

---

## EXPLANATORY NOTE

*(This note does not form part of the Order)*

Section 83(1) of the Local Government Act 1972 (“the 1972 Act”) prohibits a person elected to the office of chairman, vice-chairman, councillor or elected mayor of a county or county borough council in Wales from acting in such office unless that person has made a declaration of acceptance of office in the form prescribed by order and that declaration has been delivered to the proper officer of the council within two months from the day of the election. If such a declaration is not made and delivered to the proper officer within the appointed time, the office of that person becomes vacant.

Under section 83(4) of the 1972 Act, the office of a person elected to the office of chairman of a community council or community councillor becomes vacant unless that person makes a declaration of acceptance of office in the form prescribed by order at the appropriate occasion in the presence of appropriate persons and delivers it to the council.

Part III of the Local Government Act 2000 (“the 2000 Act”) establishes a new ethical framework for local government in Wales. Section 51 of the 2000 Act requires (among others) county, county borough and community councils to adopt a code as regards the conduct which is expected of members and co-opted members of those councils.

Section 52 of the 2000 Act is concerned with the duty upon members and co-opted members of county, county borough and community councils to comply with the code of conduct adopted by their councils under section 51 of the 2000 Act.

Section 52(2) of the 2000 Act provides that the form of declaration of acceptance of office which may be prescribed by order under section 83 of the 1972 Act may include an undertaking by declarants that in performing their functions they will observe the code of conduct of the relevant county, county borough or community council for the time being under section 51 of the 2000 Act.

This Order amends three orders in force under section 83 of the 1972 Act such that where a county, county borough or community council has adopted a code of conduct under section 51 of the 2000 Act, declarants will undertake that in performing their functions, they will observe the council’s code of conduct for the time being under that section.