
WELSH STATUTORY INSTRUMENTS

2001 No. 2963 (W.245)

LOCAL GOVERNMENT, WALES

The Local Elections (Declaration of Acceptance of Office) (Amendment) (Wales) Order 2001

Made - - - - 23rd August 2001

Coming into force - - 24th August 2001

The National Assembly for Wales makes the following Order in exercise of the powers given to the Secretary of State by sections 83(1) and (4) of the Local Government Act 1972⁽¹⁾ and section 26(3) of the Welsh Language Act 1993⁽²⁾ which are now vested in it in so far as exercisable in Wales⁽³⁾ and in exercise of the powers conferred upon it by section 52(2) of the Local Government Act 2000⁽⁴⁾.

Citation, commencement and application

1.—(1) This Order may be cited as the Local Elections (Declaration of Acceptance of Office) (Amendment) (Wales) Order 2001 and shall come into force on 24th August 2001.

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

Interpretation

2. In this Order —

“authority” means —

- (a) a county council,
- (b) a county borough council, and
- (c) a community council;

“the Communities Order” means the Local Elections (Parishes and Communities) (Declaration of Acceptance of Office) Order 1990⁽⁵⁾;

“the Principal Councils Order” means the Local Elections (Principal Areas) (Declaration of Acceptance of Office) Order 1990⁽⁶⁾;

(1) 1972 c. 70.
(2) 1993 c. 38.
(3) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(4) 2000 c. 22.
(5) S.I. 1990/2477.
(6) S.I. 1990/932.

“the Welsh Forms Order” means the Local Elections (Declaration of Acceptance of Office) (Welsh Forms) Order 1991(7).

Amendments to the Communities Order

3.—(1) The Communities Order is amended in accordance with the following paragraphs of this Article.

(2) After Article 1, for “**Form of declaration of acceptance of office**”, substitute “**Forms of declaration of acceptance of office**”.

(3) For Article 2, substitute —

“**2.—**(1) The declaration of acceptance of office by the chairman or a councillor of a community council which has not at the time of declaration adopted a code as regards the conduct which is expected of its members and co-opted members under section 51 of the Local Government Act 2000 for the first time shall be in the form in Schedule 1 to this Order, or a form to the like effect.

(2) The declaration of acceptance of office by the chairman or a councillor of a community council which has at the time of declaration adopted a code as regards the conduct which is expected of its members and co-opted members under section 51 of the Local Government Act 2000 shall be in the form in Schedule 2 to this Order, or a form to the like effect.”.

(4) After Article 2,

(a) for “SCHEDULE”, substitute “SCHEDULE 1”,

(b) for “Article 2”, substitute “Article 2(1)”, and

(c) for “DECLARATION OF ACCEPTANCE OF OFFICE”, substitute “DECLARATION OF ACCEPTANCE OF OFFICE WHERE COMMUNITY COUNCIL HAS NOT AT THE TIME OF DECLARATION ADOPTED A CODE OF CONDUCT UNDER SECTION 51 OF THE LOCAL GOVERNMENT ACT 2000 FOR THE FIRST TIME”.

(5) After Schedule 1, insert —

“SCHEDULE 2

Article 2(2)

DECLARATION OF ACCEPTANCE OF OFFICE WHERE COMMUNITY COUNCIL HAS AT THE TIME OF DECLARATION ADOPTED A CODE OF CONDUCT UNDER SECTION 51 OF THE LOCAL GOVERNMENT ACT 2000

I,, having been elected to the office of (insert description of office) 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 this council's code of conduct for the time being adopted under section 51 of the Local Government Act 2000 in the performance of my functions in that office.

Date.....(Signed).....

This declaration was made and signed before me,

(Signed).....

Member/proper officer of the council of the community/town of

.....

Amendments to the Principal Councils Order

4.—(1) The Principal Councils Order is amended in accordance with the following paragraphs of this Article.

(2) After Article 1, for “**Form of declaration of acceptance of office**”, substitute “**Forms of declaration of acceptance of office**”.

