

## SCHEDULES

### SCHEDULE 1

Section 23.

#### EXECUTIVE ARRANGEMENTS: FURTHER PROVISION

##### *Mayor and cabinet executives*

- 1
- (1) This paragraph applies in relation to executive arrangements by a local authority which provide for a mayor and cabinet executive.
  - (2) Subject to section 11(8), the executive arrangements must include provision which enables the elected mayor to determine the number of councillors who may be appointed to the executive under section 11(2)(b).
  - (3) The executive arrangements must include provision which requires the elected mayor to appoint one of the members of the executive to be his deputy (referred to in this paragraph as the deputy mayor).
  - (4) Subject to sub-paragraph (5), the deputy mayor, unless he resigns as deputy mayor or ceases to be a member of the authority, is to hold office until the end of the term of office of the elected mayor.
  - (5) The elected mayor may, if he thinks fit, remove the deputy mayor from office.
  - (6) Where a vacancy occurs in the office of deputy mayor, the elected mayor must appoint another person in his place.
  - (7) If for any reason the elected mayor is unable to act or the office of elected mayor is vacant, the deputy mayor must act in his place.
  - (8) If for any reason—
    - (a) the elected mayor is unable to act or the office of elected mayor is vacant, and
    - (b) the deputy mayor is unable to act or the office of deputy mayor is vacant,the executive must act in the elected mayor's place or must arrange for a member of the executive to act in his place.
  - (9) In the case of a local authority in Wales, the deputy mayor is entitled to the style of “dirprwy faer”.

##### *Leader and cabinet executives*

- 2
- (1) This paragraph applies in relation to executive arrangements by a local authority which provide for a leader and cabinet executive.
  - (2) The executive arrangements may include provision with respect to—
    - (a) the election and term of office of the executive leader, and
    - (b) the appointment and term of office of members of the executive appointed under section 11(3)(b)(ii).

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- (3) Subject to section 11(8), the executive arrangements must include provision which either—
  - (a) enables the authority to determine the number of councillors who may be appointed to the executive under section 11(3)(b), or
  - (b) enables the executive leader to determine the number of councillors who may be so appointed.
- (4) Section 101 of the Local Government Act 1972 does not apply to the function of determining the number of councillors under sub-paragraph (2)(a).

*Mayor and council manager executives*

- 3 (1) This paragraph applies in relation to executive arrangements by a local authority which provide for a mayor and council manager executive.
- (2) The executive arrangements may include provision with respect to the appointment and term of office of the council manager.
- (3) The executive arrangements must include provision which requires the elected mayor to appoint a member of the authority to be his deputy (referred to in this paragraph as the deputy mayor).
- (4) The deputy mayor may not be—
  - (a) the chairman or vice-chairman of the authority, nor
  - (b) a member of an overview and scrutiny committee of the authority.
- (5) Subject to sub-paragraph (6), the deputy mayor, unless he resigns as deputy mayor or ceases to be a member of the authority, is to hold office until the end of the term of office of the elected mayor.
- (6) The elected mayor may, if he thinks fit, remove the deputy mayor from office.
- (7) Where a vacancy occurs in the office of deputy mayor, the elected mayor must appoint another person in his place.
- (8) If for any reason the elected mayor is unable to act or the office of elected mayor is vacant, the deputy mayor must act in his place.
- (9) If for any reason—
  - (a) the elected mayor is unable to act or the office of elected mayor is vacant, and
  - (b) the deputy mayor is unable to act or the office of deputy mayor is vacant,
 the council manager must act in the elected mayor's place.
- (10) Subject to sub-paragraph (11), the council manager—
  - (a) is entitled to attend, and speak at, meetings of the authority or any committee or sub-committee of the authority, but
  - (b) is not entitled to vote at such meetings.
- (11) The council manager is entitled to attend, and speak at, meetings of an overview and scrutiny committee or sub-committee of the authority only if invited or required to do so by the committee or sub-committee.
- (12) The reference in sub-paragraph (10) to a committee or sub-committee of the authority includes a reference to a joint committee on which the authority is represented or a sub-committee of such a committee.

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- (13) The council manager—
- (a) is to be regarded for the purposes of Part I of the Local Government and Housing Act 1989 as holding a politically restricted post under the authority,
  - (b) may not also be the person who under section 151 of the Local Government Act 1972 has responsibility for the administration of the financial affairs of the authority, and
  - (c) may not also be the person who is responsible for performing the duties of the authority’s monitoring officer under section 5 of the Local Government and Housing Act 1989.
- (14) The executive arrangements may include provision for the appointment by the elected mayor of one or more committees to advise the executive.
- (15) The membership of any such committee as is mentioned in sub-paragraph (14) need not be determined in accordance with the political balance requirements.
- (16) In the case of a local authority in Wales, the deputy mayor is entitled to the style of “dirprwy faer”.

#### *Procedure*

- 4 Executive arrangements by a local authority may include provision with respect to—
- (a) the quorum, proceedings and location of meetings of the executive,
  - (b) the appointment of committees of the executive, and
  - (c) the quorum, proceedings and location of meetings of committees of the executive.

