



# Local Government Act 2000

## 2000 CHAPTER 22

### PART III

#### CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

#### CHAPTER I

#### CONDUCT OF MEMBERS

#### *Standards of conduct*

#### **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—

*Status: Point in time view as at 22/11/2012. This version of this provision has been superseded.*

*Changes to legislation: Local Government Act 2000, Section 51 is up to date with all changes known to be in force on or before 27 June 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)*

- (a) must incorporate any mandatory provisions of the model code of conduct which for the time being applies to that authority,
- (b) may incorporate any optional provisions of that model code, and
- (c) may include other provisions which are consistent with that model code.

[<sup>F1</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 <sup>F2</sup>..., 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) <sup>F3</sup>... 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—

<sup>F4</sup>(i) .....

(ii) <sup>F5</sup>... to the [<sup>F6</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.

(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.

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- (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>M1</sup>Local Government Act 1972 applies, is not to be a function to which that section applies).

#### Textual Amendments

- F1** 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)
- F2** Words in s. 51(4A) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 259(2)**; S.I. 2012/2892, art. 2(i)
- F3** Words in s. 51(4C) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 4 para. 10(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); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)
- F4** S. 51(6)(c)(i) repealed (31.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 4 para. 10(3)(a)**, **Sch. 25 Pt. 5**; S.I. 2012/57, art. 5(1)(a)(c)(2)(b) (with arts. 6, 8)
- F5** Words in s. 51(6)(c)(ii) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 4 para. 10(3)(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); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)
- F6** 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)

- C1** 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)**
- 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** Pt. III applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012 \(S.I. 2012/2734\)](#), regs. 1(1), 3-6, **Sch. Pt. 3**
- C4** 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**
- C5** 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

- I1** 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

- M1** 1972 c. 70.

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