(3) For Article 2, substitute —

“**2.—(1)** The declaration of acceptance of office by the chairman, vice-chairman, councillor or elected mayor of the council of a county or county borough which has not at the time of declaration adopted a code as regards the conduct which is expected of its members and co-opted members under section 51 of the Local Government Act 2000 for the first time shall be in the form in Schedule 1 to this Order, or a form to the like effect.

(2) The declaration of acceptance of office by the chairman, vice-chairman, councillor or elected mayor of the council of a county or county borough which has at the time of declaration adopted a code as regards the conduct which is expected of its members and co-opted members under section 51 of the Local Government Act 2000 shall be in the form in Schedule 2 to this Order, or a form to the like effect.”.

(4) After Article 2,

(a) for “SCHEDULE”, substitute “SCHEDULE 1”,

(b) for “Article 2”, substitute “Article 2(1)”, and

(c) for “DECLARATION OF ACCEPTANCE OF OFFICE”, substitute “DECLARATION OF ACCEPTANCE OF OFFICE WHERE COUNTY OR COUNTY BOROUGH COUNCIL HAS NOT AT THE TIME OF DECLARATION ADOPTED A CODE OF CONDUCT UNDER SECTION 51 OF THE LOCAL GOVERNMENT ACT 2000 FOR THE FIRST TIME”.

(5) After Schedule 1, insert —

“SCHEDULE 2

Article 2(2)

DECLARATION OF ACCEPTANCE OF OFFICE WHERE COUNTY OR COUNTY BOROUGH COUNCIL HAS AT THE TIME OF DECLARATION ADOPTED A CODE OF CONDUCT UNDER SECTION 51 OF THE LOCAL GOVERNMENT ACT 2000

I,, having been elected to the office of (insert description of office) 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 this council's code of conduct for the time being adopted under section 51 of the Local Government Act 2000 in the performance of my functions in that office.

Date(Signed).....

This declaration was made and signed before me

(Signed).....

*Proper officer of the council of the county or county borough of.....

*If the declaration is made before any other person authorised by section 83(3) of the Local Government Act 1972, adapt accordingly...

Amendments to the Welsh Forms Order

5.—(1) The Welsh Forms Order is amended in accordance with the following paragraphs of this Article.

(2) For Article 2, substitute —

“2.—(1) The declaration of acceptance of office by the chairman, vice-chairman, councillor or elected mayor of the council of a county or county borough which has not at the time of declaration adopted a code as regards the conduct which is expected of its members and co-opted members under section 51 of the Local Government Act 2000 for the first time may be in the form in Schedule I to this Order, or a form to the like effect, in place of the declaration of acceptance of office set out in Schedule 1 to the Local Elections (Principal Areas) (Declaration of Acceptance of Office) Order 1990.

(2) The declaration of acceptance of office by the chairman, vice-chairman, councillor or elected mayor of the council of a county or county borough which has at the time of declaration adopted a code as regards the conduct which is expected of its members and co-opted members under section 51 of the Local Government Act 2000 may be in the form in Schedule IA to this Order, or a form to the like effect, in place of the declaration of acceptance of office set out in Schedule 2 to the Local Elections (Principal Areas) (Declaration of Acceptance of Office) Order 1990.”.

(3) For Article 3, substitute —

“3.—(1) The declaration of acceptance of office by the chairman or a councillor of a community council which has not at the time of declaration adopted a code as regards the conduct which is expected of its members and co-opted members under section 51 of the Local Government Act 2000 for the first time may be in the form in Schedule II to this Order, or a form to the like effect, in place of the declaration of acceptance of office set out in Schedule 1 to the Local Elections (Parishes and Communities) (Declaration of Acceptance of Office) Order 1990.

(2) The declaration of acceptance of office by the chairman or a councillor of a community council which has at the time of declaration adopted a code as regards the conduct which is expected of its members and co-opted members under section 51 of the Local Government Act 2000 may be in the form in Schedule IIA to this Order, or a form to the like effect, in place of the declaration of acceptance of office set out in Schedule 2 to the Local Elections (Parishes and Communities) (Declaration of Acceptance of Office) Order 1990.”.

