



# Local Government Act 2000

## 2000 CHAPTER 22

### PART III

#### CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

#### CHAPTER I

#### CONDUCT OF MEMBERS

#### *Standards of conduct*

#### **49 Principles governing conduct of members of relevant authorities.**

- (1) The Secretary of State may by order specify the principles which are to govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales.
- (2) The National Assembly for Wales may by order specify the principles which are to govern the conduct of members and co-opted members of relevant authorities in Wales (other than police authorities).

[<sup>F1</sup>(2A) An order under subsection (1) must provide as respects each specified principle—

- (a) that it applies to a person only when acting in an official capacity; or
- (b) that it applies to a person only when not acting in an official capacity;

but the order may provide as mentioned in paragraph (b) only as respects a principle within subsection (2B).

(2B) A principle is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence.

(2C) An order under subsection (1) may define, for the purposes of the order—

- “official capacity”; and
- “criminal offence”.

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- (2D) An order under subsection (2)—
- (a) may specify principles which are to apply to a person at all times;
  - (b) may specify principles which are to apply to a person otherwise than at all times.]
- (3) Before making an order under this section, the Secretary of State must consult—
- (a) such representatives of relevant authorities in England as he considers appropriate,
  - (b) the Audit Commission,
  - (c) the Commission for Local Administration in England, and
  - (d) such other persons (if any) as he considers appropriate.
- (4) Before making an order under this section so far as it relates to police authorities in Wales, the Secretary of State must consult—
- (a) such representatives of police authorities in Wales as he considers appropriate,
  - [<sup>F2</sup>(aa) the Auditor General for Wales,]
  - (b) [<sup>F3</sup>the Public Services Ombudsman for Wales], and
  - (c) the National Assembly for Wales.
- (5) Before making an order under this section, the National Assembly for Wales must consult—
- (a) such representatives of relevant authorities in Wales as it considers appropriate,
  - (b) the [<sup>F4</sup>Auditor General for Wales],
  - (c) [<sup>F5</sup>the Public Services Ombudsman for Wales], and
  - (d) such other persons (if any) as it considers appropriate.
- (6) In this Part “relevant authority” means—
- (a) a county council,
  - (b) a county borough council,
  - (c) a district council,
  - (d) a London borough council,
  - (e) a parish council,
  - (f) a community council,
  - (g) the Greater London Authority,
  - (h) the Metropolitan Police Authority,
  - (i) the London Fire and Emergency Planning Authority,
  - (j) the Common Council of the City of London in its capacity as a local authority or police authority,
  - (k) the Council of the Isles of Scilly,
  - [<sup>F6</sup>(l) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,]
  - (m) a police authority,
  - (n) a joint authority established by Part IV of the <sup>M1</sup>Local Government Act 1985,
  - [<sup>F7</sup>(na) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,
  - (nb) a combined authority established under section 103 of that Act,]

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- (o) the Broads Authority, or
- (p) a National Park authority established under section 63 of the <sup>M2</sup>Environment Act 1995.

(7) In this Part “co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who—

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee.

#### Textual Amendments

- F1** S. 49(2A)-(2D) inserted (31.1.2008 for specified purposes) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 183(1)**, 245(5) (with s. 183(5)-(11), 201); S.I. 2008/172, art. 5(1)(a)
- F2** S. 49(4)(aa) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, Sch. 2 para. 53(1)(2); S.I. 2005/558, art. 2, Sch. 1
- F3** Words in s. 49(4)(b) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 4 para. 2(a)**; S.I. 2005/2800, arts. 4(1)(a)(2), 5(1)(3) (with art. 4(3))
- F4** Words in s. 49(5)(b) substituted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, Sch. 2 para. 53(1)(3); S.I. 2005/558, art. 2, Sch. 1
- F5** Words in s. 49(5)(c) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 4 para. 2(b)**; S.I. 2005/2800, arts. 4(1)(a)(2), 5(1)(3) (with art. 4(3))
- F6** S. 49(6)(l) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, **Sch. 1 para. 94**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F7** S. 49(6)(na)(nb) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), **Sch. 6 para. 93**; S.I. 2009/3318, art. 2(c)