#### *Meetings of executives and executive committees*

- 5 A member of a local authority who is not a member of the authority’s executive is entitled to attend, and speak at, a meeting of the executive, or of a committee of the executive, which is held in private only if invited to do so.

#### *Mayor’s assistant*

- 6 (1) The Secretary of State may by regulations make provision for or in connection with the appointment of a person (an “assistant”) to provide assistance to an elected mayor.
- (2) Regulations under this paragraph may include provision with respect to the terms and conditions of appointment of an assistant.
- (3) Nothing in sub-paragraph (2) affects the generality of the power under sub-paragraph (1).

#### *Overview and scrutiny committees: education functions*

- 7 (1) In this paragraph “relevant English authority” means a local authority in England which is a local education authority.
- (2) This paragraph applies to an overview and scrutiny committee of a relevant English authority if the committee’s functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority’s executive.

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- (3) This paragraph also applies to a sub-committee of an overview and scrutiny committee of a relevant English authority if the sub-committee's functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority's executive.
- (4) In the case of a relevant English authority which maintain one or more Church of England schools, an overview and scrutiny committee or sub-committee to which this paragraph applies must include at least one qualifying person.
- (5) A person is a qualifying person for the purposes of sub-paragraph (4) if he is nominated by the Diocesan Board of Education for any Church of England diocese which falls wholly or partly in the authority concerned's area.
- (6) In the case of a relevant English authority which maintain one or more Roman Catholic Church schools, an overview and scrutiny committee or sub-committee to which this paragraph applies must include at least one qualifying person.
- (7) A person is a qualifying person for the purposes of sub-paragraph (6) if he is nominated by the bishop of any Roman Catholic diocese which falls wholly or partly in the authority concerned's area.
- (8) A member of an overview and scrutiny committee or sub-committee appointed by virtue of sub-paragraph (4) or (6) is to be entitled to vote at a meeting of the committee or sub-committee on any question—
- (a) which relates to any education functions which are the responsibility of the authority concerned's executive, and
  - (b) which falls to be decided at the meeting.
- (9) The Secretary of State may by directions to a relevant English authority require any of the authority's overview and scrutiny committees or sub-committees to which this paragraph applies to include persons who are appointed, in accordance with the directions, as representatives of the persons who appoint foundation governors for the foundation or voluntary schools maintained by the authority which are not Church of England schools or Roman Catholic Church schools but which are specified in the directions.
- (10) Directions under sub-paragraph (9) may make provision with respect to the voting rights of persons appointed in accordance with such directions.
- 8 (1) In this paragraph "relevant Welsh authority" means a local authority in Wales which is a local education authority.
- (2) This paragraph applies to an overview and scrutiny committee of a relevant Welsh authority if the committee's functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority's executive.
- (3) This paragraph also applies to a sub-committee of an overview and scrutiny committee of a relevant Welsh authority if the sub-committee's functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority's executive.
- (4) An overview and scrutiny committee or sub-committee to which this paragraph applies must include one or more persons appointed as representatives of the persons who appoint foundation governors for the maintained schools which are maintained by the authority concerned and which are specified in directions made by the National

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Assembly for Wales as schools which have a character connected with a particular religion, or particular religious denomination, specified in the directions.

- (5) Sub-paragraph (4) does not apply if there are no maintained schools which are maintained by the authority concerned and which are specified in directions under that sub-paragraph.
  - (6) A member of an overview and scrutiny committee or sub-committee appointed by virtue of sub-paragraph (4) is to be entitled to vote at a meeting of the committee or sub-committee on any question—
    - (a) which relates to any education functions which are the responsibility of the authority concerned’s executive, and
    - (b) which falls to be decided at the meeting.
  - (7) The National Assembly for Wales may by directions to a relevant Welsh authority require any of the authority’s overview and scrutiny committees or sub-committees to which this paragraph applies to include persons who are appointed, in accordance with the directions, as representatives of the persons who appoint foundation governors for such of the maintained schools which are maintained by the authority concerned and which are not specified in directions under sub-paragraph (4) as may be specified in directions under this sub-paragraph.
  - (8) Directions under sub-paragraph (7) may make provision with respect to the voting rights of persons appointed in accordance with such directions.
- 9
- (1) In this paragraph “relevant authority” means a local authority which is a local education authority.
  - (2) This paragraph applies to an overview and scrutiny committee of a relevant authority if the committee’s functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority’s executive.
  - (3) This paragraph also applies to a sub-committee of an overview and scrutiny committee of a relevant authority if the sub-committee’s functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority’s executive.
  - (4) The Secretary of State may by regulations require an overview and scrutiny committee or sub-committee to which this paragraph applies to include one or more persons elected, in accordance with the regulations, as representatives of parent governors at maintained schools which are maintained by the relevant authority concerned.
  - (5) Regulations under this paragraph may make provision for—
    - (a) the number of persons who are to be elected in the case of any relevant authority,
    - (b) the procedure to be followed in connection with the election of such persons and the persons who are entitled to vote at such an election,
    - (c) the circumstances in which persons are qualified or disqualified for being so elected or for holding office once elected,
    - (d) the term of office of persons so elected and their voting rights,
    - (e) the application to any such committee or sub-committee, with or without any modification, of any enactment (whenever passed or made) relating to committees or (as the case may be) sub-committees of a local authority,