(4) In Schedule I —

- (a) for “Article 2”, substitute “Article 2(1)”, and
- (b) for “DATGANIAD DERBYN SWYDD”, substitute “DATGANIAD DERBYN SWYDD OS NAD YW'R CYNGOR SIR NEU'R CYNGOR BWRDEISTREF SIROL AR ADEG Y DATGANIAD WEDI MABWYSIADU COD YMDDYGIAD O DAN ADRAN 51 O DDEDDF LLYWODRAETH LEOL 2000 AM Y TRO CYNTAF”.

(5) After Schedule I, insert —

“SCHEDULE IA

Article 2(2)

DATGANIAD DERBYN SWYDD OS YW'R CYNGOR SIR NEU'R CYNGOR BWRDEISTREF SIROL AR ADEG Y DATGANIAD WEDI MABWYSIADU COD YMDDYGIAD O DAN ADRAN 51 O DDEDDF LLYWODRAETH LEOL 2000

Yr wyf fi,, gan i mi gael fy ethol i swydd (nodwch ddisgrifiad o'r swydd) yn datgan fy mod yn cymryd arnaf fy hun y swydd honno, ac y cyflawnaf ddyletswyddau'r swydd honno yn briodol ac yn ffyddlon hyd eithaf fy marn a'm gallu.

Yr wyf yn ymgymryd i barchu cod ymddygiad y cyngor hwn sydd am y tro wedi'i fabwysiadu o dan adran 51 o Ddeddf Llywodraeth Leol 2000 wrth gyflawni fy swyddogaethau yn y swydd honno.

Dyddiad (Llofnod)

Gwnaethpwyd y datganiad hwn a'i lofnodi ger fy mron i

(Llofnod)

* Swyddog priodol cyngor sir neu gyngor bwrdeistref sirol

*Addaser yn briodol os gwneir y datganiad gerbron unrhyw berson arall a awdurdodwyd gan adran 83(3) o Ddeddf Llywodraeth Leol 1972."

(6) In Schedule II -

- (a) for "Article 3", substitute "Article 3(1)", and
- (b) for "DATGANIAD DERBYN SWYDD", substitute "DATGANIAD DERBYN SWYDD LLE NAD YW'R CYNGOR CYMUNED AR ADEG Y DATGANIAD WEDI MABWYSIADU AM Y TRO CYNTAF GOD YMDDYGIAD O DAN ADRAN 51 O DDEDDF LLYWODRAETH LEOL 2000

(6) In Schedule II —

- (a) for “Article 3”, substitute “Article 3(1)”, and
- (b) for “DATGANIAD DERBYN SWYDD”, substitute “DATGANIAD DERBYN SWYDD LLE NAD YW'R CYNGOR CYMUNED AR ADEG Y DATGANIAD WEDI MABWYSIADU AM Y TRO CYNTAF GOD YMDDYGIAD O DAN ADRAN 51 O DDEDDF LLYWODRAETH LEOL 2000”.

(7) After Schedule II, insert —

“SCHEDULE IIA

Article 3(2)

DATGANIAD DERBYN SWYDD OS NAD YW'R CYNGOR CYMUNED AR ADEG Y DATGANIAD WEDI MABWYSIADU AM Y TRO CYNTAF GOD YMDDYGIAD O DAN ADRAN 51 O DDEDDF LLYWODRAETH LEOL 2000

Yr wyf fi,....., gan i mi gael fy ethol i swydd (rhowch ddisgrifiad o'r swydd) yn datgan fy mod yn cymryd arnaf fy hun y swydd honno, ac y cyflawnaf ddyletswyddau'r swydd honno yn briodol ac yn ffyddlon hyd eithaf fy marn a'm gallu.

Yr wyf yn ymgymryd i barchu cod ymddygiad y cyngor hwn sydd am y tro wedi'i fabwysiadu o dan adran 51 o Ddeddf Llywodraeth Leol 2000 wrth gyflawni fy swyddogaethau yn y swydd honno.

Dyddiad(Llofnod)

Gwnaethpwyd y datganiad hwn a'i gofnodi ger fy mron i,

(Llofnod).....

Aelod/swyddog priodol o gyngor cymuned/tref

.....|||

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

23rd August 2001

Jane. E. Hutt
The Assembly Secretary

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.