superseded.
Changes to legislation: Local Government and Housing Act 1989, Section 31 is up to date with all changes known to be in force on or before 09 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)

Local Government and Housing Act 1989

1989 CHAPTER 42

PART II

LOCAL GOVERNMENT ADMINISTRATION

31   National Code of Local Government Conduct.

[^F1^(1) The Secretary of State, for the guidance of members of local authorities, may issue a code of recommended practice as regards the conduct of members of such authorities to be known as the National Code of Local Government Conduct.

(2) The Secretary of State may revise or withdraw a code issued under this section.

(3) The Secretary of State, before issuing, revising or withdrawing a code, shall consult—
   (a)   as respects England and Wales, such representatives of local government,and
   (b)   as respects Scotland, such associations of local authorities,
as appear to him to be appropriate.

(4) A code shall not be issued unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

(5) Where the Secretary of State proposes to revise a code, he shall lay a draft of the proposed alterations before each House of Parliament and—
   (a)   he shall not make the revision until after the expiration of the period of 40 days beginning with the day on which the draft is laid (or, if copiesare laid before each House of Parliament on different days, with the later of those days); and
   (b)   if within that period either House resolves that the alterations be withdrawn, he shall not proceed with the proposed alterations (but without prejudice to the laying of a further draft).

(6) In reckoning any period of 40 days for the purposes of subsection (5) above no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

[**F2**(6A) Subsections (4) to (6) above do not apply to a code which applies only to Scotland and such a code shall not be issued unless a draft of it has been laid before and approved by a resolution of the Scottish Parliament.

F2(6B) Where the Scottish Ministers propose to revise such a code as is mentioned in subsection (6A), they shall lay a draft of the proposed alterations before the Scottish Parliament and–

(a) they shall not make the revision until after the expiration of the period of 40 days beginning with the day on which the draft is laid; and

(b) if within that period the Parliament resolves that the alterations be withdrawn, they shall not proceed with the proposed alterations (but without prejudice to the laying of a further draft).

F2(6C) In reckoning any period of 40 days for the purposes of subsection (6B) above no account shall be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.**]**

(7) The form of declaration of acceptance of office under section 83 of the **M1**Local Government Act 1972 or section 33A of the **M2**Local Government (Scotland) Act 1973 may include an undertaking by the declarant to be guided by the National Code of Local Government Conduct in the performance of his functions.

(8) In this section—

"local authority" means—

(a) as respects England and Wales, a county council [**F3**a county borough council,**]**, a district council, a London borough council, a parish council, a community council, the Common Council of the City of London or the Council of the Isles of Scilly;

(b) as respects Scotland, a [**F4**council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]** or a joint board or joint committee within the meaning of section 235(1) of the Local Government (Scotland) Act 1973; and

"member", in relation to a local authority, includes any person who, whether or not a member of the authority, is a member of a committee or sub-committee of the authority or of any joint committee of theirs.**]**

Textual Amendments

F1   S. 31 repealed (S.) (1.5.2003) by Local Government in Scotland Act 2003 (asp 1), **ss. 60(1)(g)**, 62(2); S.S.I. 2003/134, art. 2(2)

F2   S. 31(6A)-(6C) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. para. 97** (with art. 5); S.I. 1998/3178, **art. 3**

F3   S. 31(8): words in para. (a) of the definition of "local authority" inserted (7.1.1997) by S.I. 1996/3071, art. 2, **Sch. para. 3(4)**

F4   S. 31(8): words in para. (b) of the definition of "local authority" substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(1)(9)**; S.I. 1996/323, **art. 4(1)(c)**

Modifications etc. (not altering text)

C1   S. 31 applied (S.) (temp.) (6.4.1995 to 1.4.1996) by S.I. 1995/789, art. 2, **Sch. para. 11**

S. 31 applied (temp.) (4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

S. 31 extended (E.W.) (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 9** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

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S. 31 excluded (E.) (temp.) (27.11.2001 to 27.7.2002) by S.I. 2001/3576, **art. 3(1)(c)**

Marginal Citations

M1 1972 c. 70.
M2 1973 c. 65.

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