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WELSH STATUTORY INSTRUMENTS

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**2008 No. 788**

**The Local Authorities (Model Code  
of Conduct) (Wales) Order 2008**

**Title, commencement and application**

1.—(1) The title of this Order is the Local Authorities (Model Code of Conduct) (Wales) Order 2008 and it comes into force on 18 April 2008.

(2) This Order applies to each relevant authority in Wales.

**Interpretation**

2. In this Order —

“the Act” (“*y Ddeddf*”) means the Local Government Act 2000;

“co-opted member” (“*aelod cyfetholedig*”) has the meaning set out in Part 1 of the model code in the Schedule to this Order;

“member” (“*aelod*”) has the meaning set out in Part 1 of the model code in the Schedule to this Order; and

“relevant authority” (“*awdurdod perthnasol*”) has the meaning set out in Part 1 of the model code in the Schedule to this Order.

**Model Code of Conduct**

3.—(1) A model code as regards the conduct which is expected of members of a relevant authority is set out in the Schedule to this Order.

(2) For the purposes of section 50(4) of the Act, the provisions of the model code are to be regarded as mandatory.

**Provisions to be disapplied**

4.—(1) Where a relevant authority which is a county, county borough or community council or fire and rescue authority has adopted a code of conduct or such a code applies to it, the following will, where applicable to the relevant authority, be disapplied as respects that authority —

(a) sections 94 to 98 and 105 of the Local Government Act 1972(1); and

(b) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989(2).

(2) Where a relevant authority which is a National Park authority has adopted a code of conduct or such a code applies to it, the following will, where applicable to the relevant authority, be disapplied as respects that authority —

(a) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995(3); and

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(1) 1972 c. 70.

(2) 1989 c. 42.

(3) 1995 c. 25.

- (b) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989.
- (3) Section 16(1) of the Interpretation Act 1978<sup>(4)</sup> will apply to a disapplication under paragraph (1) or (2) above as if it were a repeal, by an Act, of an enactment.

### **Revocation**

5. The following orders are revoked:
- (a) the Conduct of Members (Model Code of Conduct) (Wales) Order 2001<sup>(5)</sup>;
  - (b) the Conduct of Members (Model Code of Conduct) (Amendment) (Wales) Order 2004<sup>(6)</sup>; and
  - (c) the Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004<sup>(7)</sup>.

### **Transitional Provisions and Savings**

6. The orders referred to in article 5 continue to have effect for the purposes of and for purposes connected with —
- (a) the investigation of any written allegation under Part 3 of the Act, where that allegation relates to conduct that occurred before the date when, pursuant to section 51 of the Act<sup>(8)</sup>—
    - (i) the relevant authority adopts a code of conduct incorporating the mandatory provisions of the model code of conduct in the Schedule to this Order in place of its existing code of conduct;
    - (ii) the relevant authority revises its existing code of conduct to incorporate the mandatory provisions of the model code of conduct in the Schedule to this Order; or
    - (iii) the mandatory provisions of the model code of conduct in the Schedule to this Order apply to members or co-opted members of the relevant authority under section 51<sup>(5)</sup>(b) of that Act;
  - (b) the adjudication (or determination) of a matter raised in such an allegation; and
  - (c) an appeal against the decision of a standards committee, an interim case tribunal or case tribunal in relation to such an allegation.

20 March 2008

*Brian Gibbons*  
Minister for Social Justice and Local  
Government, one of the Welsh Ministers

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(4) 1978 c. 30.  
(5) S.I.2001/2289 (W.177) as amended by S.I. 2004/163 (W.18); S.I. 2004/1510 (W.159); S.I. 2005/2929 (W.214); and S.I. 2006/362 (W.48).  
(6) S.I. 2004/163 (W.18).  
(7) S.I. 2004/1510 (W.159).  
(8) Section 51 of the Local Government Act 2000 is amended by section 35 and paragraphs 1 and 3 of Schedule 4 to the Public Services Ombudsman (Wales) Act 2005 and by section 183 of the Local Government and Public Involvement in Health Act 2007.