

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2004 No. (W.)

**LOCAL GOVERNMENT,
WALES**

**The Conduct of Members (Model
Code of Conduct) (Wales)
(Amendment) (No. 2) Order 2004**

EXPLANATORY NOTE

(This note is not part of the Order)

Part III of the Local Government Act 2000 (“the Act”) established a new ethical framework for local government in Wales. Section 50(2) of the Act provides that the National Assembly for Wales may by Order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales. The relevant authorities are county and county borough councils, community councils, fire authorities and National Park authorities but not police authorities. A Code of Conduct issued by the National Assembly for Wales under section 50(2) of the Act must be consistent with the principles specified by the National Assembly for Wales under section 49(2) of the Act.

The Conduct of Members (Model Code of Conduct) (Wales) Order 2001 (“the 2001 Order”) made under section 50(2) of the Act prescribed a Model Code of Conduct for members of relevant authorities.

This Order amends the 2001 Order, by inserting a new Article 4 which disapplies existing statutory provisions relating to (among others) the National Code of Local Government Conduct in Wales.

2004 No. (W.)

**LOCAL GOVERNMENT,
WALES**

**The Conduct of Members (Model
Code of Conduct) (Wales)
(Amendment) (No. 2) Order 2004**

Made 2004

Coming into force 1 September 2004

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 50(2), 50(4), 81(2), 81(3) and 105(2), (3) and (4) of the Local Government Act 2000⁽¹⁾, having carried out such consultation as is required by virtue of section 50(5) of that Act, and being satisfied that this Order is consistent with the principles for the time being specified in an order under section 49(2) of that Act⁽²⁾ hereby makes the following Order:

Name and commencement

1.—(1) This Order is called the Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004 and shall come into force on 1 September 2004.

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

Interpretation

2. In this Order —

“the 2001 Order” (“*Gorchymyn 2001*”) means the Conduct of Members (Model Code of Conduct) (Wales) Order 2001⁽³⁾.

⁽¹⁾ 2000 c.22.

⁽²⁾ The Conduct of Members (Principles) (Wales) Order 2001 (S.I. 2001/2276) (W.166).

⁽³⁾ S.I. 2001/2289 (W.177) (as amended by S.I. 2004/163 (W.18)).

Amendment to the 2001 Order

3. After Article 3 of the 2001 Order insert —

“Provisions to be disapplied

4.—(1) Where a relevant authority which is a county, county borough or community council or fire authority has adopted a code of conduct or such a code applies to it, the following shall, 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⁽⁴⁾;
- (b) section 30(3A) of the Local Government Act 1974⁽⁵⁾;
- (c) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989⁽⁶⁾.

(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 shall, 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; and
- (b) sections 19 and 31 of the Local Government and Housing Act 1989.

(3) Section 16(1) of the Interpretation Act 1978⁽⁷⁾ shall apply to a disapplication under paragraph (1) or (2) above as if it were a repeal, by an Act, of an enactment.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁸⁾.

Date

The Presiding Officer of the National Assembly

(4) 1972 c.70.
(5) 1974 c.7.
(6) 1989 c.42.
(7) 1978 c.30.
(8) 1998 c.38.