

SCHEDULES

SCHEDULE 4

Section 26

CONDUCT OF LOCAL GOVERNMENT MEMBERS

PART 1

AMENDMENTS OF EXISTING PROVISIONS

Parliamentary Commissioner Act 1967 (c. 13)

- 1 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) omit the entry for the Standards Board for England.

House of Commons Disqualification Act 1975 (c. 24)

- 2 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) omit the entry for the Standards Board for England.

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 3 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) omit the entry for the Standards Board for England.

Local Government and Housing Act 1989 (c. 42)

- 4 (1) Section 3A of the Local Government and Housing Act 1989 (grant and supervision of exemptions from political restriction: England) is amended as follows.
- (2) In subsection (1)—
- (a) for “standards committee” substitute “head of paid service”,
 - (b) omit “which is a relevant authority”,
 - (c) in paragraph (a) for “committee” substitute “head of paid service”, and
 - (d) in that paragraph and paragraph (b) omit “relevant”.
- (3) In subsection (2)(a) omit “relevant”.
- (4) In subsection (3)—
- (a) for “standards committee” substitute “head of paid service”,
 - (b) for “committee” substitute “head of paid service”, and
 - (c) in paragraph (b) omit “relevant”.
- (5) In subsection (4)—
- (a) for “standards committee” substitute “local authority’s head of paid service”,

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- (b) for “committee” substitute “head of paid service”, and
 - (c) in paragraph (b)(i) omit “relevant”.
- (6) Omit subsection (5).
- (7) In subsection (6)—
- (a) omit “which is a relevant authority”, and
 - (b) in paragraph (a)—
 - (i) for “standards committee” substitute “head of paid service”,
 - (ii) for “committee” substitute “head of paid service”, and
 - (iii) omit “its”.
- (8) In subsection (7)—
- (a) omit “its”, and
 - (b) for “standards committee” substitute “local authority’s head of paid service”.
- (9) After that subsection insert—
- “(7A) In carrying out functions under this section a local authority’s head of paid service must consult the monitoring officer of that authority (unless they are the same person).
 - (7B) The Secretary of State may by regulations make provision about the application of this section to a local authority that is not required to designate one of its officers as the head of its paid service.
 - (7C) Regulations under subsection (7B) may apply any provisions of this section (with or without modifications) to an authority to which they apply.”
- (10) Omit subsections (8) to (10).

Audit Commission Act 1998 (c. 18)

- 5 In section 49(1)(de) of the Audit Commission Act 1998 (disclosure of information by Commission or auditor etc for purposes of functions of ethical standards officer or Public Services Ombudsman for Wales) omit “an ethical standards officer or”.

Data Protection Act 1998 (c. 29)

- 6 In section 31 of the Data Protection Act 1998 (exemptions from subject information provisions for data processed in connection with certain regulatory functions)—
- (a) in subsection (7) omit paragraph (b), and
 - (b) in subsection (8)(b) omit “, or to an ethical standards officer,”.

Local Government Act 2000 (c. 22)

- 7 The Local Government Act 2000 is amended as follows.
- 8 (1) Section 49 (principles governing conduct of members of relevant authorities) is amended as follows.
- (2) Omit subsection (1).
 - (3) In subsection (2) omit “in Wales (other than police authorities)”.

- (4) Omit subsections (2C), (3) and (4).
 - (5) In subsection (5)(a) omit “in Wales”.
 - (6) In subsection (6)—
 - (a) in paragraph (a) at the end insert “in Wales”,
 - (b) omit paragraphs (c) to (e),
 - (c) omit paragraphs (g) to (k),
 - (d) in paragraph (l) after “authority” insert “in Wales”,
 - (e) omit paragraphs (m) to (o), and
 - (f) in paragraph (p) after “authority” insert “in Wales”.
- 9 (1) Section 50 (model code of conduct) is amended as follows.
- (2) Omit subsection (1).
 - (3) In subsection (2) omit “in Wales other than police authorities”.
 - (4) In subsection (3) omit “(1) or”.
 - (5) In subsection (4)(a) omit—
 - (a) “49(1) or”, and
 - (b) “(as the case may be)”.
 - (6) Omit subsections (4C) and (4D).
 - (7) In subsection (5) omit “the Secretary of State or”.
 - (8) Omit subsections (6) and (7).
- 10 (1) Section 51 (duty of relevant authorities to adopt codes of conduct) is amended as follows.
- (2) In subsection (4C) omit the words from “by a” to “police authority”.
 - (3) In subsection (6)(c)—
 - (a) omit sub-paragraph (i), and
 - (b) in sub-paragraph (ii) omit the words from “in the case” to “in Wales,”.
- 11 In section 52(2) (power for prescribed form of declaration of acceptance of office to include undertaking to observe code of conduct) after “1972” insert “in relation to a relevant authority”.
- 12 (1) Section 53 (standards committees) is amended as follows.
- (2) In subsection (2) omit “parish council or”.
 - (3) Omit subsections (3) to (10).
 - (4) In subsection (11)—
 - (a) in paragraph (a) omit “in Wales other than police authorities”, and
 - (b) in paragraph (k) omit “in Wales (other than police authorities)”.
 - (5) In subsection (12) omit “(6)(c) to (f) or”.
- 13 (1) Section 54 (functions of standards committees) is amended as follows.
- (2) Omit subsection (4).

