
WELSH STATUTORY INSTRUMENTS

2004 No. 163 (W.18)

LOCAL GOVERNMENT, WALES

**The Conduct of Members (Model Code of
Conduct) (Amendment) (Wales) Order 2004**

Made - - - - - *28th January 2004*

Coming into force - - - - - *31st January 2004*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 50(2), (3) and (4), 81(2) and (3) of the Local Government Act 2000⁽¹⁾ having carried out such consultation as is required by virtue of section 50(5) of that Act and being satisfied that this Order is consistent with the principles for the time being specified in an order under section 49(2) of that Act makes the following Order:

Name and commencement

1. This Order is called the Conduct of Members (Model Code of Conduct) (Amendment) (Wales) Order 2004 and will come into force on 31st January 2004.

Interpretation

2. In this Order “the 2001 Order” (“*Gorchymyn 2001*”) means the Conduct of Members (Model Code of Conduct) (Wales) Order 2001⁽²⁾.

Amendment to Model Code of Conduct

3.—(1) Paragraph 15(d) in the Schedule to the 2001 Order is amended as follows.

(2) The words “an allowance or pension made under” are inserted before “Section 18”.

(1) 2000 c. 22.

(2) S.I.2001/2289 (W.177)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3)

28th January 2004

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

EXPLANATORY NOTE

(This note is not part of the Order)

Part III of the Local Government Act 2000 (“the Act”) established a new ethical framework for local government in Wales. Section 50(2) of the Act provides that the National Assembly for Wales may by Order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales. The relevant authorities are county and county borough councils, community councils, fire authorities and National Park authorities but not police authorities. A Code of Conduct issued by the National Assembly for Wales under section 50(2) of the Act must be consistent with the principles specified by the National Assembly for Wales under section 49(2) of the Act. Those principles were specified in the Conduct of Members (Principles) (Wales) Order 2001.

The Conduct of Members (Model Code of Conduct) (Wales) Order 2001 (“the 2001 Order”) made under section 50(2) prescribed a Model Code of Conduct for members of relevant authorities. Article 3 of this Order makes an amendment to the Model Code of Conduct in the 2001 Order by the insertion of additional text in paragraph 15(d). The effect of the amendment is that members of county councils, county borough councils and fire authorities considering their position in respect of the Model Code of Conduct can regard themselves as not having a “personal interest” in a matter to the extent it relates to an “allowance or pension” under section 18 of the Local Government and Housing Act 1989. The practical effect of the amendment is that the amendment to the Model Code of Conduct will only apply to county councils, county borough councils and fire authorities. Section 18 of the Local Government and Housing Act 1989 is only applicable to them and not other relevant authorities in respect of allowances or pensions.