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- (f) such other matters connected with such elections or persons so elected as the Secretary of State considers appropriate.
- (6) Regulations under this paragraph may also make provision—
- (a) enabling the Secretary of State to determine, where he considers it expedient to do so in view of the small number of maintained schools which are maintained by a relevant authority, that the requirement imposed on the committee or sub-committee by virtue of sub-paragraph (4) is to have effect as if it referred to representatives of parents of registered pupils (rather than representatives of parent governors) at those schools,
  - (b) for any regulations under this paragraph to have effect, where the Secretary of State makes any such determination, with such modifications as may be prescribed.
- 10 The following provisions of the Education Act 1996, namely—
- (a) section 496 (powers of Secretary of State to require duties under that Act to be exercised reasonably), and
  - (b) section 497 (powers of Secretary of State where local education authorities etc. are in default),
- are to apply to the performance of any duty imposed on a local authority by virtue of paragraph 7, 8 or 9 as they apply to the performance by a local education authority of a duty imposed by that Act.
- 11 Except for the expression “local authority”, expressions used in paragraphs 7 to 10 and the School Standards and Framework Act 1998 have the same meaning in those paragraphs as in that Act.

## SCHEDULE 2

Section 42.

### ELECTION OF ELECTED MAYOR

#### *Application*

- 1 This Schedule applies where there are three or more candidates to be an elected mayor of a local authority.

#### *Candidate with overall majority of first preference votes*

- 2 If one of the candidates to be the elected mayor receives more than half of all the first preference votes given in the election that candidate is to be returned as the elected mayor.

#### *No candidate with overall majority of first preference votes*

- 3 (1) If none of the candidates to be the elected mayor receives more than half of all the first preference votes given in the election the following provisions of this paragraph are to have effect.
- (2) The two candidates who received the greatest number of first preference votes given in the election remain in the contest.

- (3) If, by reason of an equality of first preference votes, three or more candidates are qualified to remain in the contest by virtue of sub-paragraph (2), all of them remain in the contest.
- (4) The other candidates are eliminated from the contest.
- (5) The number of second preference votes given in the election for each of the candidates remaining in the contest by voters who did not give their first preference vote to any of those candidates is to be ascertained.
- (6) That number is to be added to the number of first preference votes given for that candidate, to give his total number of preference votes.
- (7) The person who is to be returned as the elected mayor is that one of the candidates remaining in the contest who has the greatest total number of preference votes.
- (8) If, by reason of an equality of total number of preference votes, two or more candidates remaining in the contest each have the greatest total number of preference votes, the returning officer is to decide by lots which of them is to be returned as the elected mayor.

### SCHEDULE 3

Section 46.

#### AMENDMENTS TO THE 1972 ACT

- 1 (1) Section 2 of the Local Government Act 1972 (constitution of principal councils in England) is amended as follows.
  - (2) After subsection (2) there is inserted—

“(2A) Where a council mentioned in subsection (1) or (2) above are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, the council shall consist of an elected mayor, a chairman and councillors.”
- 2 (1) Section 3 of that Act (chairman of principal council in England) is amended as follows.
  - (2) After subsection (1) there is inserted—

“(1A) A member of the executive of a principal council may not be elected as the chairman of the council.”
  - (3) After subsection (4) there is inserted—

“(4A) Subsection (4) above shall have effect in relation to a district council which are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive as if it provided for the elected mayor of the council to have precedence in the district, but this subsection shall not apply if the executive arrangements provide for it not to apply.”
- 3 (1) Section 5 of that Act (vice-chairman of principal council in England) is amended as follows.
  - (2) After subsection (1) there is inserted—

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- “(1A) A member of the executive of a principal council may not be appointed as the vice-chairman of the council.”
- 4 (1) Section 21 of that Act (constitution of principal councils in Wales) is amended as follows.
- (2) After subsection (1) there is inserted—
- “(1A) Where a council falling within subsection (1) are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, the council shall consist of an elected mayor, a chairman and councillors.”
- 5 (1) Section 22 of that Act (chairman of principal council in Wales) is amended as follows.
- (2) After subsection (1) there is inserted—
- “(1A) A member of the executive of a principal council may not be elected as the chairman of the council.”
- (3) After subsection (4) there is inserted—
- “(4A) Subsection (4) above shall have effect in relation to a principal council which are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive as if it provided for the elected mayor of the council to have precedence in the area of that council, but this subsection shall not apply if the executive arrangements provide for it not to apply.”
- 6 (1) Section 24 of that Act (vice-chairman of principal council in Wales) is amended as follows.
- (2) After subsection (1) there is inserted—
- “(1A) A member of the executive of a principal council may not be appointed as the vice-chairman of the council.”
- 7 (1) Section 25A of that Act (title of chairman or vice-chairman of county borough council) is amended as follows.
- (2) After subsection (2) there is inserted—
- “(3) This section does not apply where a county borough council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive.”
- 8 (1) Section 80 of that Act (disqualifications for election and holding office as member of local authority) is amended as follows.
- (2) In subsection (1)(a) after “or deputy chairman” there is inserted “or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive”.
- 9 (1) Section 83 of that Act (declaration of acceptance of office) is amended as follows.
- (2) In subsection (1), after “councillor” there is inserted “or elected mayor”.
- (3) In subsection (3), after paragraph (a) there is inserted—
- “(aa) an elected mayor of the council to which the declarant is elected; or”.