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- (3) In subsection (5) omit “in Wales (other than police authorities)”.
- (4) Omit subsection (6).
- (5) In subsection (7) omit “in Wales (other than police authorities)”.
- 14 (1) Section 54A (sub-committees of standards committees) is amended as follows.
 - (2) In subsection (3) omit “, but this is subject to section 55(7)(b)”.
 - (3) Omit subsection (4).
 - (4) In subsection (5) omit “in Wales other than a police authority”.
 - (5) In subsection (6)—
 - (a) omit “section 55(5) and to”, and
 - (b) for “53(6)(a) or (11)(a)” substitute “53(11)(a)”.
- 15 Omit section 55 (standards committees for parish councils).
- 16 Omit section 56A (joint committees of relevant authorities in England).
- 17 Omit section 57 (Standards Board for England).
- 18 Omit section 57A (written allegations: right to make, and initial assessment).
- 19 Omit section 57B (right to request review of decision not to act).
- 20 Omit section 57C (information to be given to subject of allegation).
- 21 Omit section 57D (power to suspend standards committee’s functions).
- 22 Omit section 58 (allegations referred to Standards Board).
- 23 Omit section 59 (functions of ethical standards officers).
- 24 Omit section 60 (conduct of investigations).
- 25 Omit section 61 (procedure in respect of investigations).
- 26 Omit section 62 (investigations: further provisions).
- 27 Omit section 63 (restrictions on disclosure of information).
- 28 Omit section 64 (reports etc).
- 29 Omit section 65 (interim reports).
- 30 Omit section 65A (disclosure by monitoring officers of ethical standards officers’ reports).
- 31 Omit section 66 (matters referred to monitoring officers).
- 32 Omit section 66A (references to First-tier Tribunal).
- 33 Omit section 66B (periodic returns).
- 34 Omit section 66C (information requests).
- 35 Omit section 67 (consultation with ombudsmen).
- 36 In section 68(2) (guidance by Public Services Ombudsman for Wales)—
 - (a) in paragraph (a)—
 - (i) omit “in Wales (other than police authorities)”, and
 - (ii) for “such” substitute “those”, and

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- (b) in paragraph (b) omit “in Wales (other than police authorities)”.
- 37 (1) Section 69 (investigations by the Public Services Ombudsman for Wales) is amended as follows.
- (2) In subsection (1) omit “in Wales” in both places.
- (3) In subsection (5) omit “in Wales”.
- 38 (1) Section 70 (investigations: further provisions) is amended as follows.
- (2) In subsection (2)(a), after “63” insert “as those sections had effect immediately before their repeal by the Localism Act 2011”.
- (3) In subsection (5) omit “in Wales”.
- 39 In section 71(4) (reports etc) omit “in Wales”.
- 40 In section 72(6) (interim reports) omit “in Wales”.
- 41 In section 73 (matters referred to monitoring officers) omit subsection (6).
- 42 In section 77(7) (offence of failure to comply with regulations about adjudications in Wales or equivalent provisions of Tribunal Procedure Rules) omit the words from “, or with” to “First-tier Tribunal”.
- 43 (1) Section 78 (decisions of the First-tier Tribunal or interim case tribunals) is amended as follows.
- (2) In the heading omit “the First-tier Tribunal or”.
- (3) In subsection (1)—
- (a) omit “the First-tier Tribunal or”, and
- (b) in paragraph (a) omit “65(3) or”.
- (4) In subsection (2) for “the tribunal concerned” substitute “the interim case tribunal”.
- (5) In subsection (3) for “the tribunal concerned” substitute “the interim case tribunal”.
- (6) Omit subsection (4).
- (7) In subsection (6) omit “78A or”.
- (8) In subsection (8A)—
- (a) omit paragraph (a), and
- (b) in paragraph (b) omit “where the relevant authority concerned is in Wales,”.
- (9) In subsection (9) omit—
- (a) “The First-tier Tribunal or (as the case may be)”, and
- (b) “59 or”.
- (10) Omit subsections (9A) to (9D).
- 44 Omit section 78A (decisions of First-tier Tribunal).
- 45 Omit section 78B (section 78A: supplementary).
- 46 In section 79(13) (decisions of case tribunals: Wales) in subsection (13) omit “in Wales”.

