

## SCHEDULES

### SCHEDULE 4

#### 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

- (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”.