



# 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) [<sup>F1</sup>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 [<sup>F2</sup>in Wales (other than police authorities)].

[<sup>F3</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) [<sup>F4</sup>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) [<sup>F5</sup>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) [<sup>F5</sup>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>F6</sup>(aa) the Auditor General for Wales,]
  - (b) [<sup>F7</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 [<sup>F8</sup>in Wales] as it considers appropriate,
  - (b) the [<sup>F9</sup>Auditor General for Wales],
  - (c) [<sup>F10</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 [<sup>F11</sup>in Wales],
  - (b) a county borough council,
  - (c) [<sup>F12</sup>a district council,]
  - (d) [<sup>F12</sup>a London borough council,]
  - (e) [<sup>F12</sup>a parish council,]
  - (f) a community council,
  - (g) [<sup>F13</sup>the Greater London Authority,]
  - <sup>F14</sup>(h) .....
  - (i) [<sup>F13</sup>the London Fire and Emergency Planning Authority,]
  - (j) [<sup>F13</sup>the Common Council of the City of London in its capacity as a local authority or police authority,]
  - (k) [<sup>F13</sup>the Council of the Isles of Scilly,]
  - [<sup>F15</sup>(l) a fire and rescue authority [<sup>F16</sup>in Wales] 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,]
  - <sup>F17</sup>(m) .....
  - (n) [<sup>F18</sup>a joint authority established by Part IV of the <sup>M1</sup>Local Government Act 1985,]
  - [<sup>F19</sup>(na) [<sup>F18</sup>an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,]

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- (nb) [<sup>F18</sup>a combined authority established under section 103 of that Act,]]
- (o) [<sup>F18</sup>the Broads Authority, or]
- (p) a National Park authority [<sup>F20</sup>in Wales] 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(1) repealed (1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 8(2), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)
- F2** Words in s. 49(2) repealed (1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 8(3), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)
- F3** 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)
- F4** S. 49(2C) repealed (1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 8(4), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)
- F5** S. 49(3)(4) repealed (1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 8(4), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)
- F6** 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
- F7** 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))
- F8** Words in s. 49(5)(a) repealed (1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 8(5), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)
- F9** 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
- F10** 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))
- F11** Words in s. 49(6)(a) inserted (1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 4 para. 8(6)(a)**; S.I. 2012/1463, art. 5(a) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)
- F12** S. 49(6)(c)-(e) repealed (1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 8(6)(b), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)

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- F13** S. 49(6)(g)-(k) repealed (1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 8(6)(c), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)
- F14** S. 49(6)(h) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 257(5)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 62)
- F15** 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
- F16** Words in s. 49(6)(l) inserted (1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 4 para. 8(6)(d)**; S.I. 2012/1463, art. 5(a) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)
- F17** S. 49(6)(m) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 257(5)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 62)
- F18** S. 49(6)(m)-(o) repealed (1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 8(6)(e), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)
- F19** 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)
- F20** Words in s. 49(6)(p) inserted (1.7.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 4 para. 8(6)(f)**; S.I. 2012/1463, art. 5(a) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)

#### 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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