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- 47 (1) Section 80 (recommendations by First-tier Tribunal or case tribunals) is amended as follows.
- (2) In the heading omit “First-tier Tribunal or”.
- (3) In subsection (1) omit “the First-tier Tribunal or”.
- (4) In subsection (2) for “The tribunal concerned” substitute “A case tribunal”.
- (5) In subsection (3) for “relevant person” substitute “Public Services Ombudsman for Wales”.
- (6) In subsection (5) for “relevant person” in both places substitute “Public Services Ombudsman for Wales”.
- (7) Omit subsection (6).
- 48 (1) Section 81 (disclosure and registration of members’ interests) is amended as follows.
- (2) In subsection (5) for “Secretary of State” substitute “Welsh Ministers”.
- (3) In subsection (7)—
- (a) omit paragraph (b), and
- (b) in paragraph (c) omit “if it is a relevant authority in Wales”.
- (4) Omit subsection (8).
- 49 (1) Section 82 (code of conduct for local government employees) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsection (2) omit “in Wales (other than police authorities)”.
- (4) In subsection (3) omit “(1) or”.
- (5) Omit subsections (4) and (5).
- (6) In subsection (6)(a)—
- (a) omit “in Wales”, and
- (b) for “such” substitute “those”.
- (7) In paragraph (9) omit—
- (a) paragraph (a), and
- (b) in paragraph (b) “in relation to Wales”.
- 50 In section 82A (monitoring officers: delegation of functions under Part 3), omit “57A, 60(2) or (3), 64(2) or (4)”.
- 51 (1) Section 83 (interpretation of Part 3) is amended as follows.
- (2) In subsection (1)—
- (a) omit the definitions of—
- (i) “the Audit Commission”,
- (ii) “ethical standards officer”, and
- (iii) “police authority”, and
- (b) in the definition of “model code of conduct” omit “(1) and”.
- (3) Omit subsections (4), (12), (15) and (16).

- 52 In section 105(6) (orders and regulations) omit “, 49, 63(1)(j)”.
- 53 Omit Schedule 4 (Standards Board for England).

Freedom of Information Act 2000 (c. 36)

- 54 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) omit the entry for the Standards Board for England.

Local Government and Public Involvement in Health Act 2007 (c. 28)

- 55 (1) Section 183 of the Local Government and Public Involvement in Health Act 2007 (conduct of local authority members: codes of conduct) is amended as follows.
- (2) In subsection (1) omit the subsections (2A) and (2B) to be inserted into section 49 of the Local Government Act 2000.
- (3) In subsection (2) omit the subsections (4A) and (4B) to be inserted into section 50 of the Local Government Act 2000.
- (4) In subsection (3) omit the subsections (4A) and (4B) to be inserted into section 51 of the Local Government Act 2000.
- (5) In subsection (7)(b) omit “in Wales other than a police authority”.

PART 2

PROVISION SUPPLEMENTARY TO PART 1

Codes of conduct under the Local Government Act 2000

- 56 (1) A code of conduct adopted by a relevant authority (within the meaning of this Chapter of this Part of this Act) ceases to have effect.
- (2) An undertaking to comply with a code of conduct given by a person under section 52 of the Local Government Act 2000 or as part of a declaration of acceptance of office in a form prescribed by order under section 83 of the Local Government Act 1972 ceases to have effect when the code ceases to have effect.
- (3) In this paragraph “code of conduct” means a code of conduct under section 51 of the Local Government Act 2000 or a model code of conduct issued by order under section 50(1) of that Act.

