

2001 No. 3941

LOCAL GOVERNMENT, ENGLAND

**The Local Elections (Declaration of Acceptance of Office)
Order 2001**

Made - - - - - 26th November 2001

Coming into force - - - 27th November 2001

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred upon him by section 83(1) and (4) of the Local Government Act 1972(a) and section 52(2) of the Local Government Act 2000(b), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Local Elections (Declaration of Acceptance of Office) Order 2001, and shall come into force on 27th November 2001.

(2) This Order extends to England only(c).

Form of declaration of acceptance of office

2. Where a county, district, London borough or parish council has adopted the mandatory provisions of a model code of conduct made under section 50(1) of the Local Government Act 2000 that is applicable to that council, or the mandatory provisions of such a code apply to the members of that council pursuant to section 51(5)(b) of that Act, the declaration of acceptance of office of—

- (a) a member; and
- (b) an elected mayor(d),

shall be in the form in the Schedule to this Order, or a form to the like effect.

Revocation of orders

3. The following orders shall be revoked on 27th July 2002—

- (a) the Local Elections (Principal Areas) (Declaration of Acceptance of Office) Order 1990(e); and
- (b) the Local Elections (Parishes and Communities) (Declaration of Acceptance of Office) Order 1990(f).

(a) 1972 c. 70; section 83 was amended by sections 84 and 102 of the Local Government Act 1985 (c. 51); Schedule 13 to and section 237 of the Education Reform Act 1988 (c. 40); section 30(2) of the Local Government and Housing Act 1989 (c. 42); paragraph 23 of Schedule 15 to and section 66(5) of the Local Government (Wales) Act 1994 (c. 19); and paragraph 9(1) and (2) of Schedule 3 to and section 46 of the Local Government Act 2000 (c. 22).

(b) 2000 c. 22.

(c) The Secretary of State's functions under section 83 of the Local Government Act 1972, so far as exercisable in relation to Wales, are transferred to the National Assembly for Wales, *see* article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(d) *See* section 39 of the Local Government Act 2000 for the definition of "elected mayor".

(e) S.I. 1990/932.

(f) S.I. 1990/2477.

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

26th November 2001

Nick Raynsford
Minister of State,

Department for Transport, Local Government and the Regions

DECLARATION OF ACCEPTANCE OF OFFICE

I [(1)] having been elected to the office of [(2)] of [(3)] declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the code as to the conduct which is expected of members of [(4)].

Signed _____ Date _____

This declaration was made and signed before me,

Signed _____

Proper officer of the council (5).

- (1) *Insert the name of the person making the declaration.*
- (2) *Insert "member" or "Mayor" as appropriate.*
- (3) *and (4) Insert the name of the authority of which the person making the declaration is a member or mayor.*
- (5) *Where the declaration is made before another person authorised by section 83(3) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration(a).*

(a) Under section 83(3) of the Local Government Act 1972, a declaration for members or elected mayors of a county, district or London borough council shall be made before two members of the council, its elected mayor, its proper officer, a justice of the peace or magistrate in the United Kingdom, the Channel Isles or the Isle of Man, or a commissioner appointed to administer oaths in the Supreme Court. A declaration for members of parish councils shall be made before a member or the proper officer of the council.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the form of declaration of office for members and elected mayors of country, district, London borough and parish councils in accordance with section 83 of the Local Government Act 1972. The declaration must be made within two months of election.

Article 2 provides that the form (or a form to like effect) in the Schedule to the Order shall have effect where the mandatory provisions of a model code of conduct applicable to a council are adopted or applied to it.

Article 3 revokes on 27th July 2002 two previous orders made under section 83 of the Local Government Act 1972, which included an undertaking to observe the National Code of Local Government Conduct. Part III of the Local Government Act 2000 replaces that Code with codes of conduct made under that Act.

The **Schedule** to the Order prescribes the form of the declaration and includes a statement that those making the declaration undertake to observe their council's code of conduct.

When a county, district, London borough or parish council adopts a code of conduct for the first time as required by section 51 of the Local Government Act 2000, all members and co-opted members of these authorities must in addition to the declaration prescribed in this Order, give a written undertaking to their authorities that they will observe the code of conduct.

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