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- 10 (1) Section 84 of that Act (resignation) is amended as follows.
- (2) In subsection (1), after “Act” there is inserted “or elected as an elected mayor”.
- 11 (1) Section 245 of that Act (status of certain districts, parishes and communities) is amended as follows.
- (2) After subsection (1) there is inserted—
- “(1A) Subsection (1)(b) above does not apply where the council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive.”
- 12 (1) Section 270 of that Act (general provisions as to interpretation) is amended as follows.
- (2) In subsection (1), after the definition of “Easter break” there is inserted—
- ““elected mayor” has the same meaning as in Part II of the Local Government Act 2000;”.
- (3) In subsection (1), after the definition of “electoral area” there is inserted—
- ““executive”, “executive arrangements” and “executive leader” have the same meaning as in Part II of the Local Government Act 2000;”.
- (4) In subsection (1), after the definition of “land” there is inserted—
- ““leader and cabinet executive” has the same meaning as in Part II of the Local Government Act 2000;”.
- (5) In subsection (1), after the definition of “local statutory provision” there is inserted—
- ““mayor and cabinet executive” and “mayor and council manager executive” have the same meaning as in Part II of the Local Government Act 2000;”.
- (6) After subsection (4) there is inserted—
- “(4A) Where a London borough council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, subsection (4) above shall have effect with the omission of paragraphs (a) and (b).”
- 13 (1) Schedule 2 to that Act (constitution and membership of London borough councils) is amended as follows.
- (2) After paragraph 5 there is inserted—

*“Modifications of preceding provisions*

- 5A Where a London borough council are operating executive arrangements which involve a leader and cabinet executive—
- (a) paragraph 2 above shall have effect as if the following sub-paragraph were inserted after sub-paragraph (1)—
- “(1A) A member of the executive of a London borough council may not be elected as the mayor of the borough.”,

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(b) paragraph 5 above shall have effect as if the following sub-paragraph were inserted after sub-paragraph (1)—

“(1A) A member of the executive of a London borough council may not be appointed as the deputy mayor.”

5B Where a London borough council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, the preceding provisions of this Schedule shall have effect with the modifications specified in paragraphs 5C to 5I below.

5C The council shall consist of an elected mayor, a chairman and councillors.

5D Paragraphs 2(1) and 2(5) above shall have effect as if for the expression “mayor of a London borough” there were substituted “chairman of a London borough council”.

5E Paragraph 2 above shall have effect as if the following sub-paragraph were inserted after sub-paragraph (1)—

“(1A) A member of the executive of a London borough council may not be elected as the chairman of the council.”

5F Paragraphs 2(2) to (4) and 3 above shall have effect as if for any reference to “mayor” there were substituted “chairman”.

5G Paragraph 2(5) above shall have effect as if it provided for the elected mayor to have precedence in the borough, but this paragraph shall not apply if the executive arrangements provide for it not to apply.

(5H) Paragraph 5 above shall have effect as if for sub-paragraphs (1) to (3) there were substituted—

“(1) A London borough council shall appoint a member of the council to be vice-chairman of the council.

(1A) A member of the executive of a London borough council may not be appointed as the vice-chairman of the council.

(2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Schedule relating to the retirement of councillors.

(3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.”

5I Paragraph 5(4) above shall have effect as if for the expression “deputy mayor” there were substituted “vice-chairman”.

14 (1) Schedule 12 to that Act (meetings and proceedings of local authorities) is amended as follows.

(2) In paragraph 5, after sub-paragraph (3) there is inserted—

“(4) A member of an executive of a principal council may not be chosen to preside under sub-paragraph (3) above.

- (5) Sub-paragraphs (2)(c) and (3)(c) above do not apply where a London borough council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive.”

## SCHEDULE 4

Section 57.

### STANDARDS BOARD FOR ENGLAND

#### *Status*

- 1 (1) The Standards Board for England (referred to in this Schedule as the Standards Board) is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The members and employees of the Standards Board are not to be regarded as civil servants and the property of the Board is not to be regarded as property of, or held on behalf of, the Crown.

#### *General powers*

- 2 (1) The Standards Board may do such things and enter into such transactions as are calculated to facilitate, or are incidental or conducive to, the exercise of—
- (a) the functions of the Board,
  - (b) the functions of its ethical standards officers, or
  - (c) the functions of the president, deputy president or any tribunal of the Adjudication Panel for England.
- (2) The power under sub-paragraph (1) includes power to acquire and dispose of land.
- (3) Nothing in sub-paragraph (2) affects the generality of the power under sub-paragraph (1).