#### Modifications etc. (not altering text)

- C1** Pt. III savings for effects of 2005 c. 10, s. 38 (1.4.2006) by [The Public Services Ombudsman \(Wales\) Act 2005 \(Transitional Provisions and Consequential Amendments\) Order 2006 \(S.I. 2006/362\)](#), arts. 1(1), **4**
- C2** Pt. III applied (24.3.2010) by [The South Downs National Park Authority \(Establishment\) Order 2010 \(S.I. 2010/497\)](#), art. 1, **Sch. 4 para. 9(3)**
- C3** S. 49 applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), regs. 1(1), **14(3)** (with reg. 1(2))

#### Commencement Information

- I1** S. 49 wholly in force at 28.7.2001; s. 49 not in force at Royal Assent see s. 108; s. 49(2)(5)(6)(a)(b)(f)(l)(m)(p)(7) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), **art. 2**; s. 49 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), **art. 2**; s. 49 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

#### Marginal Citations

- M1** 1985 c. 51.
- M2** 1995 c. 25.

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## 50 Model code of conduct.

- (1) The Secretary of State may by order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in England and police authorities in Wales (referred to in this Part as a model code of conduct).
- (2) The National Assembly for Wales may by order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales other than police authorities (also referred to in this Part as a model code of conduct).
- (3) The power under subsection (1) or (2) to issue a model code of conduct includes power to revise any such model code which has been issued.
- (4) A model code of conduct—
  - (a) must be consistent with the principles for the time being specified in an order under section 49(1) or 49(2) (as the case may be),
  - (b) may include provisions which are mandatory, and
  - (c) may include provisions which are optional.
- [<sup>F8</sup>(4A) A model code of conduct issued under subsection (1) must provide, as respects each provision of the code which relates to the conduct expected of the persons mentioned in that subsection—
  - (a) that the provision applies to a person only when acting in an official capacity; or
  - (b) that it applies to a person only when not acting in an official capacity;
 but the code may provide as mentioned in paragraph (b) only as respects a provision within subsection (4B).
- (4B) A provision is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence.
- (4C) A model code of conduct issued under subsection (1) may define for the purposes of the code—
  - “official capacity”; and
  - “criminal offence”.
- (4D) Provision included under subsection (4A) or (4C) in a model code of conduct—
  - (a) must be consistent with the provision for the time being included in an order under section 49(1) by virtue of section 49(2A) or (2C);
  - (b) is to be mandatory except to the extent that it relates to an optional provision;
  - (c) to the extent that it relates to an optional provision, is to be mandatory where that optional provision is incorporated in a code of conduct under section 51.
- (4E) A model code of conduct issued under subsection (2) may include—
  - (a) provisions which are to apply to a person at all times;
  - (b) provisions which are to apply to a person otherwise than at all times.]
  - (5) Before making an order under this section, the Secretary of State or the National Assembly for Wales must carry out such consultation as is required, by virtue of section 49, before an order is made under that section.

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- (6) For the purpose of facilitating the making of an order under this section, the Secretary of State may invite such body as he considers appropriate to draw up, and send to him, a proposed model code of conduct or proposed revisions to such a model code.
- (7) An invitation under subsection (6)—
- (a) must be made in writing,
  - (b) may be made to more than one body,
  - (c) may be limited to particular descriptions of authority,
  - (d) must specify the period within which the proposals are to be drawn up and sent to the Secretary of State,
  - (e) may require different proposals to be drawn up for different authorities or descriptions of authority, and
  - (f) may require any body to which the invitation is made to consult such persons as may be specified in the invitation.