Power to make provision in connection with the abolition of Standards Board for England

- 57 (1) The Secretary of State may by order make provision in connection with the abolition of the Standards Board for England (“the Board”).
- (2) An order under this paragraph may make provision that has effect on or before the abolition date.
- (3) An order under this paragraph may, in particular, make provision about the property, rights and liabilities of the Board (including rights and liabilities relating to contracts of employment).

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- (4) This includes—
 - (a) provision for the transfer of property, rights and liabilities (including to the Secretary of State), and
 - (b) provision for the extinguishment of rights and liabilities.
- (5) An order under this paragraph that makes provision for the transfer of property, rights and liabilities may—
 - (a) make provision for certificates issued by the Secretary of State to be conclusive evidence that property has been transferred;
 - (b) make provision about the transfer of property, rights and liabilities that could not otherwise be transferred;
 - (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the Board in respect of anything transferred;
 - (d) make provision for references to the Board in an instrument or document in respect of anything transferred to be treated as references to the transferee.
- (6) An order under this paragraph may—
 - (a) make provision about the continuing effect of things done by or in relation to the Board before such date as the order may specify;
 - (b) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the Board on such a date;
 - (c) make provision for references to the Board in an instrument or document to be treated on and after such a date as references to such person as the order may specify;
 - (d) make provision for the payment of compensation by the Secretary of State to persons affected by the provisions it makes about the property, rights and liabilities of the Board.

Power to give directions in connection with the abolition of Standards Board for England

- 58 (1) The Secretary of State may direct the Board to take such steps as the Secretary of State may specify in connection with the abolition of the Board.
- (2) The Secretary of State may, in particular, give directions to the Board about information held by the Board, including—
- (a) directions requiring information to be transferred to another person (including to the Secretary of State);
 - (b) directions requiring information to be destroyed or made inaccessible.
- (3) The Secretary of State may make available to the Board such facilities as the Board may reasonably require for exercising its functions by virtue of this Part of this Schedule.
- (4) The Secretary of State may exercise a function of the Board for the purposes of taking steps in connection with its abolition (including functions by virtue of an order under paragraph 57).
- (5) Sub-paragraph (4) does not prevent the exercise of the function by the Board.

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- (6) In the case of a duty of the Board, sub-paragraph (4) permits the Secretary of State to comply with that duty on behalf of the Board but does not oblige the Secretary of State to do so.

Final statement of accounts

- 59 (1) As soon as is reasonably practicable after the abolition date, the Secretary of State must prepare—
- (a) a statement of the accounts of the Board for the last financial year to end before the abolition date, and
 - (b) a statement of the accounts of the Board for the period (if any) beginning immediately after the end of that financial year and ending immediately before the abolition date.
- (2) The Secretary of State must, as soon as is reasonably practicable after preparing a statement under this paragraph, send a copy of it to the Comptroller and Auditor General.
- (3) The Comptroller and Auditor General must—
- (a) examine, certify and report on the statement, and
 - (b) lay a copy of the statement and the report before each House of Parliament.
- (4) Sub-paragraph (1)(a) does not apply if the Board has already sent a copy of its statement of accounts for the year to the Comptroller and Auditor General.
- (5) In such a case the repeal of paragraph 13(4B) of Schedule 4 to the Local Government Act 2000 does not remove the obligation of the Comptroller and Auditor General to take the steps specified in that provision in relation to the statement of accounts if the Comptroller has not already done so.

Disclosure of information

- 60 (1) Section 63 of the Local Government Act 2000 applies in relation to information obtained by a person who is exercising a function of the Board by virtue of paragraph 58(4) as it applies to information obtained by an ethical standards officer.
- (2) That section has effect (in relation to information to which it applies apart from sub-paragraph (1) as well as to information to which it applies by virtue of that sub-paragraph) as if it permitted the disclosure of information for the purposes of the abolition of the Board.
- (3) The repeal by Part 1 of that section, or of any provision by virtue of which it is applied to information obtained other than by ethical standards officers, does not affect its continuing effect in relation to information to which it applied before its repeal (including by virtue of this paragraph).

Interpretation

- 61 In this Part of this Schedule—
- “the abolition date” means the date on which paragraphs 17 and 53 (repeal of section 57 of and Schedule 4 to the Local Government Act 2000) come fully into force;
 - “the Board” has the meaning given by paragraph 57(1);

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“financial year” means the period of 12 months ending with 31 March in any year.