#### *Disqualifications*

- 3 (1) A person is to be disqualified for being appointed as, or for being, a member of the Standards Board if he is disqualified for being, or becoming (whether by election or otherwise), a member of a local authority or a member of a relevant authority.
- (2) A person may not be employed as an ethical standards officer if—
- (a) he is disqualified for being, or becoming (whether by election or otherwise), a member of a local authority or a member of a relevant authority,
  - (b) he is a member or an officer of a relevant authority, or
  - (c) he is a member of a committee, sub-committee, joint committee or joint sub-committee of a relevant authority.
- (3) An ethical standards officer is to be treated as being in breach of the terms of his employment if—
- (a) he becomes disqualified for being, or becoming (whether by election or otherwise), a member of a local authority or a member of a relevant authority,
  - (b) he becomes a member or an officer of a relevant authority, or

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(c) he becomes a member of a committee, sub-committee, joint committee or joint sub-committee of a relevant authority.

(4) In this paragraph “local authority” has the meaning given by section 270(1) of the Local Government Act 1972.

#### *Chairman and deputy chairman*

4 The Secretary of State must appoint one of the members of the Standards Board to be chairman and another to be deputy chairman.

#### *Tenure of office*

5 (1) Subject to the provisions of this paragraph, a person is to hold and vacate office as chairman, deputy chairman or member of the Standards Board in accordance with the terms of his appointment.

(2) A chairman, deputy chairman or member of the Standards Board may at any time resign his office by notice in writing addressed to the Secretary of State.

(3) The Secretary of State may remove a chairman, deputy chairman or member of the Standards Board from office if the Secretary of State considers—

- (a) that that person is unable or unfit to discharge the functions of his office, or
- (b) that that person has not complied with the terms of his appointment.

(4) If a chairman or deputy chairman of the Standards Board ceases to be a member of the Board he is also to cease to be chairman or deputy chairman.

(5) A person who ceases, otherwise than by virtue of sub-paragraph (3), to be a chairman, deputy chairman or member of the Standards Board is to be eligible for re-appointment.

#### *Employees*

6 (1) Subject to sub-paragraph (2), the Standards Board may appoint a chief executive but any such appointment requires the consent of the Secretary of State.

(2) The first appointment to the position of chief executive may be made by the Secretary of State after consultation with the chairman (or chairman designate) of the Standards Board.

(3) The Standards Board may, in addition to appointing a chief executive and ethical standards officers, appoint such employees as it considers necessary for the purpose of enabling the Board and its ethical standards officers to exercise their functions.

(4) The Standards Board may also appoint such employees as it considers necessary for the purpose of enabling the president, deputy president and any tribunals of the Adjudication Panel for England to exercise their functions.

(5) No person employed by the Standards Board is to be employed for the purposes of both—

- (a) assisting any ethical standards officer in the conduct of an investigation under section 59, and
- (b) enabling the president, deputy president and any tribunals of the Adjudication Panel for England to exercise their functions.

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- (6) Subject to paragraph 7, employees of the Standards Board are to be appointed on such terms and conditions of service as the Board, with the approval of the Secretary of State, thinks fit.

*Remuneration etc.*

- 7 (1) The Standards Board may pay to—
- (a) any member of the Board such remuneration or allowances (if any) as the Secretary of State may determine,
  - (b) any employee of the Board such remuneration or allowances as the Secretary of State may determine.
- (2) The Standards Board may—
- (a) pay such pensions, allowances or gratuities as the Secretary of State may determine to or in respect of any persons who have been or are members or employees of the Board,
  - (b) make such payments as the Secretary of State may determine towards the provision of pensions, allowances or gratuities to or in respect of any such persons,
  - (c) provide and maintain such schemes (whether contributory or not) as the Secretary of State may determine for the payment of pensions, allowances or gratuities to or in respect of any such persons.
- (3) Any reference in sub-paragraph (2) to pensions, allowances or gratuities to or in respect of any persons who have been or are members or employees of the Standards Board includes pensions, allowances or gratuities by way of compensation to or in respect of any members or employees of the Board who cease to hold office or suffer loss of office or employment.

- 8 The Standards Board may pay to any member of the Adjudication Panel for England such remuneration, fees or allowances (if any) as the Secretary of State may determine.

*Proceedings*

- 9 (1) The Standards Board may regulate its own procedure (and in particular may specify a quorum for meetings).
- (2) The validity of any proceedings of the Standards Board is not to be affected—
- (a) by any vacancy among its members or in the office of chairman or deputy chairman,
  - (b) by any defect in the appointment of any person as chairman, deputy chairman or member, or
  - (c) by a contravention of paragraph 3 or 10.

*Members' interests*

- 10 (1) A member of the Standards Board who is directly or indirectly interested in any matter brought up for consideration at a meeting of the Board—
- (a) must disclose the nature of his interest to the meeting, and
  - (b) must not take part in any deliberation or decision of the Board with respect to that matter.