#### Textual Amendments

- F8** S. 50(4A)-(4E) inserted (31.1.2008 for specified purposes) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 183\(2\)](#), [245\(5\)](#) (with [s. 183\(5\)-\(11\)](#), [201](#)); [S.I. 2008/172](#), [art. 5\(1\)\(b\)](#)

#### Commencement Information

- I2** S. 50 wholly in force at 28.7.2001; s. 50 not in force at Royal Assent see s. 108; s. 50(2)-(7) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 50 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 50 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

## 51 Duty of relevant authorities to adopt codes of conduct.

- (1) It is the duty of a relevant authority, before the end of the period of six months beginning with the day on which the first order under section 50 which applies to them is made, to pass a resolution adopting a code as regards the conduct which is expected of members and co-opted members of the authority (referred to in this Part as a code of conduct).
- (2) It is the duty of a relevant authority, before the end of the period of six months beginning with the day on which any subsequent order under section 50 which applies to them is made, to pass a resolution—
- (a) adopting a code of conduct in place of their existing code of conduct under this section, or
  - (b) revising their existing code of conduct under this section.
- (3) A relevant authority may by resolution—
- (a) adopt a code of conduct in place of their existing code of conduct under this section, or
  - (b) revise their existing code of conduct under this section.
- (4) A code of conduct or revised code of conduct—
- (a) must incorporate any mandatory provisions of the model code of conduct which for the time being applies to that authority,

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- (b) may incorporate any optional provisions of that model code, and
  - (c) may include other provisions which are consistent with that model code.
- [<sup>F9</sup>(4A) Where under subsection (4)(c) a provision relating to the conduct expected of persons is included in the code of a relevant authority in England or police authority in Wales, the code must provide—
- (a) that the provision applies to a person only when acting in an official capacity (within the meaning given by the code); or
  - (b) that it applies to a person only when not acting in an official capacity (within that meaning);
- but the code may provide as mentioned in paragraph (b) only as respects a provision within subsection (4B).
- (4B) A provision of a code is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence within the meaning of the code.
- (4C) The provisions which may be included under subsection (4)(c) by a relevant authority in Wales other than a police authority include—
- (a) provisions which are to apply to a person at all times;
  - (b) provisions which are to apply to a person otherwise than at all times.]
- (5) Where a relevant authority fail to comply with the duty under subsection (1) or (2) before the end of the period mentioned in that subsection—
- (a) they must comply with that duty as soon as reasonably practicable after the end of that period, and
  - (b) any mandatory provisions of the model code of conduct which for the time being applies to the authority are to apply in relation to the members and co-opted members of the authority for so long as the authority fail to comply with that duty.
- (6) As soon as reasonably practicable after adopting or revising a code of conduct under this section, a relevant authority must—
- (a) ensure that copies of the code or revised code are available at an office of the authority for inspection by members of the public at all reasonable hours,
  - (b) publish in one or more newspapers circulating in their area a notice which—
    - (i) states that they have adopted or revised a code of conduct,
    - (ii) states that copies of the code or revised code are available at an office of the authority for inspection by members of the public at such times as may be specified in the notice, and
    - (iii) specifies the address of that office, and
  - (c) send a copy of the code or revised code—
    - (i) in the case of a relevant authority in England or a police authority in Wales, to the Standards Board for England,
    - (ii) in the case of a relevant authority in Wales, to the [<sup>F10</sup>Public Services Ombudsman for Wales ].
- (7) Where a relevant authority themselves publish a newspaper, the duty to publish a notice under subsection (6)(b) is to be construed as a duty to publish that notice in their newspaper and at least one other newspaper circulating in their area.

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- (8) A relevant authority may publicise their adoption or revision of a code of conduct under this section in any other manner that they consider appropriate.
- (9) A relevant authority's function with respect to the passing of a resolution under this section may be discharged only by the authority (and accordingly, in the case of a relevant authority to which section 101 of the <sup>M3</sup>Local Government Act 1972 applies, is not to be a function to which that section applies).

