

SCHEDULES

SCHEDULE 4

CONDUCT OF LOCAL GOVERNMENT MEMBERS

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).
- (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;

Status: This is the original version (as it was originally enacted).

- (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.
- (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

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- (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

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