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- (2) A member is taken to be interested under sub-paragraph (1), in particular, where the matter being considered is a failure to comply with the code of conduct of a relevant authority and he is, or has been—
- (a) a member or officer of that authority, or
  - (b) a member of a committee, sub-committee, joint committee or joint sub-committee of that authority.

*Law of defamation*

- 11 For the purposes of the law of defamation, any statement (whether written or oral) made by an ethical standards officer in connection with the exercise of his functions shall be absolutely privileged.

*Finance*

- 12 (1) The Secretary of State must pay to the Standards Board in respect of each financial year such amount as he determines to be the amount required—
- (a) for the performance during that year of the functions of the Board, and
  - (b) for the performance during that year of the functions of its ethical standards officers.
- (2) Any determination under sub-paragraph (1) requires the approval of the Treasury.
- (3) In this paragraph “financial year” means—
- (a) the period beginning with the date on which the Standards Board is established and ending with the next 31st March following that date, and
  - (b) each successive period of twelve months ending with 31st March.

*Accounts*

- 13 (1) The Standards Board must—
- (a) keep proper accounts and records in relation to the accounts, and
  - (b) prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may, with the approval of the Treasury, direct.
- (2) The accounts of the Standards Board must be audited by persons appointed for the purpose for each financial year by the Secretary of State.
- (3) A copy of any accounts of the Standards Board audited under sub-paragraph (2), and of the report made on those accounts by the persons appointed to audit them, must be sent to the Secretary of State as soon as reasonably practicable after the report is received by the Board.
- (4) The Secretary of State must lay before Parliament a copy of any accounts or report sent to him under sub-paragraph (3).
- (5) In this paragraph “financial year” has the meaning given by paragraph 12(3).

*Annual report*

- 14 (1) As soon as possible after the end of each financial year the Standards Board must publish a report on the discharge of its functions during that year.

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- (2) The Standards Board must send a copy of each annual report to the Secretary of State who must lay a copy of the report before each House of Parliament.
- (3) In this paragraph “financial year” has the meaning given by paragraph 12(3).

*Application of seal and evidence*

- 15 The application of the seal of the Standards Board is to be authenticated by the signature—
- (a) of the chairman, or
- (b) of some other member who has been authorised by the Board (whether generally or specially) for that purpose.
- 16 A document purporting to be duly executed under the seal of the Standards Board or to be signed on its behalf may be received in evidence and, unless the contrary is proved, is to be taken to be so executed or signed.

*Parliamentary Commissioner*

- 17 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) the following entry is inserted at the appropriate place—
- “Standards Board for England.”

*Parliamentary disqualification*

- 18 (1) In the House of Commons Disqualification Act 1975, in Part II of Schedule 1 (bodies of which all members are disqualified) the following entry is inserted at the appropriate place—
- “The Standards Board for England.”
- (2) The same entry is inserted at the appropriate place in Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

SCHEDULE 5

Section 107.

MINOR AND CONSEQUENTIAL AMENDMENTS

*Children and Young Persons Act 1933 (c. 12)*

- 1 In section 34A of the Children and Young Persons Act 1933 (attendance at court of parent or guardian), in subsection (2)(b) for the words “stand referred to their social services committee under” there is substituted “are social services functions within the meaning of”.
- 2 In section 55 of that Act (power to order parent or guardian to pay fine etc), in subsection (5)(b) for the words “stand referred to their social services committee under” there is substituted “are social services functions within the meaning of”.

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*Status: This is the original version (as it was originally enacted).*

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*Local Authority Social Services Act 1970 (c. 42)*

- 3 In section 2 of the Local Authority Social Services Act 1970 (local authority to establish social services committees)—
- (a) in subsection (1), for paragraphs (a) and (b) there is substituted “their social services functions”,
- (b) subsection (2) is omitted.
- 4 In section 3 of that Act (business of social services committee), in subsection (1), the words “(hereafter in this Act referred to as “social services functions”)” are omitted.
- 5 In section 13 of that Act (orders and regulations), in subsection (3), for “2(2)” there is substituted “1A”.
- 6 In section 15 of that Act (citation, interpretation etc), in subsection (2), for “3” there is substituted “1A”.
- 7 In Schedule 1 to that Act (enactments conferring functions assigned to social services committees) after the entry relating to the Housing Act 1985 there is inserted—

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“Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

Sections 1 to 5, 7 and 8 except in so far as they assign functions to a local authority in their capacity as a local education authority.

Representation and assessment of disabled persons.”

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*Local Government Act 1972 (c. 70)*

- 8 In section 80 of the Local Government Act 1972 (disqualifications for election and holding office as member of local authority), in subsection (1)(e) the words “or under the Audit Commission Act 1998” are omitted.
- 9 In section 85 of that Act (vacation of office by failure to attend meetings), after subsection (3) there is inserted—
- “(3A) Any period during which a member of a local authority is suspended or partially suspended under section 66, 73, 78 or 79 of the Local Government Act 2000 shall be disregarded for the purpose of calculating the period of six consecutive months under subsection (1) above (and, accordingly, a period during which a member fails to attend meetings of the authority that falls immediately before, and another such period that falls immediately after, a period of suspension or partial suspension shall be treated as consecutive).”
- 10 In section 86 of that Act (declaration by local authority of vacancy in office in certain cases), in subsection (1)(b) after “1998” there is inserted “or section 79 of the Local Government Act 2000”.
- 11 In section 87(1) of that Act (date of casual vacancies)—
- (a) after paragraph (e) there is inserted—
- “(ee) in the case of a disqualification under section 79 of the Local Government Act 2000, on the expiration of



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*Status: This is the original version (as it was originally enacted).*

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the ordinary period allowed for making an appeal or application with respect to the relevant decision under that section or, if an appeal or application is made, on the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof;”

(b) in paragraph (f), for “(e)” there is substituted “(ee)”.

