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WELSH STATUTORY INSTRUMENTS

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**2001 No. 2279 (W. 169 )**

**LOCAL GOVERNMENT, WALES**

**The Standards Committees (Grant of  
Dispensations) (Wales) Regulations 2001**

*Made* - - - - 21st June 2001

*Coming into force* - - 28th July 2001

The National Assembly for Wales makes the following Regulations in exercise of the power given to it by section 81(5) and (8) of the Local Government Act 2000<sup>(1)</sup>.

**Name, commencement, application and interpretation**

1.—(1) The name of these Regulations is the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and they shall come into force on 28th July 2001.

(2) These Regulations apply to Wales only.

(3) In these Regulations —

“interest” (*“buddiant”*) means an interest which is required to be registered in the relevant authority’s register of interests;

“member” (*“aelod”*) includes a co-opted member;

“relevant authority” (*“awdurdod perthnasol”*) means a county or county borough council, a community council, a fire authority or a National Park authority;

“the Act” (*“y Ddeddf”*) means the Local Government Act 2000; and

“voluntary organisation” (*“corff gwirfoddol”*) means a body (other than a local authority or other public body) whose activities are carried on otherwise than for profit.

**Circumstances in which dispensations may be granted**

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where —

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

21st June 2001

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

County and county borough councils, community councils, fire authorities and National Park authorities in Wales (“relevant authorities”) are required by section 51 of the Local Government Act 2000 (“the Act”) to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of any model code of conduct issued by the National Assembly for Wales under section 50(2) of the Act.

Section 81(1) and (2) of the Act provides that the monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority and that the mandatory provisions of the model code applicable to each relevant authority must require the members and co-opted members of each authority to register in that authority’s register such financial and other interests as are specified in the mandatory provisions.

Under section 81(3) and (4) of the Act those mandatory provisions must also require a member or co-opted member of a relevant authority who has such an interest to disclose it before taking part in any business of the authority which relates to it and make provision for preventing or restricting the participation of that member or co-opted member in any business of the authority to which the disclosed interest relates.

Section 81(4) of the Act provides that any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority’s code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority’s standards committee in accordance with regulations made under subsection (5).

These regulations prescribe the circumstances in which standards committees of relevant authorities may grant such dispensations.