



Local Government Act 2000

2000 CHAPTER 22

PART III

CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

CHAPTER I

CONDUCT OF MEMBERS

Standards of conduct

49 Principles governing conduct of members of relevant authorities.

- (1) The Secretary of State may by order specify the principles which are to govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales.
- (2) The National Assembly for Wales may by order specify the principles which are to govern the conduct of members and co-opted members of relevant authorities in Wales (other than police authorities).

[^{F1}(2A) An order under subsection (1) must provide as respects each specified principle—

- (a) that it applies to a person only when acting in an official capacity; or
- (b) that it applies to a person only when not acting in an official capacity;

but the order may provide as mentioned in paragraph (b) only as respects a principle within subsection (2B).

(2B) A principle is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence.

(2C) An order under subsection (1) may define, for the purposes of the order—

- “official capacity”; and
- “criminal offence”.

Status: Point in time view as at 31/01/2008. This version of this provision has been superseded.

Changes to legislation: Local Government Act 2000, Section 49 is up to date with all changes known to be in force on or before 04 April 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)

- (2D) An order under subsection (2)—
- (a) may specify principles which are to apply to a person at all times;
 - (b) may specify principles which are to apply to a person otherwise than at all times.]
- (3) Before making an order under this section, the Secretary of State must consult—
- (a) such representatives of relevant authorities in England as he considers appropriate,
 - (b) the Audit Commission,
 - (c) the Commission for Local Administration in England, and
 - (d) such other persons (if any) as he considers appropriate.
- (4) Before making an order under this section so far as it relates to police authorities in Wales, the Secretary of State must consult—
- (a) such representatives of police authorities in Wales as he considers appropriate,
 - [^{F2}(aa) the Auditor General for Wales,]
 - (b) [^{F3}the Public Services Ombudsman for Wales], and
 - (c) the National Assembly for Wales.
- (5) Before making an order under this section, the National Assembly for Wales must consult—
- (a) such representatives of relevant authorities in Wales as it considers appropriate,
 - (b) the [^{F4}Auditor General for Wales],
 - (c) [^{F5}the Public Services Ombudsman for Wales], and
 - (d) such other persons (if any) as it considers appropriate.
- (6) In this Part “relevant authority” means—
- (a) a county council,
 - (b) a county borough council,
 - (c) a district council,
 - (d) a London borough council,
 - (e) a parish council,
 - (f) a community council,
 - (g) the Greater London Authority,
 - (h) the Metropolitan Police Authority,
 - (i) the London Fire and Emergency Planning Authority,
 - (j) the Common Council of the City of London in its capacity as a local authority or police authority,
 - (k) the Council of the Isles of Scilly,
 - [^{F6}(l) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,]
 - (m) a police authority,
 - (n) a joint authority established by Part IV of the ^{M1}Local Government Act 1985,
 - (o) the Broads Authority, or
 - (p) a National Park authority established under section 63 of the ^{M2}Environment Act 1995.

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- (7) In this Part “co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who—
- (a) is a member of any committee or sub-committee of the authority, or
 - (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,
- and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee.

Textual Amendments

- F1** S. 49(2A)-(2D) inserted (31.1.2008 for specified purposes) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 183(1)**, 245(5) (with s. 183(5)-(11), 201); S.I. 2008/172, art. 5(1)(a)
- F2** S. 49(4)(aa) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, Sch. 2 para. 53(1)(2); S.I. 2005/558, art. 2, Sch. 1
- F3** Words in s. 49(4)(b) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 4 para. 2(a)**; S.I. 2005/2800, arts. 4(1)(a)(2), 5(1)(3) (with art. 4(3))
- F4** Words in s. 49(5)(b) substituted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, Sch. 2 para. 53(1)(3); S.I. 2005/558, art. 2, Sch. 1
- F5** Words in s. 49(5)(c) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 4 para. 2(b)**; S.I. 2005/2800, arts. 4(1)(a)(2), 5(1)(3) (with art. 4(3))
- F6** S. 49(6)(l) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, **Sch. 1 para. 94**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

Modifications etc. (not altering text)

- C1** Pt. III savings for effects of 2005 c. 10, s. 38 (1.4.2006) by [The Public Services Ombudsman \(Wales\) Act 2005 \(Transitional Provisions and Consequential Amendments\) Order 2006 \(S.I. 2006/362\)](#), arts. 1(1), 4

Commencement Information

- I1** S. 49 wholly in force at 28.7.2001; s. 49 not in force at Royal Assent see s. 108; s. 49(2)(5)(6)(a)(b)(f)(l)(m)(p)(7) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), **art. 2**; s. 49 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), **art. 2**; s. 49 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

- M1** 1985 c. 51.
- M2** 1995 c. 25.

Status:

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