12 Sections 94 to 98 of that Act (restrictions on voting) cease to have effect.

13 Section 105 of that Act (disability for voting on account of interest in contracts etc) ceases to have effect.

*Local Government Act 1974 (c. 7)*

14 In section 25(1) of the Local Government Act 1974 (authorities to which Part III applies) after paragraph (bf) there is inserted—

“(bg) a fire authority constituted by a combination scheme under the Fire Services Act 1947;”.

15 In section 30 of that Act (reports on investigation by Local Commissioner)—

(a) in subsection (3), the words “except where subsection (3A) below applies” are omitted,

(b) subsection (3A) is omitted.

*Adoption Act 1976 (c. 36)*

16 In section 2 of the Adoption Act 1976 (local authorities' social services), for the words “stand referred to the authority's social services committee” there is substituted “are social services functions within the meaning of the Local Authority Social Services Act 1970”.

*National Health Service Act 1977 (c. 49)*

17 In section 28A of the National Health Service Act 1977 (power to make payments towards expenditure on community services), in subsection (2)(a) for the words from “any function” to “committee” there is substituted “any social services functions (within the meaning of the Local Authority Social Services Act 1970)”.

*Registered Homes Act 1984 (c. 23)*

18 In its application to a registration authority which are operating executive arrangements (within the meaning of Part II of this Act), section 13 of the Registered Homes Act 1984 (right to make representations) shall have effect as if for subsection (5) there were substituted—

“(5) If he informs the registration authority that he desires to make oral representations, they shall make arrangements to enable him to make such representations.”

*Children Act 1989 (c. 41)*

19 In section 22 of the Children Act 1989 (general duty of local authority in relation to children looked after by them), in subsection (1)(b) for the words “stand referred

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*Status: This is the original version (as it was originally enacted).*

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to their social services committee under” there is substituted “are social services functions within the meaning of”.

20 In section 42 of that Act (right of guardian ad litem to have access to local authority records), in subsection (1)(b) for the words “stand referred to their social services committee under” there is substituted “are social services functions within the meaning of”.

21 In section 81 of that Act (inquiries), in subsection (1)(a) for the words “the social services committee of a local authority” there is substituted “a local authority which are social services functions within the meaning of the Local Authority Social Services Act 1970”.

22 In section 105 of that Act (interpretation), in subsection (5) for the words “which stand referred to the social services committee of that or any other local authority under” there is substituted “of that or any other local authority which are social services functions within the meaning of”.

23 In its application to a local authority (within the meaning of Schedule 6 to that Act) which are operating executive arrangements (within the meaning of Part II of this Act), paragraph 6 of that Schedule (right to make representations) shall have effect as if for subsection (5) there were substituted—

“(5) If he informs the local authority that he desires to make oral representations, they shall make arrangements to enable him to make such representations.”

*Local Government and Housing 1989 (c. 42)*

24 (1) Section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer) is amended as follows.

(2) In subsection (1), before “the officer so” there is inserted “subject to subsection (1A) below”.

(3) After that subsection there is inserted—

“(1A) The officer designated under subsection (1) above by a relevant authority to which this subsection applies may not be the head of that authority’s paid service.

(1B) Subsection (1A) above applies to the following relevant authorities in England and Wales—

- (a) a county council,
- (b) a county borough council,
- (c) a district council,
- (d) a London borough council,
- (e) the Greater London Authority, and
- (f) the Common Council of the City of London in its capacity as a local authority, police authority or port health authority.”

(4) In subsection (2), the words “or of any code of practice made or approved by or under any enactment” are omitted.

(5) In subsection (2), as substituted in relation to the Greater London Authority by section 73(6) of the Greater London Authority Act 1999, in paragraph (a) the words “or of any code of practice made or approved by or under any enactment” are omitted.

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(6) After that subsection there is inserted—

“(2A) No duty shall arise by virtue of subsection (2)(b) above unless a Local Commissioner (within the meaning of the Local Government Act 1974) has conducted an investigation under Part III of that Act in relation to the proposal, decision or omission concerned.”

(7) In subsection (8), in paragraph (a) of the definition of “relevant authority”, for “(j)” there is substituted “(k)”.

(8) After that subsection there is inserted—

“(8A) Any reference in this section to the duties of a monitoring officer imposed by this section, or to the duties of a monitoring officer under this section, shall include a reference to the functions which are conferred on a monitoring officer by virtue of Part III of the Local Government Act 2000.”