#### Textual Amendments

- F9** S. 51(4A)-(4C) inserted (31.1.2008 for specified purposes) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 183\(3\), 245\(5\) \(with s. 183\(5\)-\(11\), 201\); S.I. 2008/172, art. 5\(1\)\(c\)](#)
- F10** Words in s. 51(6)(c)(ii) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 3; S.I. 2005/2800, art. 5\(1\)\(3\) \(with transitional provisions in S.I. 2006/362, art. 4\)](#)

#### Modifications etc. (not altering text)

- C4** Pt. III applied (24.3.2005) by [New Forest National Park Authority \(Establishment\) Order 2005 \(S.I. 2005/421\), art. 1, Sch. 4 para. 9\(3\)](#)
- C5** S. 51 modified (24.3.2005) by [New Forest National Park Authority \(Establishment\) Order 2005 \(S.I. 2005/421\), art. 1, Sch. 4 para. 10](#)
- C6** S. 51 applied (with modifications) (24.3.2010) by [The South Downs National Park Authority \(Establishment\) Order 2010 \(S.I. 2010/497\), art. 1, Sch. 4 para. 10](#)

#### Commencement Information

- I3** S. 51 wholly in force at 28.7.2001; s. 51 not in force at Royal Assent see s. 108; s. 51 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335, art. 2](#); s. 51 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

#### Marginal Citations

- M3** [1972 c. 70.](#)

## 52 Duty to comply with code of conduct.

- (1) A person who is a member or co-opted member of a relevant authority at a time when the authority adopt a code of conduct under section 51 for the first time—
  - (a) must, before the end of the period of two months beginning with the date on which the code of conduct is adopted, give to the authority a written undertaking that [<sup>F11</sup>in performing his functions] he will observe the authority's code of conduct for the time being under section 51, and
  - (b) if he fails to do so, is to cease to be a member or co-opted member at the end of that period.
- (2) The form of declaration of acceptance of office which may be prescribed by an order under section 83 of the <sup>M4</sup>Local Government Act 1972 may include an undertaking by the declarant that [<sup>F11</sup>in performing his functions] he will observe the authority's code of conduct for the time being under section 51.
- (3) A person who becomes a member of a relevant authority to which section 83 of that Act does not apply at any time after the authority have adopted a code of conduct under section 51 for the first time may not act in that office unless he has given the

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authority a written undertaking that [<sup>F11</sup>in performing his functions] he will observe the authority's code of conduct for the time being under section 51.

- (4) A person who becomes a co-opted member of a relevant authority at any time after the authority have adopted a code of conduct under section 51 for the first time may not act as such unless he has given the authority a written undertaking that [<sup>F11</sup>in performing his functions] he will observe the authority's code of conduct for the time being under section 51.

[<sup>F12</sup>(5) In relation to a relevant authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b)—

- (a) the references in subsections (2) to (4) to the authority's code of conduct for the time being under section 51 include the mandatory provisions which for the time being apply to the members and co-opted members of the authority, and
- (b) the references in subsections (3) and (4) to any time after the authority have adopted a code of conduct under section 51 for the first time are to be read as references to any time after the coming into force of section 184 of the Local Government and Public Involvement in Health Act 2007.]

#### Textual Amendments

- F11** Words in s. 52(1)-(4) repealed (31.1.2008 for W.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 183(4), 245(5), **Sch. 18 Pt. 15** (with s. 183(5)-(11), 201); S.I. 2008/172, arts. 2(1)(u)(iii), 5(2)
- F12** S. 52(5) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 184(2), 245(5)** (with s. 201); S.I. 2008/172, art. 2(1)(i)

#### Commencement Information

- I4** S. 52 wholly in force at 28.7.2001; s. 52 not in force at Royal Assent see s. 108; s. 52 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), **art. 2**; s. 52 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

#### Marginal Citations

- M4** 1972 c. 70.



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