25 Section 19 of that Act (members' interests) ceases to have effect.

26 Sections 31 and 32(1) of that Act (National Code of Local Government Conduct) are omitted.

27 Sections 33 to 35 of that Act (economic development and discretionary expenditure by local authorities) cease to have effect.

*Tribunals and Inquiries Act 1992 (c. 53)*

28 In Part I of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under the supervision of the Council on Tribunals), at the end of paragraph 27 there is inserted—

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“Local authorities, conduct of members 27A. A case tribunal or interim case tribunal appointed under section 76 of the Local Government Act 2000.”

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*Audit Commission Act 1998 (c. 18)*

29 In section 37 of the Audit Commission Act 1998 (social services studies for Secretary of State), for subsection (2) there is substituted—

“(2) In this section “social services functions” means functions which are social services functions within the meaning of the Local Authority Social Services Act 1970.”

30 In section 49 of that Act (restriction on disclosure of information), after subsection (1)(d) there is inserted—

“(dd) for the purposes of the functions of an ethical standards officer or a Local Commissioner in Wales under Part III of the Local Government Act 2000”.

*Greater London Authority Act 1999 (c. 29)*

31 In section 6 of the Greater London Authority Act 1999 (failure to attend meeting of the Assembly), after subsection (4) there is inserted—

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- “(5) Any period during which an Assembly member is suspended or partially suspended under section 66, 73, 78 or 79 of the Local Government Act 2000 shall be disregarded for the purpose of calculating the period of six consecutive months under subsection (1).”
- 32 Section 13 of that Act (failure of Mayor to attend meetings) is to become subsection (1) of that section and after that subsection there is inserted—
- “(2) Any meeting of the Assembly which the Mayor is unable to attend because he is suspended or partially suspended under section 66, 73, 78 or 79 of the Local Government Act 2000 shall be disregarded for the purposes of subsection (1) above.”
- 33 In section 31 of that Act (limits of the general power), in subsection (5), for paragraphs (a) and (b) there is substituted “any social services function within the meaning of the Local Authority Social Services Act 1970”.
- 34 Section 66 of that Act (the Secretary of State’s guidance on ethical standards) ceases to have effect.

## SCHEDULE 6

Section 107.

## REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1970 c. 42.	Local Authority Social Services Act 1970.	Section 2(2).  In section 3(1), the words “(hereafter in this Act referred to as “social services functions”)”.  Section 6(5).
1972 c. 70.	Local Government Act 1972.	In section 80(1)(e), the words “or under the Audit Commission Act 1998”.  Sections 94 to 98.  In section 100D(2), “of the list, or”.  Section 105.  In section 265A(1)(b), “94 to 98”.
1974 c. 7.	Local Government Act 1974.	In section 30, in subsection (3), “except where subsection (3A) below applies” and subsection (3A).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1976 c. 57.	Local Government (Miscellaneous Provisions) Act 1976.	In section 25(8), the words from “Without prejudice” to “inhabitants of its area”.
1978 c. 50.	Inner Urban Areas Act 1978.	In section 13, the words “section 137(1) of the Local Government Act 1972 or”.
1985 c. 51.	Local Government Act 1985.	In Schedule 14, paragraph 13.
1985 c. 67.	Transport Act 1985.	In section 74(12), “section 94 of the 1972 Act or”.
1985 c. 68.	Housing Act 1985.	Section 11A(4).
1986 c. 60.	Financial Services Act 1986.	In Schedule 16, paragraph 8(a).
1989 c. 42.	Local Government and Housing Act 1989.	In section 5(2)(a), and in section 5(2)(a) as substituted by section 73(6) of the Greater London Authority Act 1999, the words “or of any code of practice made or approved by or under any enactment”. Sections 19, 31, 32(1) and 33 to 35. In Schedule 11, paragraphs 22 and 23.
1992 c. 14.	Local Government Finance Act 1992.	In Schedule 13, paragraph 32.
1994 c. 19.	Local Government (Wales) Act 1994.	In Schedule 15, paragraph 25.
1994 c. 29.	Police and Magistrates' Courts Act 1994.	In Schedule 4, paragraph 7.
1995 c. 25.	Environment Act 1995.	In Schedule 7, paragraphs 9 and 10.
1996 c. 16.	Police Act 1996.	In Schedule 7, in paragraph 1(2)(h), “98(1A)” and paragraph 21.
1996 c. 56.	Education Act 1996.	In Schedule 37, paragraph 63.
1997 c. 50.	Police Act 1997.	In Schedule 6, paragraphs 1 and 2.
1998 c. 18.	Audit Commission Act 1998.	In section 16(1)(a), “or 18”. In section 17, subsection (1) (b) and “and” preceding it; in subsection (2), “subject to subsection (3)”,

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		paragraphs (a) and (b) and “and” following paragraph (b); subsections (3), (5)(b), (7) and (8). Section 18. Sections 20 to 23. In Schedule 3, paragraph 3(1).
1999 c. 29.	Greater London Authority Act 1999.	Section 66.  In Schedule 8, paragraphs 6 and 7.